



THE UNIVERSITY OF  
MELBOURNE



Institute for International Law  
and the Humanities

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MELBOURNE LAW SCHOOL

# ILAH

## Annual Report

# 2013



AUTHORISED BY IILAH Director

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EDITOR: Vesna Stefanovski PROOFING: Candice Parr

#### CONTACT DETAILS:

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

Telephone: +61 3 8344 6589  
Fax: + 61 3 8344 1013  
Email: [law-iilah@unimelb.edu.au](mailto:law-iilah@unimelb.edu.au)  
Web: <http://law.unimelb.edu.au/iilah>



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# MESSAGE FROM THE IILAH DIRECTOR

For IILAH, 2013 was another stimulating and productive year of diverse research activities involving a very wide range of people including many from within the Melbourne Law School (MLS) community, as well as academics and students from other Faculties and Schools within the University of Melbourne, including Business and Economics, Criminology, Historical and Philosophical Studies, Development Studies, Social and Political Science, Gender Studies, Cultural Studies and Population and Health. Scholars from many other Australian universities also participated in a number of IILAH events, as did international visitors from universities in Canada, Germany, India, Norway, Sweden, the United Kingdom and the United States of America. Other participants came from international organisations like the World Bank, Indonesia, federal government departments, international law firms, community legal centres, NGOs and activist groups.

Among the international visitors that IILAH welcomed during the year were Professor Eva-Maria Svensson (University of Gothenburg and University of Tromsø), Professor Dr Nikita Dhawan (Goethe-University Frankfurt) and Professor Dr María do Mar Castro Varela (Alice Salomon University Berlin), Professor Karen Knop (University of Toronto), Professor Annelise Riles (Cornell University), Associate Professor Mark Antaki (McGill University), Dr Helen Carr (University of Kent Law School), Professor Caroline Hunter (University of York Law School) and Dr Stewart Motha (Birkbeck). Their contributions enormously enriched IILAH's broadly based intellectual community.

IILAH's particular strengths lie with its inclusive and collaborative structures. Fifteen faculty members, including many new scholars as well as established professors, are directly involved with IILAH as Directors of its eleven Programmes. IILAH provides them with the opportunity to direct their own programs covering diverse fields of public international law, including human rights and refugee law, law and development, Indigenous studies and research, jurisprudences of the South and international investment and trade law, providing Directors with an institutional platform from which to develop a visible record of research leadership in their field; foster active engagement with other scholars and students; and extend MLS scholarly networks and collaborations globally. There are a further twelve faculty who are IILAH members who also participate in the IILAH community, helping to determine its priorities and draw on its resources. Some of these members will eventually establish IILAH programmes of their own. IILAH's embrace of so many scholars and researchers enables it to showcase the breadth and depth of MLS research in international law and international legal theory, attracting renown international scholars and smart creative students to MLS and fostering academic exchanges and collaborations between MLS faculty across diverse scholarly projects, both nationally and internationally.

IILAH runs a highly subscribed series of research-related events every year, attracting participation from across the university, as well as from the legal profession and alumni. In 2013 this included four symposia, two expert workshops, three major public lectures, fifteen research seminars, three public forums on current domestic international legal issues and two film screenings (all detailed later in this report). Of particular note was the Turning Points Symposium, which commemorated the 30th anniversary of the High Court's decision in the *Tasmanian Dams* case. Participants included two past Chief Justices of the High Court, eminent Australian legal scholars and historians, and well-known social movement activists. The subject matter of all these events leads and reflects dynamic developments and changes in the discipline of international law, particularly with respect to fostering interdisciplinarity and promoting critical legal scholarship, especially from the global South, and including indigenous, feminist and queer perspectives. IILAH's events bridge the

divide between theory and practice, with senior practitioners involved in IILAH's 2011 review describing IILAH as a 'unique institution' that has the 'ability to detect and resonate with policy-relevant issues, and then create forums which discuss and disseminate bravely', something 'rare to find in the academic sphere'. This distinctive focus positions IILAH among the outstanding international law research centres in the world.

IILAH's work with PhD and MPhil students is also particularly noteworthy. In 2013 there were twenty-eight Graduate Research Students associated with IILAH. During the year, I met twice with the group and a number of these students organised IILAH seminars and workshops in their areas of research, greatly enriching IILAH events. Two doctoral roundtables with visiting international legal scholars were organised, which provided students with the opportunity to present and discuss their work with eminent scholars in their field. IILAH also supported, both financially and administratively, the MLS 6th annual Doctoral Forum on Legal Theory, *Contamination*, which attracted PhD candidates from around the country. IILAH was very pleased to host confirmation and completion seminars for five of its PhD students, and I extend IILAH's congratulations to the four doctoral students who completed in 2013: Dr Peter Chambers, Dr Nicola Charwat, Dr Luis Eslava and Dr Yoriko Otomo. All of this has helped to build a cohesive, supportive and vibrant community of doctoral students in the MLS. International contributors to IILAH's 2011 review emphasised this aspect of IILAH's work, commenting that 'IILAH has played a very important role in [the] intellectual development of a remarkable group of doctoral students'.

IILAH's outstanding publishing record continued during 2013, and you will find a very impressive list of books, book chapters, scholarly articles and academic presentations on pages 58 – 65 of this Annual Report. Of special note was the publication of six ground-breaking books by IILAH Programme Directors: Alexander Zahar, Jacqueline Peel and Lee Godden, *Australian Climate Law in Global Context* (Cambridge University Press, 2013); Julie Evans, Ann Genovese, Alexander Reilly and Patrick Wolfe, *Sovereignty: Frontiers of Possibility* (University of Hawaii Press, 2013); Kevin Jon Heller and Gerry Simpson, *The Hidden Histories of War Crimes Trials* (Oxford University Press, 2013); Dianne Otto (ed), *Gender Issues and Human Rights* (3 volume set) (Edward Elgar Publishing Ltd, 2013); Tania Voon, *Trade Liberalisation and International Co-operation: A Legal Analysis of the Trans-Pacific Partnership Agreement* (Edward Elgar Publishing, 2013) and Tania Voon, Andrew Mitchell and Glyn Ayres, *The Challenges of Trade Law* (Ashgate, 2013).

The success of IILAH in 2013, as always, is due to the enthusiasm and creativity of all the faculty and students involved with it. I would like to thank my research assistant, Ms Candice Parr, who has the uncanny ability to know exactly what I want from her. And most importantly, I want to make special mention of the enormous contribution made by Ms Vesna Stefanovski, who continues to fulfil her responsibilities as IILAH administrator with infectious enthusiasm, and remarkable organisational skills combined with immaculate care. She plays a crucial role in holding this inclusive and egalitarian structure together, fostering a shared identity and nurturing collaboration, as well as providing the significant administrative support that makes this all possible.

*Professor Dianne Otto*

*IILAH Director*

# OVERVIEW of IILAH

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 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, Colombia, Egypt, Finland, France, India, Italy, New Zealand, South Africa, Sweden, 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 higher degree graduate research students; and undertakes and facilitates collaborative and interdisciplinary research projects within the University of Melbourne, 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.



# IILAH RESEARCH PROGRAMMES

The activities of the Institute are currently organised around eleven key research programmes with fourteen Research Programme Directors. The programmes build on the breadth of research expertise and interest amongst faculty members at Melbourne Law School, and represent areas of dynamic development and change in the fields of international and transnational law.

## Australian Legal Histories

Programme Director: Dr Ann Genovese

## Fragmentation and Regime Interaction in International Law

Programme Director: Associate Professor Margaret Young

## Global Trade

Programme Directors: Professor Andrew Mitchell and Professor Tania Voon

## Indigenous Peoples in International and Comparative Law

Programme Directors: Dr Kirsty Gover and Dr Mark McMillan

## International Criminal Justice

Programme Director: Associate Professor Peter Rush

## International Environmental Law

Programme Director: Associate Professor Jacqueline Peel

## International Human Rights Law

Programme Directors: Professor Dianne Otto and Associate Professor John Tobin

## International Investment Law

Programme Director: Associate Professor Jürgen Kurtz

## International Refugee Law

Programme Director: Associate Professor Michelle Foster

## Jurisprudences of the South

Programme Director: Associate Professor Shaun McVeigh

## Law and Development

Programme Director: Professor Sundhya Pahuja

# IILAH DIRECTORS AND STAFF

## Director

### Professor Dianne Otto

Director of IILAH

Programme Co-Director

International Human Rights Law



Dianne Otto is Francine V McNiff Chair in Human Rights Law. Her recent publications include three edited volumes, *Gender Issues and Human Rights* (Edward Elgar Publishing, Human Rights Law Series, 2013), a chapter in Margaret Davies and Vanessa Munro (eds), *A Research Companion to Feminist Legal Theory* (Ashgate Companion Series, 2013) and an article in *Jindal Global Law Review* (2013). She also authored a bibliographic chapter, 'Feminist Approaches', in Tony Carty (ed), *Oxford Bibliographies Online: International Law* (Oxford University Press, 2012). Dianne's scholarly research in the field of public international law and human rights law is marked by its emphasis on melding theory with transformative practice. Her research interests include addressing gender, sexuality and race inequalities in the context of international human rights law; the UN Security Council's peacekeeping work; the technologies of global 'crisis governance'; threats to economic, social and cultural rights; and the transformative potential of peoples' tribunals and other NGO initiatives. 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. She draws upon a range of critical legal theories particularly those influenced by feminism, postcolonialism and queer theory.

## Director Emeritus

### Professor Anne Orford

Director Emeritus



Anne Orford is Michael D Kirby Chair of International Law and an Australian Research Council Future Fellow at Melbourne Law School. Her publications include *International Authority and the Responsibility to Protect* (Cambridge University Press, 2011), *Reading Humanitarian Intervention* (Cambridge University Press, 2003) and the edited collection *International Law and Its Others* (Cambridge University Press, 2006). Anne is the President of the Australian and New Zealand Society of International Law and was the founding Director of the Institute for International Law and the Humanities at the Melbourne Law School (2005–2012). She has been a Visiting Professor at Sorbonne Law School and Lund University, a Torgny Segerstedt Visiting Professor at the University of Gothenburg, a Senior Emile Noël Research Fellow at New York University and a Core Faculty Member of the Harvard Global Law and Economic Policy Workshop. She is a graduate of the universities of Queensland, London and Adelaide, and holds the degree of Doctor of Laws honoris causa from Lund University and the University of Gothenburg. Anne is currently working on a four-year project exploring transnational responses to famine and food insecurity from the era of formal empire to the present and, with Florian Hoffmann, is co-editing the Oxford Handbook on the Theory of International Law.

# Programme Directors

## Associate Professor Michelle Foster



### Programme Director International Refugee Law

Michelle Foster's teaching and research interests are in the areas of public law, international refugee law and international human rights law. Michelle is Director of the IILAH International Refugee Law Research Programme. She has published widely in the field of international refugee law, and her work has been cited extensively in the international refugee law literature and also in judicial decisions in the United Kingdom, Australia and New Zealand. Her 2007 book, *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation*, published by Cambridge University Press, has been widely and favourably reviewed in domestic and international law journals and was awarded the University of Melbourne's Woodward Medal in 2009. Michelle has worked with the New Zealand Refugee Status Appeals Authority, the Australian Refugee Review Tribunal and the United Nations High Commissioner for Refugees. Her current research is focused on an ARC Discovery project (2010–2013) with Professor James Hathaway, entitled *The Law of Refugee Status: A Theoretical and Comparative Analysis*.

## Dr Ann Genovese



### Programme Director Australian Legal Histories

Ann Genovese is a Senior Lecturer with the Melbourne Law School. She researches the history and theory of the relations between Australian jurisprudence and political culture in the 20th century. Her current projects focus on the history of the relationship between jurisprudence and feminisms since 1950, the histories of Australian public trials and the responsibilities of legal institutions when they act as archives of the administrative state. She is Director of the IILAH Australian Legal Histories Research Programme. Her publications include *Rights and Redemption: History, Law and Indigenous People* (UNSW Press, 2008), with Ann Curthoys and Alexander Reilly, and *Sovereignty: Frontiers of Possibility* (University of Hawaii Press, 2013), co-edited with Julie Evans, Patrick Wolfe and Alexander Reilly. Ann was awarded an Australian Research Council grant, and is writing a book on the history of the relationship between feminism and jurisprudence in late modern Australia.

## Dr Kirsty Gover



### Programme Co-Director Indigenous Peoples in International and Comparative Law

Kirsty Gover joined the Melbourne Law School in 2009. Her research and publications address the law, policy and political theory of indigenous rights, institutions and jurisdiction. She is interested in the role played by 'indigeneity' in the constitutionalism of settler societies, and in the importance of indigenous concepts of law and politics in settler state political theory and international law. Kirsty is the author of *Tribal Constitutionalism: States, Tribes and the Governance of Membership* (Oxford University Press, 2010). She is working on a book entitled: *When Tribalism Meets Liberalism: Political Theory and International Law* (Oxford University Press, forthcoming 2014), examining the ways in which indigenous self-governance influences the development of international law and international legal theory by

altering the behaviours of states. Kirsty is Co-Director of IILAH's Indigenous Peoples in International and Comparative Law Research Programme and Chair of the Staff Equity and Diversity Committee.

## Associate Professor Jürgen Kurtz



### Programme Director International Investment Law

Jürgen Kurtz researches and teaches in various strands of international economic law including jurisprudence of the World Trade Organization (WTO) and investor-state arbitral tribunals. Jürgen has a particular interest in examining the impact of treaty-based disciplines on regulatory autonomy and development strategies of member states. His work has been published in leading international law journals and has been cited by international tribunals in adjudication. Jürgen was an Emile Noel Fellow at the Jean Monnet Center for International and Regional Economic Law Justice at New York University. In 2008 Jürgen was appointed as the inaugural convenor of the General Course on International Investment Law of the Academy of International Trade and Investment Law based in Macau and organised by the Institute of European Studies. This Institute aims to provide education and training at the highest international standard on the law of international trade and investment, the WTO and select regional integration regimes such as the NAFTA, the EU, MERCOSUR and ASEAN.

## Associate Professor Shaun McVeigh



### Programme Director Jurisprudences of the South

Shaun McVeigh has a long-time association with critical legal studies in Australia and the United Kingdom. Shaun has research interests in the fields of jurisprudence 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 inheritance of Australia and Britain. Shaun's recent publications include *Jurisdiction* (Routledge, 2012), with Shaunnagh Dorsett. He is the Programme Director of the IILAH Jurisprudences of the South Research Programme and president of the Law, Literature and Humanities Association of Australasia.

## Dr Mark McMillan



### Programme Co-Director Indigenous Peoples in International and Comparative Law

Mark McMillan is a Wiradjuri man from Trangie, NSW. He received his Bachelor of Laws and a Graduate Diploma in Legal Practice both from Australian National University; a Master of Laws and a Doctor of Juridical Science from the University of Arizona; and a Certificate II in Indigenous Leadership from the Australian Indigenous Leadership Centre. His research interests are in the area of human rights, the expression and fulfilment of those rights for Indigenous Australians. He is Co-Director of the Indigenous Peoples in International and Comparative Law IILAH Research Programme. Mark is currently the chief investigator of an Australian Research Council (ARC) discovery grant, *Resistance, Recognition and Reconciliation in Australia – Lessons from South Africa and Northern Ireland*; and an ARC linkage grant, *Minutes of Evidence: Promoting New and Collaborative Ways of Understanding Australia's Past Engaging with Structural Justice*. He is the chief investigator and Node Leader on an ARC Special Initiative Grant, *National Indigenous Research and Knowledge Network (NIRAKN)*. Mark was named the 2013



National NAIDOC Scholar of the year.

## Professor Andrew Mitchell



### Programme Co-Director Global Trade

Andrew Mitchell is Professor of Law with the Melbourne Law School and Co-Director of the IILAH Global Trade Research Programme. His major area of interest is international economic law, the law of the World Trade Organization (WTO). Andrew holds a Master of Laws from Harvard Law School and a PhD from University of Cambridge. Before joining the law school, Andrew worked in the Trade Directorate of the Organisation for Economic Co-Operation and Development; the Intellectual Property Division of the WTO; and the Legal Department of the International Monetary Fund. Andrew has published widely on areas including WTO law, international law, international humanitarian law and constitutional law. He consults for the private sector and international organisations. He has been engaged by Telstra for a research project on trade and telecommunications issues and by the World Health Organization to advise on issues concerning the Framework Convention on Tobacco Control.

## Professor Sundhya Pahuja

### Programme Director

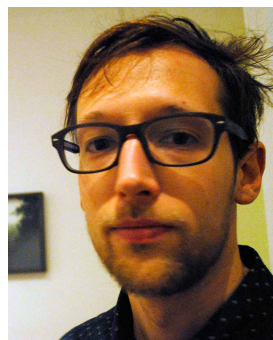


### Law and Development

Sundhya Pahuja's scholarship explores the changing role of law and legal institutions in the context of globalisation. Her research crosses traditional disciplinary boundaries and challenges distinctions between public and private behaviours and the categories of economic and non-economic in new ways. The various national and transnational regulatory practices (including law) through which governance is affected, especially in the context of the relationship between North and South, are a particular concern. To this end, Sundhya's work engages with public international law, international economic law and a range of critical and philosophical approaches to law and legal theory, including postcolonial, post-structuralist and feminist theories. Sundhya's book, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press, 2011) was awarded the 2012 American Society of International Law Certificate of Merit. Sundhya is currently writing a book on International Development as part of the Routledge-Cavendish *Critical Approaches to Law* series.

## Mr James Parker

### Programme Director



### Law, Sound and the International

James Parker joined Melbourne Law School as a Lecturer in 2013. James' research explores the many relations between law and sound, particularly in the context of international law. He is currently finishing work on a book entitled *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* which looks at the trial of Simon Bikindi, who was accused by the International Criminal Tribunal for Rwanda of inciting genocide with his songs. His next research project will consider the experience and regulation of the use of extreme sound, sensory deprivation and enforced listening in torture practices, weaponry and elsewhere in the military-entertainment complex.

## Professor Jacqueline Peel



Programme Director

International Environmental Law

Jacqueline Peel holds bachelor degrees in science and law (Hon I) (University of Queensland), Master of Laws (New York University, where she was a Fulbright Scholar) and a PhD in law (University of Melbourne). Her research interests lie in the areas of environmental law (domestic and international); risk regulation and the role of science; and climate change law. She has published numerous articles and books on these topics, including *Australian Climate Law in Global Context* (Cambridge University Press, 2013) (with Alexander Zahar and Lee Godden). Jacqueline has been

the recipient of several awards and fellowships, a Hauser Research Scholarship and Emile Noel Fellowship at NYU and two Australian Research Council grants (2009–2012) and (2013–2015) on climate change law-related topics. In 2013 Jacqueline was a Visiting Scholar at the Woods Institute for the Environment at Stanford University where she was examining regulatory aspects of the climate-energy-water nexus. Her current research focuses on the regulatory role played by litigation in domestic and international climate governance.

## Associate Professor Peter Rush



Programme Director

International Criminal Justice

Peter Rush has been a youth worker, an artist, a filmmaker and a scholar. Peter has been the Karl Lowenstein Fellow in Political Science and Jurisprudence at Amherst College. He is author of several books on criminal law and edited collections on jurisprudence, and on law and aesthetics. 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*. Peter 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. His areas of expertise include international criminal law, legal theory and jurisdiction, the histories and doctrine of criminal law, sexual assault law and its reform, legal aesthetics and legal formations of trauma.

## Associate Professor John Tobin



Programme Co-Director

International Human Rights Law

In 2010, John Tobin 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. John has published widely in the area of human rights, including *The Right to Health in International Law* (Oxford University Press, 2012). John was awarded an Australian Research Council Discovery Grant with Philip Alston from New York University, *Children's Rights from Theory to Practice*, which will involve an examination of

the historical and philosophical foundations of children's rights and the measures required for their implementation. He is a member of the Advisory Boards of the *Melbourne Journal of International Law* and *International Journal of Children's Rights*. He is also a member of several Advisory Committees and working groups for government bodies and NGOs. John currently coordinates, along with Hilary Charlesworth and Andrew Byrnes, the Human Rights Teacher's Network.

## Professor Tania Voon



### Programme Co-Director Global Trade

Tania Voon is a former Legal Officer of the World Trade Organization (WTO) Appellate Body Secretariat and a graduate of Cambridge University (PhD in Law), Harvard Law School (LLM), and the University of Melbourne (LLB, BSc, Grad Dip Intl L). Tania has published widely in the areas of public international law, preferential trade agreements, WTO dispute settlement, WTO trade remedies, trade-related aspects of intellectual property rights (TRIPS) and trade in services. Tania is the author of *Cultural Products and the World Trade Organization* (Cambridge University Press, 2007); a member of the Editorial Boards of the *Journal of International Economic Law* and the *Indian Journal of International Economic Law*; and a member of the Indicative List of Governmental and Non-Governmental Panellists for resolving WTO disputes. Tania is the Associate Dean (Research) at Melbourne Law School (2012–2014). In 2013, Tania conducted research in conjunction with the McCabe Centre for Law and Cancer, pursuant to major grants from the Australian National Preventive Health Agency and the Australian Research Council.

## Associate Professor Margaret Young



### Programme Director Fragmentation and Regime Interaction in International Law

Margaret Young is author of *Trading Fish, Saving Fish: The Interaction between Regimes in International Law* (Cambridge University Press, 2011), which was awarded the International Union for Conservation of Nature (IUCN) Academy of Environmental Law Junior Scholar Prize in 2012. Her edited collection *Regime Interaction in International Law: Facing Fragmentation* (Cambridge University Press, 2012) includes contributions from leading international law, comparative and constitutional law scholars and is based on the conference she convened at the University of Cambridge in 2009 on *Regime Interaction in International Law: Theoretical and Practical Challenges*. Before joining Melbourne Law School, Margaret was the William Charnley Research Fellow in Public International Law at Pembroke College and the Lauterpacht Centre for International Law with the University of Cambridge. She has worked at the World Trade Organization (Appellate Body Secretariat) and the United Nations International Law Commission and is a former associate to the Chief Justice of the Federal Court of Australia.

## Research Fellow

### Dr Rose Parfitt

#### McKenzie Postdoctoral Research Fellow



Rose Parfitt joined IILAH in June 2013 as a McKenzie Postdoctoral Research Fellow, after two years as Assistant Professor of International Law at the American University in Cairo. She received her doctorate, *Ethiopia and the Incorporation of the Disciplinary Other: A Bakhtinian Approach to International Personality* in 2011 from the School of Oriental & African Studies (SOAS), University of London. The project she plans to undertake at IILAH aims to put pressure on the taken-for-granted opposition between fascism and international law by revisiting the work of fascist lawyers, diplomats and philosophers in Italy and elsewhere during the inter-war period, and by examining the practice of fascist states not only in relation to their liberal rivals, but also in their relations *inter se* and towards their imperial possessions and 'spheres of influence'.

The project's title, *'We Will Give You Another Law and Another King': Fascism, Empire and International Community*, borrows a line from Faccetta Nera ('Little Black-Face'), the song infamously sung by the Blackshirts in 1935 as they marched into Ethiopia under the banner of a familiar ethical triptych: law/right (*diritto*) – freedom (*libertà*) – duty (*dovere*).

## Research Staff

### Ms Candice Parr

#### IILAH Research Assistant



Candice Parr joined the Institute for International Law and the Humanities as a research assistant for Professor Dianne Otto in November 2012. In this capacity Candice has examined the Security Council Resolutions on Women, Peace and Security and the associated scholarly and activist debates about what they make possible. She has also researched the work of 'people's tribunals', particularly those that have sought to draw attention to the hidden or neglected injuries suffered by women during armed conflict, and the role that 'shame' plays in the continuing ostracism and discrimination that many of them endure. Candice is a JD student at the Melbourne Law School. She holds a Bachelor of Arts with Honours in English from La Trobe University, Melbourne. Candice was one of the 2013 Editors of the *Melbourne Journal of International*

*Law*. Candice's general areas of interest are feminist international legal theory and critical race theory.



# Administration

## Ms Vesna Stefanovski

### Institute Administrator



Vesna Stefanovski joined the University of Melbourne in 2007 as the IILAH Administrator. She manages the planning and implementation of a variety of events from seminars and reading groups to large public lectures, a range of conferences, workshops and symposia. Vesna liaises with leading Australian and international visiting scholars, as well as others from government and non-government institutions, and ensures their engagement with academics and the research life of IILAH. Vesna enthusiastically encourages a communal life for all Graduate Research Students who research under the auspices of IILAH. She works closely with all IILAH research programme directors and members. Vesna holds a Bachelor of Arts, with majors in marketing and media, and a Certificate in Public Relations, previously working in marketing and communications with extensive practical experience in organising major public and staff events, implementing communication strategies, managing community and media relations. She has a reputation for being enthusiastic, providing energy and spark to the team and doing an excellent job in building a positive corporate culture.

# IILAH MEMBERS

## Associate Professor Alison Duxbury



Alison Duxbury is the Associate Dean (JD) and an Associate Director of the Asia Pacific Centre for Military Law, a collaborative initiative between the Melbourne Law School and the Australian Defence Force Legal Service. She is also a member of the International Advisory Commission of the Commonwealth Human Rights Initiative, the Board of Directors of the International Society for Military Law and the Law of War and the Australian Red Cross International Humanitarian Law Committee (Victorian Division). Alison's major research interests are in the fields of international law, international institutional law and human rights law. Her book, *The Participation of States in International Organisations: The Role of Human Rights and Democracy*, was published by Cambridge University Press in 2011. She is currently co-editing a book on military justice (with Matthew Groves) and is a member of the Association of Southeast Asian Nations (ASEAN), Integration through Law Project, coordinated through the National University of Singapore (working on ASEAN and human rights with Dr Tan Hsien-Li).

## Professor Raimond Gaita



Raimond Gaita is a Professorial Fellow in the Melbourne Law School and the Faculty of Arts at the University of Melbourne and Emeritus Professor of Moral Philosophy at King's College London. Gaita's books have been widely translated and, among many, include: *Good and Evil: An Absolute Conception* (Routledge, 2nd ed, 2004); the award-winning *Romulus, My Father* (Text Publishing, 1998), nominated by the *Australian Financial Review* as one of best books of the decade and also made into a feature film starring Eric Bana; *Gaza: Morality, Law and Politics* (UWA Publishing, 2010); and the edited collection *Essays on Muslims & Multiculturalism* (Text Publishing, 2011). In 2012 Raimond began research for a new book of which he says, 'if anything I wrote could be deserved to be called that, will be my magnum opus'. The book will develop in one direction, via engagement with psychology and evolutionary theory, an original philosophy of the place of human beings in nature, and in other, via political theory and jurisprudence, an original philosophy of politics and law. Rai is currently editing a book, *Who's Afraid of International Law* (with Gerry Simpson), forthcoming in 2015.

## Professor Lee Godden



Lee Godden holds a research and teaching position within the Melbourne Law School. As well as her involvement with IILAH, she is the Director of the Centre for Resources, Energy and Environmental Law (CREEL). Accordingly, much of her scholarship occurs in areas at the intersection of law and the humanities related to environmental law, indigenous rights and natural resource management. An exploration of the relationship between law and history in the context of native title law formed a theoretical foundation for much of the early research. A similar interdisciplinary focus has informed other aspects of her scholarship in property theory and environmental regulation and governance. Her work extends with engagement in public interest issues such as the impact of climate change on environmental law and water law and economic development for indigenous communities. Lee was appointed to the Australian Law Reform Commission as a part-time Commissioner in July 2013, in charge of the Inquiry into the *Native Title Act 1993*.

## Associate Professor Kevin Jon Heller



Kevin Jon Heller holds a JD with distinction from Stanford Law School, an MA with honours in literature from Duke University and an MA and BA, both with honours, in sociology from the New School for Social Research. He received his PhD in law from Leiden University. Kevin's academic writing has appeared in a variety of journals, including the *European Journal of International Law*, the *American Journal of International Law*, the *Journal of International Criminal Justice*, the *Harvard International Law Journal*, the *Michigan Law Review*, the *Leiden Journal of International Law*, the *Journal of Criminal Law & Criminology*, *Criminal Law Forum* and the *Georgetown International Environmental Law Review*. His books include *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford University Press, 2011) and an edited book (with Markus Dubber) *The Handbook of Comparative Criminal Law* (Stanford University Press, 2011). Kevin is writing a book, *A Genealogy of International Criminal Law*, to be published by Oxford University Press in 2015.

## Ms Tanya Josev



Tanya Josev (BA/LLB (Hons), GradDipLegSt (Melb)) is a lecturer in the law school, with research interests in Australian and US legal and political history. In particular, Tanya is interested in institutional and superior court history and the relationship between courts, media commentators and academia. Tanya is currently completing cross-disciplinary doctoral studies in the history of the public debate over 'judicial activism' in the High Court of Australia. In 2010–2011, Tanya was based at New York University's School of Law through her appointment as a Hauser Global Fellow. In 2013, the first part of her research into the history of the public debate over 'judicial activism' was published in the *Public Law Review*. In addition to her research interests, Tanya also teaches across a variety of private law subjects in the Breadth and Melbourne Law School JD programs and has previously practised, and published, in related areas.

## Associate Professor Wendy Larcombe



Wendy Larcombe is an Associate Professor with the Melbourne Law School. Wendy's current research continues to explore issues of gender and sexuality in law and culture, with a particular interest in the construction of subjectivity in legal responses to violence against women and the constitution of reproductive and sexual health rights. Wendy taught literature and cultural studies at the University of Melbourne for a number of years before coming to the Melbourne Law School. She has previously worked for the Women's Legal Resource Group and Equity and Diversity Programs at the University of Melbourne. Wendy teaches Violence, Women and the Law; Reproductive and Sexual Health Rights; Legal Method and Reasoning; and Legal Theory in the Melbourne JD. She is a member of the Community Consultative Committee of the Medical Practitioners Board of Victoria and of the Recognition Review Group for Cosmetic Medical Practice (Australian Medical Council).

## Dr Cressida Limon



Cressida Limon is a Research Fellow at the Melbourne Law School working on a Reference for the Family Law Council on the laws of parentage, surrogacy and reproductive technologies. Cressida was co-editor (with Sara Ramshaw) of *Law, Invention and Technology: Special Issue* of the *Australian Feminist Law Journal* (December 2012). Cressida's other research is on critical and feminist analyses of property and knowledge in the biosciences. Her research doctoral thesis, entitled *Genes, Biotechnologies and Legal Imaginings: A Feminist Analysis of Intellectual Property Law*, explored how 'genes' are represented in international and domestic law through the gendered categories of invention and reproduction. Cressida has been a visiting graduate student at the History of Consciousness with the University of California Santa Cruz and she has previously taught (at Victoria University) in areas of discrimination law, legal theory and legal research methods.

## Ms Paula O'Brien



Paula O'Brien is a Senior Lecturer at Melbourne Law School. She has an LLM from the University of Cambridge, specialising in international law. Paula researches in the area of health law, including international and comparative law perspectives in her work. Her current doctoral research is on alcohol regulation, including the labelling, advertising, pricing and licensing of alcohol as a global commodity. She regularly makes written and oral submissions to government inquiries and processes regarding the regulation of alcohol. Paula publishes in the areas of the international right to health and the phenomenon of privatisation, as well as the global shortage of health workers and its implications for the fulfilment of the right to health. She is currently involved in an empirical research project on social justice and temporary migrant workers in Australia, with Paula's focus being on issues related to the accessibility of health care for migrant workers and their families.

## Associate Professor Bruce 'Ossie' Oswald CSC



Ossie's research interests are in the areas of international humanitarian law, peace operations law, international peace and security law, military law and international criminal law. Ossie teaches a range of post-graduate subjects in the Law School. These include Principles of International Law, International Dispute Settlement Law, International Humanitarian Law, International Peace and Security Law, Institutions in International Law and UN Law and Practice. Ossie continues to serve in the Australian Army as a legal officer and has seen active service overseas as a member of the Australian Defence Force. For his service as the Legal Officer for the Australian Contingent serving in Rwanda, Ossie was awarded the Conspicuous Service Cross (CSC).



## Professor Gerry Simpson



Gerry Simpson holds the Kenneth Bailey Chair of Law at Melbourne Law School. From 2010 to 2013 he was Director of the Asia Pacific Centre for Military Law. He is a Visiting Professor of Public International Law at the London School of Economics, where he held a Chair until 2009, and is currently an Open Society Fellow (based in Tbilisi, Georgia). Gerry is the author of *Great Powers and Outlaw States* (Cambridge University Press, 2004) and *Law, War and Crime: War Crimes Trials and the Reinvention of International Law* (Polity, 2007). He is currently working on a book about the literary life of international law and editing another *Who's Afraid of International Law* (with Raimond Gaita), forthcoming in 2015.

## Associate Professor Joo-Cheong Tham



Joo-Cheong Tham's key research areas are the regulation of non-standard work and political finance law. Joo-Cheong has undertaken considerable research into counter-terrorism laws. He has published extensively and written more than 30 opinion pieces. Joo-Cheong regularly speaks at public forums and has presented lectures at the Commonwealth and Victorian Parliaments. He has also given evidence to parliamentary inquiries into terrorism laws and political finance law. Joo-Cheong has published *Money and Politics: The Democracy We Can't Afford* (UNSW Press, 2010). In 2011 he co-edited *The Funding of Political Parties: Where Now?* (Routledge, 2011) (co-edited with Keith Ewing and Jacob Rowbottom) and *Electoral Democracy: Australian Prospects* (Melbourne University Press, 2011) (co-edited with Brian Costar and Graeme Orr). Together with

Graeme Orr and Brian Costar, Joo-Cheong is leading an Australian Research Council project, *Dollars and Democracy: The Dynamics of Australian Political Finance and Its Regulation* (2010–2013).

## Dr Amanda Whiting



Amanda Whiting joined the Melbourne Law School as a lecturer in 2004. She has been a member of the Asian Law Centre since 1999. Amanda's research is in the area of human rights institutions and practices in the Asia-Pacific Region, gender and religion and Malaysian legal history. She is Associate Director (Malaysia) of the Asian Law Centre. Amanda completed her honours degree in Arts at the University of Melbourne in 1981 and then taught 17th and 18th century history at the University's History Department over the next decade. She also has a Diploma of Education (1988) and a Graduate Diploma of Indonesian (1995) which was partly undertaken at Universitas Kristen Satya Wacana, Indonesia. Amanda completed her LLB with First Class Honours in 2001. In 2007 she completed her doctorate – a feminist analysis of

mid-17th century English legal and political history.

# IILAH GRADUATE RESEARCH STUDENTS

## Current Graduate Research Students

### Florence Adong

**Thesis:** *The Responsibility to Prevent in International Law and Politics: Assessing the Responsibility of International Financial Institutions to Prevent Conflicts*

Supervisors: Anne Orford and Bruce Oswald

By analysing the responsibility of the international community to prevent conflicts and mass atrocities through early intervention, this thesis places the responsibility of International Financial Institutions (IFIs) within the parameters of international law, and shows the complexities and ambiguities that exist in the international legal framework. The research uses examples from Africa to examine the questions of international authority, jurisdiction and the restraint of discretion that arise from the responsibility to protect concept and go to the heart of international law and politics. This examination leads to the question of what consequences the renewed emphasis on responsibility to prevent in terms of economic and development assistance has for activities of IFIs. This thesis concludes that the emphasis of the responsibility to protect concept on prevention through early intervention, in terms of economic and development assistance, is valuable in resolving crisis if it is undertaken with genuine intentions and precaution as to the principles of law, and giving attention to much stronger and viable aspects of intervention that gives the state the tools to resolve the conflict.

### Tom Andrews

**Thesis:** *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 in his thesis 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.

### Marie Aronsson

**Thesis:** *The Role of Covert Action in the Development of Jus ad Bellum*

Supervisors: Anne Orford and Kevin Jon Heller

The aim of this thesis is to illuminate the role that covert action plays in the formation of the law regulating the resort to force in international relations. In connecting theories of international custom formation with methodological debates on *jus ad bellum*, it argues that unacknowledged conduct plays a substantial, though often indirect, role in the development of the law.

### Meg Brodie

**Thesis:** *Agents of Change: What Power do National Human Rights Institutions Have to Affect the Process of Transformative Social Change?*

Supervisors: Dianne Otto and Brian Burdekin (external)

Meg Brodie completed a BA (Hons) / LLB (Hons) at the University of Melbourne. Her PhD investigates national

inquiries conducted by the National Human Rights Commissions of Mongolia and India. Her fieldwork was supported by an Endeavour Research Fellowship. As a lawyer, Meg has worked in both the corporate and not-for-profit sectors and currently sits on the Board of the Oaktree Foundation. In 2009 Meg took up a Teaching Fellowship at the Melbourne Law School.

## Emily Cheesman

**Thesis:** *Children's Rights Based Approaches to Policies, Services and Programmes for Filipino Street Children*

Supervisors: John Tobin and Helen Rhoades

Children's rights, particularly as articulated under the UN Convention on the Rights of the Child, have increasingly gained prominence in law and policy making in the Philippines. This has coincided with a shift in focus to a 'rights-based approach to development' or 'child rights programming' by international bodies and the broader development field. This research thesis considers how children's rights based approaches (RBAs) are conceived and applied by non-government organisations (NGOs) to service and design programmes for children colloquially known as 'street children' in Manila, Philippines. The research is framed through a detailed consideration of the legal, political, economic and cultural context within which NGOs operate, and investigates the factors that inhibit and facilitate the design and effective operation of RBAs.

## Martin Clark (MPhil)

**Thesis:** *The Jurisprudential Foundations of Recognition in International Law*

Supervisors: Anne Orford and Kirsty Gover

Martin Clark holds honours degrees in law, history and philosophy from the University of Melbourne, and is a Research Fellow and tutor at Melbourne Law School. His MPhil will examine the writings of jurists on the theory and practice of recognition of states and governments in international law. The thesis will trace the intellectual history of theories of recognition to critically evaluate how and why those theories have developed over the centuries, and the effect of that development on early to mid-20th century writings on international law. A nuanced history of the concept will then lay the ground for re-evaluating the questions and answers offered in current debates on recognition in international law.

## Julia Dehm

**Thesis:** *Reconsidering REDD+: Law, Life, Limits and Growth in Crisis*

Supervisors: Maureen Tehan and Margaret Young

Julia's research examines legal responses to the climate crisis through the *United Nations Framework Convention on Climate Change* (UNFCCC) and other transnational forums in order to ask pertinent questions about the adequacy and equity of these approaches. A fundamental concern of her research is the increased marketisation of transnational environmental governance and the centrality of carbon emission trading schemes to international mitigation and adaptation measures and how such responses may foreclose possibilities for 'environmental justice'. Her doctoral thesis examines the social implications of a specific carbon offset scheme under the UNFCCC umbrella called Reducing Emissions from Deforestation and Forest Degradation (REDD+) in order to investigate contemporary reconfigurations of imperial control by the global North over forested land and biological resources in the global South.

## Sara Dehm

**Thesis:** *Ordering International Migration: Migrant Labour, Development and the Institutional Rationalities of Mobility*

**Supervisors:** Sundhya Pahuja and Anne Orford

Sara's thesis offers a genealogy of the idea of 'migration and development' in international institutions. It traces the creation and rationalisation of the international jurisdiction to administer migration in the post-World War II period, exploring how the international supervision of human mobility has shaped the dynamic between the First and Third Worlds and become a technique for disciplining Third World states, populations and individual citizen-subjects. In particular, her thesis engages with intellectual histories on statehood, demography, human security and the juridification of human movement.

## Treasa Dunworth

**Thesis:** *The Resurrection of Human Security in Disarmament*

**Supervisors:** Tania Voon and Tim McCormack

The idea of human security – that people, not just states, should be at the centre of security discourse – has been gaining increased traction in the last twenty years. Contemporary thinking in this area originated and developed mainly in the human rights area. This thesis will explore the evolution of the idea of 'disarmament as human security' and critically assess its potential and pitfalls. The aim is to show that human security in disarmament is a much more powerful and profound idea than can be encapsulated in an incremental progression through different weapon types, as we are currently witnessing. A genuine human security approach, taking human beings the centre-point of analysis, would consider disarmament generally – all weapons – not weapons-types. The argument in this thesis is that this claim is not a new idea, but rather an idea that was strongly articulated in early disarmament efforts (1899 Peace Conference and beyond), but subsequently abandoned.

## Debolina Dutta

**Thesis:** *Sluts vs Saviours: The 'Political Society' of Sex Workers in India and the Political Economy of the Global Rescue Industry*

**Supervisors:** Shaun McVeigh and Ann Genovese

In India, since colonial times, the subject of sex work has been a traditional site for feminist debates on questions of women's sexuality, equality and agency. The research in this thesis engages with non-lawyer Indian sex workers' activism to show how they collectively think with, act with and live with law, and by doing so, how they produce knowledge about law and sex work in India. The argument is that Indian sex workers' activism is a 'feminist praxis'; and when addressed to law, is in itself a feminist jurisprudence. The thesis raises questions about the politics and modes of production of feminist jurisprudence in India, aiming to understand methodology as central to theory production. The aim is to enable an academic-activist exchange of knowledge, as a way of 'co-producing' feminist jurisprudence in India. This is distinct from an ethnographic production of feminist jurisprudence, through a researcher-researched encounter.

## Maria Elander

**Thesis:** *In The Name of the Victim: The Figure and Figuration of the Victim in International Criminal Justice*

**Supervisors:** Peter Rush and Dianne Otto

Maria Elander holds a BA in Arabic and a BSS in Political Science from Uppsala University and a MA in Human Rights Law from the School of Oriental and African Studies, University of London. Before commencing her PhD candidature, she worked as a research assistant at the American University of Cairo. Her PhD research examines the figure and the figuration of the victim in a critical reading of the discourse on international



criminal justice. In particular, the thesis asks what victim is figured in international criminal law, how the victim can speak in and through international criminal law and how to understand the figurations of the victim that now exist in the field. To examine these questions, the research looks at the Extraordinary Chambers in the Courts of Cambodia.

## Bec Goodbourn

**Thesis:** *Sensing the City: Space and Subjective Life of the Laneways*

Supervisors: Alison Young and Peter Rush

Bec is interested in the everyday use of urban spaces; in looking at the way in which design and regulation affect physical and sensory experiences, and how physical and sensory experiences affect the ways in which we design and regulate. Her PhD research focuses specifically on the laneways of Melbourne's central business district. In problematising notions of bodies as discrete or stable forms, Bec argues for a greater understanding of the relationship between sensory and physical experience in the laneways, and the materiality of social, economic and political processes.

## Carolyn Graydon

**Thesis:** *Domestic Violence in Timor-Leste: Is There a Place for Indigenous Justice Systems?*

Supervisors: Tim Lindsey and Dianne Otto

Carolyn worked as an advocate in the area of refugee and immigration law for several years and then with the United Nations in Timor-Leste as a human rights officer. This experience triggered her interest in Timorese women's responses to gender violence, more particularly their use of formal and indigenous justice systems. Carolyn's thesis focuses on indigenous processes of developing and protecting human rights, more specifically, justice processes and their potential for long term transformation so that they are better able to deliver the justice and protection sought by Timorese women. In 2006 and 2007 she lectured at Melbourne University in the subject Law and Society in Southeast Asia.

## Joseph Kikonyogo

**Thesis:** *Sub-Saharan Africa and the WTO Negotiations on Agriculture*

Supervisors: Tania Voon and Pip Nicholson

Joseph's thesis analyses the Doha Round of Negotiations on Agriculture, and explores the challenges sub-Saharan African Members face in multilateral trade negotiations. It also question the efficacy of the proposals that have been put forward to assist sub-Saharan African Members to integrate into the multilateral trading system. In the analysis, the thesis examines the importance of the agriculture negotiations to sub-Saharan Africa; the demands of the sub-Saharan African Members under the negotiation pillars of market access, domestic support and export subsidies; and the capacity of sub-Saharan African Members to negotiate with other Members. I conclude that sub-Saharan Africa will not achieve the development objectives of the Doha Round.

## Eve Lester

**Thesis:** *Making Migration Law Work in Australia: Paradoxes and Prospect*

Supervisor: Sundhya Pahuja and Shaun McVeigh

The central question of Eve's thesis asks which historical dynamics have shaped immigration law-making in Australia so as to circumscribe enjoyment of basic social and economic rights and, pivotally, the right to work by people who migrate as part of a survival strategy. To this end, my thesis analyses the influence of a matrix of societal dynamics, including the concepts of sovereignty, race, religion and political economy, and their role in shaping social and economic rights and realities for survival migrants in Australia.

## Liz Macpherson

**Thesis:** *Indigenous Water Rights in Chile and Australia: Can Indigenous Water Rights be Sustainably Integrated in Water Markets?*

Supervisors: Maureen Tehan and Kirsty Gover

Water planning frameworks underlying emerging Australian water markets do not adequately respond to indigenous demands for a water allocation for indigenous cultural and commercial use. This is because an indigenous water allocation is linked to prior recognition of indigenous groups and interests through the native title process, and native title water rights are difficult to establish, non-exclusive and limited to non-commercial, traditional content. In Chile, where there is no recourse to native title, statute law has nonetheless been used to recognise water property rights for certain indigenous communities. The aim of this thesis is to suggest an improved legal mechanism for recognition of cultural and commercial indigenous water rights in Australia. The thesis will consider the potential for statutory recognition of indigenous water rights outside of native title, drawing on an analysis of the strengths and weaknesses of statutory indigenous water rights recognition in Chile, against the backdrop of existing Australian models for statutory recognition in Aboriginal land legislation.

## Tayechalem Moges

**Thesis:** *Developing an Emancipatory Human Rights Approach to End the Practice of (Girl) Early Marriage in Ethiopia*

Supervisors: Dianne Otto and Beth Gaze

The practice of early marriage remains prevalent in Ethiopia despite having received attention, criticism and intervention from international and national human rights actors. The durability of traditional support for the practice has led to questions about the effectiveness of individualised international human rights law in Ethiopia's communitarian society. Moreover, child wives remain at the periphery of these efforts as their role has been largely limited to providing stories of victimisation. Drawing upon postcolonial and feminist perspectives, this thesis explores the emancipatory potential of international human rights law to end the practice of early marriage in Ethiopia from the perspectives of former child wives.

## Josh Paine

**Thesis:** *The Contribution of International Courts and Tribunals to the Development of International Legal Meaning across Three Regimes*

Supervisors: Anne Orford and Margaret Young

This project aims to analyse the contribution of judgments of international courts and tribunals to the development of international legal meaning across three regimes or distinct areas of international legal practice: investor-state arbitration, the 'generalist' world of interstate litigation in the International Court of Justice and regional human rights adjudication. It employs a rhetorical approach to international law, and is particularly interested in why interpretive claims are seen as persuasive or not in particular contexts. Accordingly, it places significant emphasis on the collective identities of the interpretive communities whose practices construct meaning. The aim is to combine an internal perspective that takes seriously interpretive arguments as understood by participants, with understanding of the broader sociological forces that shape and limit the possible outcomes of interpretive contestation in each regime. Such an analysis should improve understanding of the hermeneutics and (contested) identities of the three regimes, providing a stronger basis for assessing claims about their speciality or generality.

## James Parker

### ***Thesis: Acoustic Jurisprudence***

Supervisors: Andrew Kenyon and Shaun McVeigh

James is currently a Senior Fellow at the Melbourne Law School. He completed his undergraduate degree in jurisprudence at Oxford and his LLM by research at the University of McGill. His thesis, due for submission very soon, argues for a specifically acoustic jurisprudence: one attentive, that is, to the acoustic dimensions of law and justice. It does so by means of a case study. Between September 2006 and December 2008, Simon Bikindi stood trial at the International Criminal Tribunal for Rwanda in Arusha, Tanzania. Though the details of the case against him were complex, its essence was simple. In the early 1990s Bikindi was one of Rwanda's most well known musicians and popular figures: a bona fide celebrity', probably the most talented artist of his generation,' 'Rwanda's Michael Jackson'. And by the end of 1994 his songs had quite literally soundtracked a genocide. At root Bikindi stood accused of inciting genocide with his songs.

## Connal Parsley

### ***Thesis: Jurisprudence without Law: Giorgio Agamben and the Juridical Tradition***

Supervisors: Peter Rush and Shaun McVeigh

His doctoral thesis extends his research interest in the relationship between visual culture and law, by conducting a jurisprudential reading of the Italian philosopher Giorgio Agamben. By exposing the significance of the category of the 'image' within both the juridical history of the legal person, and Agamben's revision of political ontology, the thesis aims to develop a new paradigm for understanding the relation between law, politics and theology in Agamben's work. In doing so, it develops an account of why Agamben's work potentially offers an exciting new path to contemporary jurisprudential thought.

## Laura Petersen

### ***Thesis: Law and Aesthetics after the Holocaust: Gestures of Justice and Restitution***

Supervisors: Peter Rush and Shaun McVeigh

Laura Petersen is in the second year of her PhD at the Melbourne Law School. Her interdisciplinary research moves across visual art, fictional texts and jurisprudential memory to explore concepts of restitution. Basing her analysis in Germany after World War II, her project examines the legal, memorial and aesthetic processes involved in coming to terms with atrocity. Before returning to the University of Melbourne for her PhD study, Laura completed her Master of Arts in Comparative Literature at Freie Universität Berlin, supported by a DAAD scholarship. Her thesis (in German) considered the role of metafictional narratives in Holocaust memory, examining texts by WG Sebald, Vladimir Sorokin and Jonathan Safran Foer.

## Robin Robinson

### ***Thesis: A Question of Jurisdiction: The Recognition at Common Law of Australian Indigenous Peoples' Intra-Group Rights and Interests under Communal Native Title***

Supervisors: Maureen Tehan and Kirsty Gover

This thesis explores how best to protect the native title rights and interests held by individual native title holders with multi-affiliations as members of sub-groups, the wider native title holding group and as citizens of the State. It considers the propositions that intra-group native title rights and interests are vulnerable for want of legal and institutional safeguards. Further, their vulnerability is compounded by particular judicial methodology relating to the principle of communal native title and the strict interpretation of the doctrine of continuity. It investigates reforms to the jurisdictional arrangements between the State and the community

of native title holders regarding the resolution of intra-group disputes, drawing on jurisprudence from other common law countries and international human rights law, as a means to safeguard intra-group native title rights and interests.

## Dudi Rulliadi

**Thesis:** *Indonesian Public-Private Partnerships (PPPs): A Legal Study of Private Sector Participation in Infrastructure Development*

Supervisors: Anne Orford with Andrew Mitchell and Tim Lindsey

Taking Indonesia as a case study, Dudi's doctoral thesis will examine how the evolution of Public-Private Partnerships (PPPs), from its Western origins to today's implementation within the broader context of international development policies and national legal reforms, shapes the manner in which PPPs are implemented in Third World states.

## Oishik Sircar

**Thesis:** *Assemblages of Affect: The Juridical Ordering of Collective Memory in 'New' India*

Supervisors: Dianne Otto and Sundhya Pahuja

This thesis studies one of the most litigated, mediatised and politically polarising events of mass religious atrocity in contemporary India – the 2002 anti-Muslim violence in the western Indian state of Gujarat – to understand the ways in which collective memories of violence and trauma, in a postcolonial, democratic, secular and developmental nation-state like India, are effectively assembled through encounters between public archives of the legal and the aesthetic. By analysing select cultural spaces and forms of memory production – criminal trials, feature and documentary films, literary and artistic works and the everyday experiences of living lawfully reflected in the curation of the Museum of Resistance in Ahmedabad – the project argues that a 'jurisprudential-aesthetic' reading of how these 'assemblages of affect' remember/re-describe/re-count/re-configure the event of atrocity, could render visible the roles secular law is called on to play by the nation-state, its 'citizens' and 'others', to make intelligible the event of mass violence, and order its aftermath.

## Cait Storr

**Thesis:** *End State: Nauru and the International Legal Construction of Territory*

Supervisors: Sundhya Pahuja and Gerry Simpson

The international community has known since 2001 that some island states risk losing their entire territory due to climate change. This thesis mounts a critical response to the legal question of whether a state can survive total loss of territory. Whilst much attention is paid in international law to territorial limits and borders, it is habitually assumed that the content of the concept of territory is both uniform and fixed. This thesis constructs a legal history of Nauru from German annexation in 1886 to the contemporary era to demonstrate that territory is neither a fixed nor uniform concept, but a mode of juridical abstraction underpinned by a contingent set of normative assumptions about the relationship of people to land and government.

## Marc Trabsky

**Thesis:** *Voices of the Dead: Law, Aesthetics and Mortality*

Supervisors: Peter Rush and Shaun McVeigh

Marc Trabsky in his doctoral research thesis offers an institutional account of the dead in law. It questions how the dead dwell in the office of the coroner, but also what the significance is of thinking through law by means of the institutions of the dead. The case studies used for the purpose of this thesis include the local history of the office of the coroner and the legal form of the death mask.

## Deborah Whitehall

**Thesis:** *Hannah Arendt, Beginnings and Female Subjectivity in International Law*

Supervisors: Anne Orford and Ann Genovese

Deborah's research uses the work of Hannah Arendt as a resource for reworking familiar metaphors of human rights in ways that reveal the transformative potential of law. She is particularly interested in how social and political theory can be used to generate questions about women's reproductive rights that reset the framework in which the options for reform might be considered. Deborah's project reflects her ongoing interest in the tensions between rights discourse in international human rights law and national law and the political and social trajectories in which human rights are given substance. Deborah has studied and taught law in Australia and the United Kingdom and has experience in law reform, and as a solicitor in the public and private sectors.

## Kay Wilson

**Thesis:** *Mental Health Law: Abolish or Reform?*

Supervisors: Dianne Otto and Bernadette McSherry

Mental health law permits the detention and treatment of people with mental illness without their consent. It has always been controversial and the subject of reform. However, recently critics, including international human rights bodies, have called for the abolition of mental health law on the grounds that it is discriminatory and unjustifiably deprives individuals of their liberty, legal decision-making capacity and bodily integrity. My thesis will take a normative and law-in-context approach to evaluating the justifications for mental health law and the arguments for and against its abolition, and present options for reform using a human rights conceptual framework.

# Completed Graduate Research Students 2013

## Peter Chambers

**Thesis:** *Power in Transformation: Christmas Island, Border Security, Governance*

Supervisors: Peter Rush and Nikos Papastergiadis (Faculty of Arts)

In 2013, Christmas Island is best known as a place of immigration detention, a component of Australia's expanding border security apparatus. In the 124 years since it was annexed by the British, Christmas Island has continued to take on changing political forms. In exploring these changes empirically and theoretically, this thesis gives an account of the mutation of political sovereignty; the emergence of globalisation; the installation of governance; and their current co-operation through the practice of border security and immigration detention, as seen from the Island. The core argument stems from the recognition that all governing is a matter of problem solving, but that, every time, problems are solved within the enabling constraints characterising each problem space. Governing moves from imagination to application to a materiality that turns out to be perennially unruly: nothing works as intended; yesterdays best laid plans are today's follies; things fall apart. The picture of power's transformations depicted points not only to the transience of all things human, but also what is characteristic of power's shape in our time is that it holds without the centre.

## Nicola Charwat

**Thesis:** *Public Interest Amicus Curiae in WTO Dispute Settlement: Contesting Global Market Governance?*

Supervisor: Dianne Otto

The World Trade Organization (WTO) Appellate Body's acceptance of amicus curiae briefs (ACBs) submitted by public interest actors is accepted as a hard won victory by civil society. As such, the ACB is generally understood as improving WTO governance, which is otherwise characterised as prioritising market interests and excluding public interests. Nicola's thesis provides a critical analysis of the potential contribution of public interest actor briefs to challenges to global market governance. Focusing on WTO dispute settlement as a powerful site of governance, Nicola explores the opportunities the ACB presents as a means of inserting the public interest into the interpretation and application of trade rules.

## Luis Eslava

**Thesis:** *Spatial Dimensions of Law and Development: Transforming Sovereignty, State and Citizenship*

Supervisor: Anne Orford and Shaun McVeigh

Luis is interested in issues of Global Governance, from the perspective of critical Third World subjects. In the last few years, Luis has published various articles in Colombian and international journals, including 'Decentralization of Development and Nation-Building Today: Reconstructing Colombia from the Margins of Bogotá' in the *Law and Development Review*; 'Corporate Social Responsibility & Development: A Knot of Disempowerment' in *Sortuz – Oñati Journal of Emergent Sociolegal Studies*; 'Occupation Law: (Mis)Use and Consequences in Iraq' in *Contexto* and a review of *Developing Power: How Women Transformed International Development* for *Feminist Legal Studies*. Luis' PhD project investigates the implications of the decentralisation of development in Colombia since the reform of the Colombian Constitution in 1991. It specifically asks what have been the effects of the move from national to local development on the juridico-political concepts of sovereignty, state and citizenship. It suggests that these reforms altered the geographical space in which development was usually conceived and performed as part of an international trend that portrays states as overgrown and unmanageable spaces. The effect was the creation of multiple sub-national territorial units,

which overtook the nation-state and its citizens as the preferred sites of development interventions. To evaluate this development shift, the research adopts a case-based approach focusing on Bogotá, the capital city of Colombia.

## Yoriko Otomo

**Thesis:** *Unconditional Life: The Time and Technics of International Law*

Supervisors: Anne Orford

Yoriko Otomo has worked in several government and non-government environmental organisations, and has contributed to publications relating to sustainable development, environmental law and humanitarian issues. Her doctoral thesis seeks to develop a semiology of law through a poststructural feminist analysis of key texts within the law of occupation and international economic law.



# IILAH EVENTS 2013

## SYMPOSIA

### **1 March 2013: IILAH Symposium, ANZSIL International Economic Law Interest Group (IELIG)**

Convenor: Professor Tania Voon

The 2013 IELIG Annual Symposium was supported by IILAH and the Australian and New Zealand Society of International Law (ANZSIL).

Convened as part of IILAH's Global Trade Research Programme by Professor Tania Voon (IELIG Co-Chair), the day was also facilitated by IELIG Co-Chair Ms Lisa Toohey (UNSW Law School), Vice-Chairs Mr Ravi Kewalram (Department of Foreign Affairs and Trade) and Mr Oliver Toohey (Department of Climate Change and Energy Efficiency). The Symposium provided an opportunity for government, private practice and academia representatives with an interest in international economic law to meet and discuss a range of important issues currently facing Australia and the world in this field. The program included an impressive list of speakers from the public and private sectors and Australian and New Zealand universities. Highlights included Australia's former Ambassador to Croatia, Mr Tracy Reid, OAM of the Department of Foreign Affairs and Trade, highlighting the disputes to watch at the World Trade Organization in 2013 and Australian Research Council Future Fellow, Professor Anne Orford of Melbourne Law School, discussing the implications of international economic law for food security.

### **30 May 2013: IILAH Symposium, *After Smart Power: From Instrumentalism to Legal Technique in Feminist Foreign Policy***

Professor Karen Knop (University of Toronto) and Professor Annelise Riles (Cornell University)

Convenors: Professor Dianne Otto and Dr Jon Roffe (Faculty of Business & Economics)

This Symposium was hosted at the Melbourne Law School by IILAH and the Department of Marketing and Management of the Faculty of Economics and Business.

Karen Knop and Annelise Riles engaged critically with the implications for international law of the work of the feminist foreign policy establishment and presented what alternatives there might be for a gendered approach to diplomacy. They first considered how feminist foreign policy has overcome the 'culture problem' in gender debates by embracing and deploying the kind of pragmatic instrumentalism that so pervades American legalism more generally. After sketching the limitations of this instrumentalism, Karen and Annelise proposed a different kind of feminist diplomacy, one anchored not in legal tools but in legal technique. Their interest is the intellectual time-space of the 'diplomatic incident' and they explore it through the conundrum of how to redress sexual slavery in the Asia-Pacific during World War II.

**Karen Knop** is Professor of Law with the Faculty of Law, University of Toronto. Karen's book *Diversity and Self-Determination in International Law* (Cambridge University Press, 2002) was awarded a Certificate of Merit by the American Society of International Law in April 2003. Karen recently edited a symposium issue of *Law and Contemporary Problems* on 'Transdisciplinary Conflict of Laws' with Ralf Michaels (Duke University School of Law) and Annelise Riles.

**Annelise Riles** is the Jack G Clarke Professor of Law in Far East Legal Studies and Professor of Anthropology at Cornell, and Director of the Clarke Program in East Asian Law and Culture. Annelise has published extensively, including *Collateral Knowledge: Legal Reasoning in the Global Financial Markets* (University of Chicago Press, 2011) and 'From Multiculturalism to Technique: Feminism, Culture, and the Conflict of Laws Style' (with Karen Knop and Ralf Michaels) (2012) 64(3) *Stanford Law Review*.



## 28 June 2013: IILAH CCCS CREEL Symposium, *Turning Points: Remembering 'Commonwealth v Tasmania' (1983) 158 CLR 1*

Convenor: Dr Ann Genovese

This Symposium was hosted by IILAH, the Centre for Comparative Constitutional Studies (CCCS) and the Centre for Resources Energy and Environmental Law (CREEL).

2012 and 2013 marked the respective 30th anniversaries of the High Court's decisions in *Koowarta* and the *Tasmanian Dams* case. Each of these cases is understood to represent a turning point in Australia's legal-political history: a shift to a different form of political engagement on complex questions about race and the environment; and a shift in what those engagements could signify, nationally and internationally. Cumulatively, the cases are also understood as marking a decisive jurisprudential turn, a different engagement by the Court with both international law and the politics of constitutionalism.

This Symposium was the second to commemorate these anniversaries, the first being *Turning Points: Remembering 'Koowarta v Bjelke-Petersen' (1982) 153 CLR 16* held on 11 May 2012 at the Melbourne Law School.

The aim of this Symposium was to review and reflect upon the judgment, its context and its interpretations, with insights from legal, political, historical and autobiographical perspectives. Symposium speakers explored a series of overlapping themes. For example, from a legal perspective, the judgment raises clear themes about the interaction of constitutional and international law, the growth of federal power, constitutional meaning and constitutional change and the impact of those considerations on indigenous Australians. Yet we also sought to explore dimensions of those themes from other perspectives, such as how questions about race and the environment operate in relation to each other; the nature of political activism in Australia, and transnationally,



The Hon Sir Anthony Mason AC KBE (former Justice of the High Court of Australia) and the Hon Michael Black AC QC (former Chief Justice of the Federal Court of Australia).

in the 1970s and 1980s; how and to what extent that activism turned political questions into legal questions; and how the local context of Tasmania, with its specific cultural and political history of state authority, race and the environment interrupts the expected historical and legal narratives of what *Commonwealth v Tasmania* is thought to signify.

Although held a year apart, it is hoped that 'Remembering *Commonwealth v Tasmania*' and 'Remembering *Koowarta*' will place the cases into conversation with each other for the first time and, as such, open new ways of approaching and writing about law's authority and narratives as constitutive of an evolving Australian national identity into the 21st century.

Symposium speakers and chairs included: The Hon Michael Black AC QC (former Chief Justice of the Federal Court of Australia), Dr Bob Brown (former Parliamentary Leader of the Australian Greens and currently President of the Bob Brown Foundation), Ms Madelaine Chiam (PhD Candidate and sessional academic at the Melbourne Law School), Dr Libby Connors (University of Southern Queensland), Professor Ann Curthoys (Honorary Professor at the University of Sydney, formerly Manning Clark Professor of History at the Australian National University), Professor Simon Evans (University of Melbourne), Dr Ann Genovese (Melbourne Law School), Professor Lee Godden (Melbourne Law School), Mr Drew Hutton (social movement activist, author and founder of the Queensland and Australian Greens), Associate Professor Rebecca LaForgia (Adelaide Law School), Hon Sir Anthony Mason AC KBE (former Justice of the High Court of Australia), Dr Mark McMillan (Melbourne Law School), Associate Professor Shaun McVeigh (Melbourne Law School), Mr Darren Parker (PhD Candidate, Melbourne Law School), Professor Kim Rubenstein (Australian National University), Professor Adrienne Stone (Melbourne Law School), Associate Professor Maureen Tehan (Melbourne Law School).



Dr Bob Brown (former Parliamentary Leader of the Australian Greens and currently President of the Bob Brown Foundation).



Dr Libby Connors (University of Southern Queensland) and Mr Drew Hutton (social movement activist, author and founder of the Queensland and Australian Greens).

Papers from the *Tasmanian Dams* symposium will be included in a special edition, 2015 vol 24(1) of the *Griffith Law Review*. Papers from the *Koowarta* symposium will be included in a special edition of the *Griffith Law Review* in 2014 vol 23(1).

## 6 September 2013: IILAH Symposium, *Feminist Jurisprudence and the Question of Home*

Convenor: Dr Ann Genovese

How and to what extent can we use 'home' as a conceptual framing for the law? What does the choice to do so suggest for the conduct of jurisprudence? In this seminar, feminist legal scholars interrogated some of the meanings of home, to consider what work it can (or cannot do) for contemporary inquires about state and status, nation and place, inclusion and exclusion. Presenters offered different accounts of 'home', reminding us of the necessity for feminist thinking as a part of jurisprudential practice. Dr Ann Genovese (IILAH, Melbourne Law School) acted as a discussant to the three papers presented.

### *Utopias, Dystopias and the Changing Lawscapes of Social Housing: A Case Study of the Spa Green Estate London UK*

Professor Helen Carr (Kent Law School)

In her paper, Helen Carr provided an account of the design and development of the Spa Green Estate in North London. It described the utopian aspirations for housing the working class of the radical 1930s Finsbury Council and the architect it employed, Berthold Lubetkin to examine the political and popular discrediting of social housing from the 1970s. Helen uses concepts of landscape, utopia and scale to demonstrate how law is implicated in the dismantling of one utopian project and its replacement with another and the difficulties that law has in addressing the inevitable injustices that emerge from this process. Its feminism lies in its acknowledgement of social housing (despite its patriarchal origins) as an important point of access for women to the emancipation of the city and as a critical space for imagining ways to live other than those determined by the market.

### *Women and Homelessness: Winning and Losing in the Welfare State*

Dr Caroline Hunter (York Law School)

It has long been argued that homelessness is a gendered experience. Thus responses to homelessness by the state will impact differently on men and women. Drawing on the literature that examines the meaning of homelessness and responses to it, Caroline Hunter examined the implications of a rights-based system in England which strongly differentiates between those with and without children and the implications of this for homeless women, both with and without children. Caroline contrasted this rights-based system with the responses of other welfare systems and their outcomes for women.

### *Home and State: Reflections on Metaphor and Practice*

Professor Margaret Davies (Flinders University)

Home is an evocative and fluid concept which has significance for all people across several scales of life: these scales include the self, our relationships and family, our physical resting place, our cultures, the nation and even the planet. Margaret Davies considered the idea of home as a metaphor in conceptualising the state. The aim is not to rehabilitate the idea of the home as a metaphor for the state, nor to undertake a comparative analysis, but rather to observe the presence and absence of 'home' in several contexts and illustrate the diversity of its meanings in relation to the state. Margaret outlined a scholarly and feminist interest in the idea of home. Her focus was on Anglo-centric commentary about the home, though this itself has been strongly influenced by French feminism and, more generally, by French phenomenology and psychoanalysis. She then considered the idea of home in the political and public domain in three national contexts: Sweden, the UK and Australia.

## 20 September 2013: IILAH, Gender Studies Symposium, *Imagining Muslim Women in Human Rights, the Arts and Politics – Fostering Conversation*

Convenors: Professor Dianne Otto and Dr Maree Pardy (Gender Studies)

This symposium was supported and organised by Gender Studies, School of Social and Political Sciences, Faculty of Arts and the Institute for International Law and the Humanities, Melbourne Law School, University of Melbourne.

The symposium brought together scholars working in areas of law, criminology, gender and Islamic studies to consider the ways in which Muslim Women are represented across a number of sites today – art, politics and human rights. It aimed to foster a conversation among scholars interested in these issues, about the motivations and effects of these representations. It explored themes of how feminists and human rights campaigns figure Muslim women as exemplifying concerns around feminism, secularism and women's rights, while artists have managed to complicate some of those representations in moments of speaking out or back. The symposium was part of a project called 'Imagining Muslim Women' funded by the Social Equity Institute, University of Melbourne. Project collaborators are Farrah Ahmed, Dianne Otto, Maree Pardy and Juliet Rogers.

**Mr Oishik Sircar** (PhD Candidate, Melbourne Law School) chaired the symposium and papers were presented by: **Dr Farrah Ahmed** (Melbourne Law School) – *The Campaigns of FEMEN*; **Dr Shakira Hussein** (National Centre of Excellence in Islamic Studies, Asia Institute) – *Burka Murals and Avengers*; and **Dr Maree Pardy** (Gender Studies, Faculty of Arts) – *Global Rights, Local Women – Gender, Culture and Muslim Women*.



## EXPERT WORKSHOPS

### 23 April 2013: IILAH Doctoral Method Workshop, *Dogma and Critique: Comparative Critical Method*

Professor Eva-Maria Svensson (University of Gothenburg and University of Tromsø)

Convenor: Professor Anne Orford

This workshop explored the question of method in international and comparative legal scholarship. In particular, it focused upon the relation between critique and its object. What kinds of established, mainstream or dogmatic traditions does critical legal method take as given? What sources of knowledge, epistemological standpoints, historical situations or approaches to law do particular modes of critique assume? Can critical methods be 'transplanted' from one field or tradition to another? Or might different traditions or fields of law require the development of different methods in response? Eva-Maria Svensson and Anne Orford discussed the relation between traditional and critical method and explored issues raised by the workshop theme in the doctoral work of participants.

### 9 August 2013: IILAH Workshop, *The Oxford Handbook of International Legal Theory Melbourne Authors' Workshop*

Convenor: Professor Anne Orford

Participants in and contributors to the Melbourne Authors' Workshop included: Professor James Crawford (University of Cambridge), Dr Ben Golder (UNSW), Associate Professor Fleur Johns (Sydney), Dr Daniel Joyce (UNSW), Professor Anne Orford (MLS), Professor Dianne Otto (MLS), Dr Rose Parfitt (MLS) and Professor Gerry Simpson (MLS).



Professor Eva-Maria Svensson (University of Gothenburg and University of Tromsø) and Professor Anne Orford (Melbourne Law School)

## PUBLIC LECTURES

**7 May 2013: IILAH, MJIL Public Lecture, *Forget Sovereignty: The Nomos of the Sea and People in Small Boats***

Dr Stewart Motha (University of London)

Convenors: Ms Chelsea Driessen, Mr Timothy Gorton and Ms Candice Parr

This Public Lecture was organised by the 2013 Editors of the *Melbourne Journal of International Law* with the support of IILAH. The Public Lecture was chaired by Professor Sundhya Pahuja (Melbourne Law School).

For millennia voyages upon the sea have provided the material for myths, legends and narratives of ethical life. From Homer to Melville, Defoe to Coetzee, the sea has symbolised a realm of freedom, issued tales of human suffering and endurance and marked the limits and possibilities of civil and political existence. This lecture examined the Indian Ocean as a space of colonial exchange and communication. These pelagic zones contain an archive of sovereign violence, a gruesome memory of the present. The Indian Ocean is the heavily traversed space of people in small boats moving between archipelagos, islands and continents. It is a zone of inexorable contact between peoples, a site of exponential cruelty and indifference to human life, and manifests the harsh remnants of sovereign power. The Chagossians were expelled from their island homes in the 1960s and continue to fight for their rights. Boat migrants to Australia now find that they are detained arbitrarily



*Professor Sundhya Pahuja (Melbourne Law School)*

*Dr Stewart Motha (University of London)*



in harsh offshore camps. At stake is the distinction between 'who' and 'what' beings – between all-seeing all-knowing sovereigns and beasts.

**Stewart Motha** is Reader in Law, Birkbeck, University of London and has published widely on questions of sovereignty, political violence, social and cultural transformation and constitutionalism. In 2011, he was short-listed in the UK for the Oxford University Press National Law Teacher of the Year. Stewart has taught at universities in Australia, South Africa and the UK and has research interests in postcolonial sovereignty, constitutionalism and reconciliation.

## **22 May 2013: IILAH, SHAPS Public Lecture, *The Apogee of Internationalism***

Professor Glenda Sluga (University of Sydney)

Convenor: Professor Marilyn Lake (Faculty of Arts) and Professor Dianne Otto

This Public Lecture was co-hosted by IILAH and the School of Historical and Philosophical Studies, Faculty of Arts, University of Melbourne.

When Australia recently earned a long-anticipated seat on the UN Security Council, there was some discussion of its relevance, but little recognition of its historical significance, despite the fact that for more than a century Australians have been deeply involved at the popular and governmental levels in international institutions and international politics and in the conceptualisation of international law and human rights. In this lecture, Glenda mapped a new chronology of the 20th century around the concept of internationalism, with specific attention paid to the 1940s and the early years of the United Nations as the 'apogee of internationalism'. The aim was to explore the possibilities of the new international history that have appeared on the horizon and that are already changing the way we understand the significance of internationalism in the present.

**Glenda Sluga** is a graduate of the University of Melbourne and Sussex University, currently a Professor of International History at the University of Sydney. She has published widely; her most recent book is *Internationalism in the Age of Nationalism* (University of Pennsylvania Press, 2013).

## **27 August 2013: IILAH, La Trobe Public Lecture, *When are Refugees 'Unworthy' of Admission?***

Professor Satvinder Juss (King's College London)

Convenors: Associate Professor Michelle Foster and Dr Savitri Taylor (La Trobe University)

When is a refugee 'unworthy'? The question acquired heightened importance in the febrile atmosphere of post-9/11. New international law instruments have been drawn up to deal with the 'War on Terror'. Traditionally understood concepts of crimes against peace, war crimes or crimes against humanity are in a state of flux. The law is worryingly moving towards a concept of 'unworthiness for asylum'. This lecture considered the latest international law position, with reference to the case law of Australia, and asks whether refugee law as we have known it is now dead.

**Satvinder Singh Juss** is a Professor of Law at King's College, London; a Barrister-at-Law of Gray's Inn, London; and a former Human Rights Fellow at Harvard Law School. In 2009, Satvinder contributed to the Home Affairs Committee, a pioneering seminar on Human Trafficking at the Houses of Parliament, bringing together Chairs of all Home Affairs Committees in Europe in a new initiative to harmonise standards and procedures in this field.

**3 December 2013: IILAH, Criminology Public Lecture, *The Atmosphere of the Lawscape: Bodies, Space, Justice***

Professor Andreas Philippopoulos-Mihalopoulos (University of Westminster)

Convenor: Associate Professor Peter Rush

In this Public Lecture, Andreas Philippopoulos-Mihalopoulos dealt with airs and sounds and scents, while keeping an eye on the law. His field of enquiry is the concept of atmosphere, namely the interstitial area between sensory and affective occurrences. Atmospheres are legally determined. The law controls affective occurrences by regulating sensory stimulation, thus guiding bodies into corridors of sensory compulsion – an aspect of which is consumerism in capitalist societies. This is achieved by allowing certain sensory options to come forth while suppressing others, something which is particularly obvious in cases of intellectual property protection that capture the sensorial. Andreas dealt with atmosphere in its material, spatial manifestation and in particular through what he has called the 'lawscape', namely the fusion of space and normativity. He employs a broadly Deleuzian methodology with insights from radical geography, affective studies, object-oriented ontology, urban and critical legal theory, as well as animal studies.

**Andreas Philippopoulos-Mihalopoulos** is Professor of Law and Theory at the University of Westminster and Director of the Westminster Centre for International Law and Legal Theory. Andreas researches in the areas of environmental law, EU law, human rights and critical jurisprudence. In 2011 he was awarded the Oxford University Press National Law Teacher Award. His recent publications include *Niklas Luhmann: Law, Justice and Society* (Routledge, 2010) and *Law and Ecology: New Environmental Foundations* (Routledge, 2011).



Professor Andreas Philippopoulos-Mihalopoulos (University of Westminster)



# RESEARCH SEMINARS

## 6 February 2013: IILAH Conversation with Social Development Specialist, Rob Wrobel (World Bank, Indonesia)

Convenor: Professor Dianne Otto

**Mr Rob Wrobel** is a Social Development Specialist, part of a team that provides technical assistance and support to the Government of Indonesia in implementing a large community development program – the National Program for Community Empowerment in rural areas. In conversation with academic staff and students, Rob spoke about the program, which aims to improve access to basic health and education services by combining community-driven approaches in which communities decide which problems to tackle and how project resources are used with performance incentives made popular in conditional cash transfer programs in Latin America. Rob spoke about how the Indonesian Government and its development partners have set up a facility that supports a multi-disciplinary research program that aims to evaluate poverty-reduction program impacts, understand changes in local social dynamics and synthesise findings to inform the Government's poverty-reduction strategy. Ms Sonja Litz (Senior Counsel, Justice and Conflict, World Bank, Indonesia) acted as a discussant to the conversation.

## 21 March 2013: IILAH Seminar(s)

Convenor: Professor Sundhya Pahuja

### *What to Do after Evil? Scattered Thoughts on the Challenge of (Re)Education*

Professor María do Mar Castro Varela (Alice Salomon University Berlin)

After the defeat of Nazi Germany and the end of World War II, the Allies ordered the 're-education' of the Germans as a central task of denazification. To this end, special pedagogical programs were designed, curricula conceived, films and texts produced and institutions like the 'Bundeszentrale für politische Bildung' (Federal Centre for Political Education) established. According to Adorno, 'the premier demand upon all education is that Auschwitz not happen again'. This necessitates understanding 'the mechanisms that render people capable of such deeds [...] awakening a general awareness of those mechanisms, to prevent people from becoming so again' (Adorno). In this seminar, María explored the possibilities of (re)education and linked this to remembrance politics. Using the Spivakian idea of education as an 'uncoercive re-arrangement of desires', she unfolded some aporias in the politics of (re)education and the ambivalent political and social consequences of such a critical interventionist practice.

### *Governmentality and the Politics of Rape: Sex, Violence and the State*

Professor Nikita Dhawan (Goethe University Frankfurt)

Given the routineness of rape, the unprecedented nationwide anti-rape rallies in India protesting the gang rape of a young student in the country's capital have been hailed in the global media as a sign of an 'empowered' Indian public, shaming the Indian Government to take action against sexual violence. What if the young woman had been from a marginalised group or had 'only' been brutally assaulted, instead being raped? Against the deployment of sex as a site of power, Michel Foucault recommends 'desexualisation of rape' as a strategy against disciplinary power. He provocatively asks why an assault with a penis should be distinguished legally from an assault with any other body part. Foucault seeks to delink desire and crime, sexuality and the law in an attempt to immunise sexual acts from becoming the target of state intervention. Revisiting Foucault's controversial proposal to treat rape like a 'punch in the face', Nikita's talk investigated the role of the state in promoting and obstructing gender justice. Instead of pursuing for or against positions vis-à-vis the state and judiciary, she explored the Derridian/Spivakian idea of state as *pharmakon* – medicine as well as poison.

## 16 April 2013: IILAH, CELRL Seminar, *Labour Law in Times of Crisis – Lessons from Greece*

Professor Keith Ewing (Kings College, London)

Convenors: Associate Professor Anna Chapman and Professor Dianne Otto

This Public Seminar was co-hosted by the Centre for Employment and Labour Relations Law (CELRL) and IILAH.

The Eurozone crisis has led to an imposed 'internal devaluation' in Greece, leading in turn to pay cuts and attacks on other terms and conditions of employment as a result of the demands of the 'Troika' ( International Monetary Fund, European Commission and European Central Bank). The demands of the Troika and their implementation have been condemned by the International Labour Organization Committee of Experts and by the Social Rights Committee of the Council of Europe as violating a number of treaties to which Greece is a party. They are also almost certainly a breach of the *EU Treaty*, which binds both the Commission and the Bank. As the Greek people suffer, Keith spoke about what this tells us about the point of law generally – and labour law in particular – In times of crisis.

## 18 April 2013: IILAH Seminar, *Market Driven Freedom of Speech – Media between Democracy and Market*

Professor Eva-Maria Svensson (University of Gothenburg and University of Tromsø)

Convenor: Professor Anne Orford

Professor Anne Orford (Michael D Kirby Professor of International Law and Australian Research Council Future Fellow) chaired this presentation at the Melbourne Law School.

Eva-Maria Svensson questioned whether democracy and free speech are or are not promoted by a strengthened legal protection for commercial messages. She commented on the answer not being taken for granted. Maria spoke about many jurisdictions, in particular Sweden, wherein legal protection for commercial messages has been and still is explicitly weaker than for other (non-commercial) messages. However, different actors are seeking expanded protection for commercial messages and, in many jurisdictions around the world their status as worthy of legal protection has been strengthened. The ongoing processes are captured by the concept of 'market driven freedom of speech'. In this seminar, Eva-Maria focused on legal changes in Sweden, the EU and the USA and explored what consequences market driven freedom of speech may have for democracy.

**Eva-Maria Svensson** is a Professor of Law at the University of Gothenburg in Sweden and the University of Tromsø in Norway. Eva-Maria is the author of numerous books and papers on legal theories, legal methods, feminist legal issues and the concept of law in the welfare state, including *Exploiting the Limits of Law: Swedish Feminism and the Challenge to Pessimism*, co-edited with Åsa Gunnarsson and Margaret Davies (Ashgate, 2007).

## 2 May 2013: IILAH Seminar, *The Structure of Courts and International Lawmaking – Explaining Judicial Conflict*

Professor Paul B Stephan (University of Virginia)

Convenor: Professor Michael Crommelin

In this Seminar, Paul Stephan presented developments of an informal model of judicial structure which presents anecdotal evidence indicating the impact of structure on international lawmaking. Paul suggests that the disparities in outcomes among courts and tribunals reflect state interest, broadly conceived, rather than pure intellectual and ideological commitments. Court decisions reflect structural features that states build into courts to constrain outcomes. These constraints in turn constitute expression of state interests. In his research, Paul seeks to advance two projects. First, Paul's research contributes to the specification of objective factors regarding the production of international law, which in turn can be validated or falsified through quantitative analysis. More broadly, his research supports the claim that, in the course of producing international law,

courts and tribunals act more like the agents of politically accountable actors than like trustees for a broad, perhaps universal, community and its values.

**Paul B Stephan** is a Distinguished Professor of Law and Director of the Graduate Studies Program with the University of Virginia. Paul has written extensively on international law, corruption and the history of the Cold War, including his book *The Limits of Leviathan: Contract Theory and the Enforcement of International Law* (Cambridge University Press, 2006), with Robert Scott. His current research includes book projects on the political economy of international law-making and on the collapse of communism.

### **21 May 2013: IILAH, NIRAKN Seminar, *Savage Anxieties: Australia's Native Title Claims Process and Western Civilization's War on Indigenous Tribal Peoples***

Professor Robert A Williams, Jr (University of Arizona Rogers College of Law)

Convenor: Dr Mark McMillan

This event was supported by IILAH and the National Indigenous Research and Knowledges Network (NIRAKN).

In this Public Seminar, Robert A Williams, Jr addressed the Australian land rights situation post-*Mabo* and, more broadly, focused on the historical development of indigenous peoples' human rights, beginning with the early Greeks and Romans. In his book, *Savage Anxieties: The Invention of Western Civilization* (Palgrave Macmillan, 2012), Robert proposes a wide-ranging re-examination of Australia's historical and modern-day treatment of Native Title claims. Told as part of the larger story of Western civilisation's 3,000 year-long war on tribalism as a way of life, Williams' account shows us that the language of savagery still used by Australians to talk about the human rights of Australia's indigenous tribal peoples is in dire need of reappraisal.

**Robert A Williams, Jr** is an award-winning author and legal scholar who was cited by the Australian High Court in the landmark *Mabo II* decision, and is member of the Lumbee Indian Tribe of North Carolina.



Professor Robert A Williams, Jr (University of Arizona Rogers College of Law)

## 10 July 2013: IILAH Seminar, *Towards a Framework Convention on Global Health: A Transformative Agenda for Global Health Justice*

Professor Lawrence Gostin (Georgetown Law)

Convenor: Ms Paula O'Brien

Global health inequities cause nearly 20 million deaths annually, mostly among the world's poor. Yet international law currently does little to reduce the massive inequalities that underlie these deaths. In this Seminar Lawrence presented on his research offering the first systematic account of the goals and justifications, normative foundations and potential construction of a proposed new global health treaty, a Framework Convention on Global Health (FCGH), grounded in the human right to health. Already endorsed by the United Nations Secretary-General, the FCGH would re-imagine global governance for health, offering a new, post-Millennium Development Goals vision. A global coalition of civil society and academics has formed the Joint Action and Learning Initiative on National and Global Responsibilities for Health (JALI) to advance the FCGH.

**Lawrence Gostin** (University Professor and Linda and Timothy O'Neill Professor of Global Health Law at Georgetown University) directs the O'Neill Institute for National and Global Health Law and is also Professor of Public Health at the Johns Hopkins University and Director of the Centre for Law and the Public's Health, a collaborating centre of the World Health Organization and the Centres for Disease Control and Prevention.

## 23 August 2013: IILAH Seminar, *Challenging Life Sentences for Children – American and International Perspectives*

Ms Sophie Walker (Melbourne Law School)

Convenor: Associate Professor John Tobin

In 2012, the United States became the last country to end the practice of sentencing children to mandatory life imprisonment. In the case of *Jackson v Alabama*, the US Supreme Court held that these sentences were cruel and unusual punishments, providing thousands of children with their first opportunity of parole. Sophie Walker examined the litigation strategy that led to *Jackson v Alabama*, the developing Supreme Court jurisprudence on juvenile justice and the impact the decision has had on children serving these sentences in adult prisons. She commented on whether this case heralds the end of an era of mandatory life terms for children and how it has shaped international attitudes to juvenile justice. Sophie also commented on the recent move to lock up juvenile offenders in Hakea adult facility in Western Australia and concluded by asking whether the lessons of *Jackson v Alabama* will be learnt here also.

**Sophie Walker** is a research fellow in defamation and privacy law at the Centre for Media and Communications Law at Melbourne Law School. Before joining the Melbourne Law School, Sophie worked at Reprieve UK and for the Equal Justice Initiative of Alabama with Melbourne Law School Senior Fellow, Bryan Stevenson, representing children sentenced to life without parole and preparing appellate briefs for indigent prisoners on Alabama's death row.

IILAH Seminar presented by  
Ms Sophie Walker (Melbourne  
Law School) and convened by  
Associate Professor John Tobin.





## 11 September 2013: IILAH Seminar, *The Case for the International Ombudsperson in Security Council Sanctions Decision-Making*

Dr Devika Hovell (London School of Economics)

Convenor: Professor Dianne Otto

Devika Hovell presented recent cases by the European Court of Justice in *Kadi II* and the European Court of Human Rights in *Nada* as the latest in a long line of articles, reports and cases emphasising the need for a court-based mechanism for review of individual listings in the Security Council sanctions setting. At the same time, the International Ombudsperson established as part of the sanctions framework has proved an effective mechanism for review of sanctions decision-making. Devika interrogated the focus on judicial review in developing an appropriate procedural framework for the sanctions setting. Are courts really necessary to instil fairness into sanctions decision-making about individuals? What are the due process values that court-based process promotes? And, more generally, what is the purpose of procedural fairness and what role do we require it to play in the Security Council sanctions setting?

**Devika Hovell** is a Lecturer in international law at the London School of Economics (LSE). She holds a doctorate from the University of Oxford and a Master of Laws from New York University. Devika graduated from the University of Western Australia with a Bachelor of Arts and a Bachelor of Laws with First Class Honours. She served as an Associate to Justice Kenneth Hayne at the High Court of Australia and as judicial clerk at the International Court of Justice in The Hague.

## 13 September 2013: IILAH, APCML Seminar, *People's Tribunals and International Law*

Convenor: Professor Dianne Otto

This Seminar was jointly hosted by IILAH and the Asia Pacific Centre for Military Law (APCML).

Dr Gabrielle Simm (Senior Research Associate, University of NSW Law School) and Ms Sara Dehm (PhD Candidate, Melbourne Law School) presented papers followed by a conversation with Professor Christine Chinkin (London School of Economics) and Professor Dianne Otto (Melbourne Law School) about themes raised in the papers.

### *People's Tribunals and the International*

Ms Sara Dehm (Melbourne Law School)

On 12 May 2012, migrants, civil society actors, academics and public intellectuals gathered in Stockholm to convene Tribunal 12, putting 'Europe' on trial for 'continual' and 'systematic' violations of the rights of refugees, migrants and asylum seekers. Sara Dehm's paper presented the Tribunal 12 initiative as a 'popular' form of international law that attempts to constitute a different mode of (international) sociability, outside of the state-centric architecture of international institutions or the liberal theorisations of a civilised 'international community'.

### *Feminist Judgements? International Criminal Law and People's Tribunals*

Dr Gabrielle Simm (UNSW Law)

**Gabrielle Simm** in this Seminar presentation examined the relationship between official international criminal courts and tribunals and unofficial or women's tribunals that address international crimes related to sexual violence. Gabrielle considered the challenges that unofficial tribunals present to the idea that international criminal law, as developed in official courts and tribunals, represents exemplary feminist doctrine on sexual violence.

**Christine Chinkin** (London School of Economics) was one of the 'judges' at the Tokyo Women's Tribunal, convened in the year 2000 as the 'continuation' of the International Military Tribunal for the Far East to

investigate the Japanese military ‘comfort women’ system that operated during World War II.

**Dianne Otto** (Melbourne Law School) 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, which heard testimonies of sexual violence experienced during conflicts in Bangladesh, Cambodia, East Timor and Nepal.

## 27 September 2013: IILAH Seminar, *A Jurisprudential Tale of a Road, an Office and a Triangle*

Dr Olivia Barr (University of Technology Sydney)

Convenor: Dr Rose Parfitt

Told through a road, an office and a triangle, this is a jurisprudential tale about the place of law. The road is Sydney Road in Brunswick, Melbourne, and the story the place-making activities of Anglo-Australian common law. This paper attends to the jurisdictional practices of the Surveyor-General, who ordered his office, the Great South Road, as well as the Colony of New South Wales through the repetition of technologies of mapping and surveying. Remembering that different offices carry different meanings, some more juridical than others, this paper argues that when Major Thomas Livingstone Mitchell took up this seemingly non-juridical office, he not only took on the expected tasks, duties and privileges of office, such as the surveying of the Great South Road, but in doing so, he contributed to the patterning and placing of colonial law through technologies and material practices of jurisdiction.

**Olivia Barr** is a Lecturer in the Faculty of Law at the University of Technology, Sydney. Having travelled institutionally via the University of Western Australia, the University of British Columbia and the University of Melbourne, where she recently completed her doctorate at Melbourne Law School through IILAH, Olivia writes at the intersections of jurisprudence, geography and history and is currently curious about questions of movement, lawful place, roads of the South and the creation and conduct of the laws of friendship.

## 8 October 2013: IILAH, NIRAKN Seminar, *The Borders of Sovereignty*

Professor Scott Manning Stevens (Newberry Library and University of Notre Dame)

Convenor: Dr Mark McMillan

This event was supported by IILAH and National Indigenous Research and Knowledges Network (NIRAKN).

Scott Manning Stevens presented on the issues facing his reservation, the Akwesasne Mohawk Nation, which traverses the border of the US and Canada. The increased control of the borders has been blamed on many factors: homeland security, export taxes, human trafficking, etc. Stevens discussed his research on developments along the short border as a response to both the attacks on 9/11 and responses to movements as contradictory as Reservation law and international trade laws.

**Scott Manning Stevens** was raised in his native Iroquoia, now referred to ‘upstate New York’, and is a citizen of the Akwesasne Mohawk Nation. He received his PhD in literature from Harvard University in 1997. Before becoming the Director of the D’Arcy McNickle Center for American Indian and Indigenous Studies at the Newberry Library in Chicago, Stevens taught at Arizona State University and the State University of New York at Buffalo.



Dr Kirsty Gover (IILAH), Professor Scott Manning Stevens (Newberry Library and University of Notre Dame) and Dr Mark McMillan (IILAH)



## 10 October 2013: IILAH, SSPS Seminar, *The Long Revolution in Egypt: Women, Gender, and Creative Activisms*

Professor Margot Badran (Georgetown University)

Convenors: Professor Dianne Otto and Dr Maree Pardy (Gender Studies)

This Public Seminar was presented by the School of Social and Political Sciences, Faculty of Arts, and IILAH.

A historian of women, gender and feminism in Egypt, Margot Badran sees revolution as a complex process calling the public quest for gender equality and social justice from early last century as the 'Long Revolution' encompassing the 1919 Revolution, the 1952 Revolution and the 2011 Revolution ongoing. This Seminar centred on the continuing 2011 Revolution (althawra al-musatmira) as a new generation of women and men engage in forms of creative activism displaying at once tenacious militant activisms and stunning aesthetic politics. Facile constructions of 'the secular' and 'the religious' dissolve in this latest phase of the long revolution releasing society, culture and people from the counter-weight of destructive dichotomies and oppressive allegiances. Badran shows how actors catapult themselves into new creative space full of the excitement and dangers that accompany the blasting out of space for living lives of equality and justice within supportive structures of state and society.

**Margot Badran** is a historian and gender studies specialist focusing on the Middle East and Islamic world. Margot is a Senior Fellow at the Prince Alwaleed Center for Muslim-Christian Understanding, Georgetown University, Senior Scholar at the Woodrow Wilson International Centre for Scholars and the Institute for the Study of Women and Art, Rutgers University. She has published widely, including, *Feminism in Islam: Secular and Religious Discourses* (Oxford University Press, 2009) and *Women and Gender in Africa: Rights, Sexuality, and Law* (Stanford University Press, 2011).

## 21 November 2013: IILAH, APCML Seminar, *Unpacking the Shorthand of Humanity with the Help of Hannah Arendt: On Minding the Gap between Man and Citizen*

Associate Professor Mark Antaki (McGill University)

Convenors: Associate Professor Peter Rush and Professor Gerry Simpson

While it is more than common to trace human rights back to the 18th century and beyond, it is not so common to do so for crimes against humanity. Hannah Arendt's reflections on 'humanity' in such works as *On Revolution*, *The Origins of Totalitarianism* and *Eichmann in Jerusalem* help shed light on what is at stake in the genealogy of crimes against humanity and on the dangers of inheriting the implicit understandings, tied to specific historical transformations, that allow the phrase to resonate as it does. Whereas the genealogy of crimes against humanity reveals an effort to isolate 'man as such', Arendt's work points to this effort as part of the evil 'crimes against humanity' seeks to name. Arendt's famous 'right to have rights', then, must be understood as an effort to close the gap between man and citizen, and not simply to mind it.

**Mark Antaki** is Associate Professor at McGill University's Faculty of Law and Fellow of McGill's Institute for the Public Life of Arts and Ideas, a member of its steering committee and is active in the Association for the Study of Law, Culture, and the Humanities. He seldom publishes in this area. He received his PhD from the University of California, Berkeley's program in Jurisprudence and Social Policy in 2005.



Associate Professor Mark Antaki  
(McGill University)

# ROUND TABLE

## 13 September 2013: IILAH Roundtable, *Feminism and International Law – In Theory and Practice*

Professor Christine Chinkin (London School of Economics)

Convenor: Professor Dianne Otto

This feminist Roundtable involved faculty and students discussing how they use feminist perspectives in their research (or why they don't), raising issues, challenges and questions for discussion. These questions included: What does it mean to use feminist theory/approaches in international legal scholarship today?; How do you think about the relationships/linkages between feminist, postcolonial, queer and critical thinking, and with 'liberal internationalism'?; Do you think there are some parts of international law where 'feminists rule' (Halley) or are feminist voices only 'cries and whispers' (Charlesworth)?



Left to right: Oishik Sircar, Magda Karagiannakis, James Parker, Dianne Otto, Christine Chinkin, Josh Paine, Beth Gaze, Ann Genovese, Cressida Limon, Debbie Whitehall, Debolina Dutta, Florence Adong and Ingrid Johanson.



## FORUMS

### **20 March 2013: IILAH, APCML Panel Discussion, 10 Years On ... Panel Discussion to Mark 10 Years since the Iraq Intervention**

Professor Tim McCormack, Professor Anne Orford, Professor Dianne Otto and Professor Gerry Simpson

Convenors: Professor Dianne Otto and Professor Gerry Simpson

This panel discussion was jointly hosted by IILAH and the Asia-Pacific Centre for Military Law (APCML) at the Melbourne Law School, with Madelaine Chiam acting as chair.

Tim McCormack, Anne Orford, Dianne Otto and Gerry Simpson, Melbourne Law School's leading international legal scholars, each presented their views on the Iraq Intervention and what it meant for international law 10 years on. The discussion was attended by distinguished faculty members and students of the Melbourne Law School, including Melbourne Law School's own Professorial Fellow, former Australian Prime Minister Professor John Malcolm Fraser AC CH PC.



*Panel Discussion, 10 Years On ... Panel Discussion to Mark 10 Years since the Iraq Intervention, co-hosted by IILAH and APCML.*

## 9 May 2013: IILAH Forum, *Refugees, ASIO and Indefinite Detention*

Ms Jane Dixon SC (Liberty Victoria), Mr Trevor Grant (Tamil Refugee Council) and Associate Professor Michelle Foster (IILAH, Melbourne Law School)

Convenors: Ms Julia Dehm and Ms Sara Dehm

*'We are on the edge of life. We can't keep living like this'.*

*'We are not in detention. We are in a cemetery'.*

Statement released by 27 'ASIO Refugees' on hunger strike at the Melbourne Immigration Transit Accommodation Centre, April 2013

This forum addressed the politics of the Australian Security Intelligence Organisation assessments in light of the conflict in Sri Lanka; the international and national legal framework surrounding refugees and security assessments; and proposals for reform and change. In particular, it discussed the *M47* decision of the High Court in October 2012; the informal review process undertaken by Justice Margaret Stone; and the provision in the *Refugees Convention* for security concerns.



Ms Jane Dixon SC (Liberty Victoria)



## 8 August 2013: IILAH, MLSS, MSEI Forum, *The Refugee Crisis: Is Manus Island the Solution?*

Mr David Manne (Refugee and Immigration Legal Centre) and Associate Professor Michelle Foster (Melbourne Law School)

Convenor: Associate Professor John Tobin

Melbourne Law Students Society, IILAH and the Melbourne Social Equity Institute presented this public forum at the Melbourne Law School with an overwhelming attendance to hear David Manne and Michelle Foster present their views on the Rudd Government embarking on a radical plan to send all refugees arriving by boat to Manus Island. They discussed the possibility of this stopping the boats and preventing more lives from being lost at sea.



Mr David Manne (Refugee and Immigration Legal Centre) presenting at the Forum with and Associate Professor Michelle Foster (IILAH).

# MASTER CLASSES

## **21 May 2013: IILAH – NIRAKN Master Class, *Translating Critical Race Theory into Practice in Classical, Post- and Neo-Colonial Legal Regimes for Extinguishing Indigenous Peoples' Human Rights to their Ancestral Lands***

Professor Robert A Williams, Jr (University of Arizona Rogers College of Law)

Convenor: Dr Mark McMillan

This event was supported by IILAH and National Indigenous Research and Knowledges Network (NIRAKN).

In this Master Class Robert A Williams, Jr examined the ways that Western legal thought and discourse have sought to recognise and extinguish indigenous tribal peoples' rights in their ancestral lands and resources in three distinctive Western historical epochs (the Classical, Post- and Neo-Colonial) and how the tools of critical race theory (eg, 'trashing', deconstructing doctrine, reconstructing critical race histories, the interest convergence dilemma, the power of stories, etc) can be effectively used in legal practice to resist the accretive powers of the West's 3,000 year old ongoing colonial project.

**Robert A Williams, Jr** is the E Thomas Sullivan Professor of Law and American Indian Studies and Faculty Co-Chair of the Indigenous Peoples Law and Policy Program at the University of Arizona Rogers College of Law. Robert has published extensively, including as the author of the award-winning book, *The American Indian in Western Legal Thought: The Discourses of Conquest* (Oxford University Press, 1990) and his most recent book, *Savage Anxieties: The Invention of Western Civilization* (Palgrave Macmillan, 2012). Robert served as Chief Justice for the Court of Appeals, Pascua Yaqui Indian Reservation, and as Justice for the Court of Appeals and trial judge pro tem for the Tohono O'odham Nation. He was named one of 2011's 'Heroes on the Hill' by *Indian Country Today* for his human rights advocacy work on behalf of the Hul'qumi'num Treaty Group.

## **8 July 2013: IILAH Master Class, *After Critical Legal History***

Professor Christopher Tomlins (University of California)

Convenor: Dr Ann Genovese

This Master Class provided an opportunity for research students to engage in a dialogue with Christopher Tomlins about historiography and legal scholarship. He discussed his article 'After Critical Legal History: Scope, Scale, Structure' (2012) 8 *Annual Review of Law and Social Science* 31.

**Christopher Tomlins** is Chancellor's Professor of Law at the University of California Irvine and an Affiliated Research Professor at the American Bar Foundation, Chicago. His most recent book, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge University Press, 2010), was awarded the Bancroft Prize in American History.



## FILM SCREENINGS AND DISCUSSIONS

### 8 March 2013: IILAH Film Screening and Discussion of the Documentary 'We are Foot Soldiers', *Sex Workers, Their Children and the Politics of Rescue*

Ms Debolina Dutta and Mr Oishik Sircar

Convenor: Dr Ann Genovese

International Women's Day is a day of global solidarity and the struggle to recognise women's rights and equality. In India it is also a day for sex workers to claim their status in society as women, thereby deserving of equal rights as all other women. To mark this IILAH hosted a public screening of a documentary 'We are Foot Soldiers', followed by a discussion with the directors Debolina Dutta and Oishik Sircar at the Melbourne Law School.

The documentary journeys through the lives of a child of a sex worker whose entangled realities do not paint a picture of helplessness, but of political assertiveness and social consciousness. They all unambiguously claim their rights as children of sex workers and their mothers' right to sex work. Screened at several leading global film festivals and academic institutions, in 2012 the documentary won third Best Film at *Jeevika: Asia Livelihood Documentary Festival* in India.

**Debolina Dutta** is a sexual rights activist and researcher from India and currently a Melbourne Law School PhD Candidate. **Oishik Sircar** is a human rights lawyer and academic from India also currently a Melbourne Law School PhD Candidate. Debolina and Oishik have been associated with the sex workers' movement in India for many years. This is their second documentary film.

### 21 November 2013: IILAH Film Screening and Discussion, *A Doctor to Defend: The Binayak Sen Story*

Ms Minnie Vaid (Indian documentary filmmaker)

Convenors: Mr Oishik Sircar

*Minnie Vaid interviewed Dr Binayak Sen for this film ten days before his sentence of life imprisonment was passed on 24 December 2010.*

This film is of archival value to human rights activists as it profiles the life and views of a 'prisoner of conscience' whose voice was sought to be silenced. Dr Binayak Sen urges people to come forward in a nation-wide plea for equality, peace and justice. With rare footage of Salwa Judum camps in India at a time (July 2009) when it was still possible to sneak in and covertly record, Binayak tells a story of a community denied basic rights to medicine and health where violence is no solution. Dialogue is the only way out. The documentary depicts the case against Dr Binayak Sen, the jail period, the *Free Binayak Sen Campaign* and the trauma his family continues to face.

**Minnie Vaid** is a documentary filmmaker specialising in issues that confront rural India, development, gender, environment, health, human rights, social awareness, empowerment, etc. Shooting in villages, building bases with NGOs, establishing a rapport with villagers across the length and breadth of the country, across different issues, highlighting community initiative, is her world. Her objective is to produce riveting documentaries and feature films showcasing reality for many in India.

# MELBOURNE DOCTORAL FORUM

**9–10 December 2013: Melbourne Doctoral Forum on Legal Theory, *Contamination***

Convenors: Mr Tom Andrews, Ms Cait Storr, Mr Josh Paine and Mr Oishik Sircar

The 6th Melbourne Doctoral Forum on Legal Theory, supported by the Melbourne Law School and IILAH, addressed contamination. Again the forum organisers brought together research students and early career researchers from many disciplines and diverse fields of scholarship to engage with political, theoretical and methodological issues engendered by law.

As a concept, contamination is organic, fluid, contagious and affective. The grammar of contaminating law calls attention to the processes of change and becoming through which legal thought carries valence, effect and violence. And yet, contamination is inherently ambivalent. The forum explored themes around how law might alter the non-legal dimensions of life and how the interaction between different legal orders and types of law can be theorised through contamination. Might law be interpreted as irreducibly pharmacological – at once medicinal and poisonous – always on guard against the horrors of an unchecked nature? What work might the unruly, irresponsible and risky body do in unmaking juridical ordering? Participants at the forum critically examined ideas of theoretical problems and potentialities of contamination from epidemics to blasphemy, the corporeal to the ephemeral, the precarious to the undying, to the uncertain horizons of environmental change, mass dislocations and global financial instability.



*Associate Professor Kevin Jon Heller (IILAH) and Mr Josh Paine (PhD Candidate, IILAH)*

## 9 December 2013: IILAH and Melbourne Doctoral Forum on Legal Theory

### Keynote Presentation, *Contaminating Contamination*

Associate Professor Fleur Johns (University of Sydney)

'If contamination is already neutralised of its subversive power, what would it mean to pursue a politics of contamination ...?' Fleur Johns shares her intuition embedded in this question that critiques of purity and autonomy in law seem to have lost some purchase. There is something so pre-masticated and easy to digest about so much talk of pluralism, interdependence and the mutually constitutive. In particular, such accounts seem to articulate so smoothly with the market in many instances. In this keynote, Fleur addressed certain aspects of global economic ordering – specifically, the renewed financialisation of the household and the still nascent actualisation of a global personal data economy. Are the 'bugs' known to reside in households and data, and in the global systems of value-generation in which they are circulated, effective sites of political leverage? Might they yet be?

**Fleur Johns** is Co-Director of the Sydney Centre for International Law and an Associate Professor in the Faculty of Law. Fleur teaches and conducts research in public and private international law and legal theory. Her recent publications include *Non-Legality in International Law: Unruly Law* (Cambridge University Press, 2013) and the co-edited book *Events: The Force of International Law* (Routledge-Cavendish, 2011), with Sundhya Pahuja and Richard Joyce.

## 10 December 2013: IILAH and Melbourne Doctoral Forum on Legal Theory

### Keynote Presentation, *Rhetorics of Contamination*

Dr Peta Mitchell (University of Queensland)

In this paper Peta Mitchell explored contamination specifically as a figure, trope or metaphor, and the implications of its figurality for law and legal theory. Law's relationship to metaphor has been similarly vexed: is metaphor a mere ornament, a rhetorical flourish, or is it, as Lord Mansfield would have us believe, fundamentally dangerous and misleading? In examining law's emergent rhetoric of contamination, Peta argued, it is important to consider seriously its metaphors of contamination as well as the role of metaphor as a contaminating force.

**Peta Mitchell** researches in the areas of geo-criticism and critical/cultural theory, contemporary fiction, metaphor, interdisciplinarity, neo-geography/digital mapping and new media technologies. She is author of two major works on metaphor, *Cartographic Strategies of Postmodernity* (Routledge, 2008) and *Contagious Metaphor* (Continuum, 2012).

# DOCTORAL RESEARCH SEMINARS

## **6 March 2013: PhD Confirmation Seminar, *The Role of Covert Action in the Development of the Law on the Use of Force***

Ms Marie Aronsson (PhD Candidate, Melbourne Law School)

Supervisors: Professor Anne Orford and Associate Professor Kevin Heller

The aim of Marie's thesis is to illuminate the role that covert action plays in the formation of customary law on the use of force. In order to do so it connects the debates regarding the theory of custom with the methodological debates on *jus ad bellum* and the role of law in international relations. The thesis argues that covert action plays a substantial, though often indirect, role in the development of the law.

## **8 May 2013: PhD Completion Seminar, *Food Security as Social Provisioning: Insights from the International and Indonesian Experience***

Mr Peter Dirou (PhD Candidate, Melbourne Law School/Faculty of Arts)

Supervisors: Professor Tim Lindsey, Professor Sundhya Pahuja and Associate Professor Shaun McVeigh

In his thesis, Peter Dirou argues that the international community's struggle to effectively deal with and take responsibility for food crises is rooted in both the structure of international law and the economic thinking that was wired into the early UN organisations. It presents a heterodox conception of economics – Institutionalism – as an alternative way of thinking about problems of food and hunger. Building on the institutionalist emphasis on social provisioning, the thesis locates the legal dimension of institutionalist thought within a public law framework that emphasises authority and duty. This approach links economics and jurisprudence and conceptualises economic policy as a duty to provide.

## **16 May 2013: PhD Confirmation Seminar, *The Responsibility to Prevent in International Law and Politics: Assessing the Responsibility of International Financial Institutions to prevent Conflicts***

Ms Florence Adong (PhD Candidate, Melbourne Law School)

Supervisors: Professor Anne Orford and Associate Professor Bruce Oswald

By analysing the responsibility of the international community to prevent conflicts and mass atrocities through early intervention, this thesis places the responsibility of International Financial Institutions (IFIs) within the parameters of international law, and shows the complexities, ambiguities and gaps that exist in the international legal framework that forms the basis of this responsibility. The research and examination leads to the question of what consequences the renewed emphasis on responsibility to prevent in terms of economic and development assistance has for activities of IFIs. This thesis concludes that the emphasis of the responsibility to protect concept on prevention through early intervention in terms of economic and development assistance, is valuable in resolving crisis, if it is undertaken with genuine intentions and precaution as to the principles of law and giving attention to much stronger, viable aspects of intervention that gives the state the tools to resolve the conflict.

## **17 June 2013: PhD Completion Seminar, *Sensing the City***

Ms Bec Goodbourn (PhD Candidate, Melbourne Law School and Faculty of Arts)

Supervisors: Professor Alison Young (School of Social and Political Sciences) and Associate Professor Peter Rush

Since the institution of the city grid in Melbourne's CBD in the 1830s, the laneways that developed within the

lattice of the main streets have played a role in the everyday life and image of Melbourne. In her thesis, Bec argues that through sensory and physical experience, a relationship of separation and difference is created between the laneways and the main grid. Weaving together empirical explorations of the smells and sounds of the laneways, an expanded understanding of the body and its experience of law through practices of regulation, Bec concludes that sensory experience is a gateway to understanding manifestations of power relations, such as inequality, discrimination and responsibility, in the everyday life of the city.

**17 June 2013: PhD Confirmation Seminar, *The Transformation of Public-Private Partnerships (PPPs) in Infrastructure: The Case of Indonesia***

Mr Dudi Rulliadi (PhD Candidate, Melbourne Law School)

Supervisors: Professor Anne Orford, Professor Tim Lindsey and Professor Andrew Mitchell

The formal adoption of Public-Private Partnerships (PPPs) in Indonesia began in 1998, but only consolidated after 2005, marking a break from the patterns of the country's experimentation with privately financed infrastructure in the early 1990s. In his thesis, Dudi argues that the new forms taken by PPPs also reflect intervention by international financial institutions in Indonesia's institutional development. He explores concessions and their development as the basic structure of current PPP and considers how they were 'reinvented' by the British as PPPs, before being adopted by the World Bank as its infrastructure development policy and implemented in Indonesia.



# BOOK LAUNCH

**22 May 2013: IILAH, SHAPS Book Launch, *Internationalism in the Age of Nationalism* (University of Pennsylvania Press)**

Professor Glenda Sluga (University of Sydney)

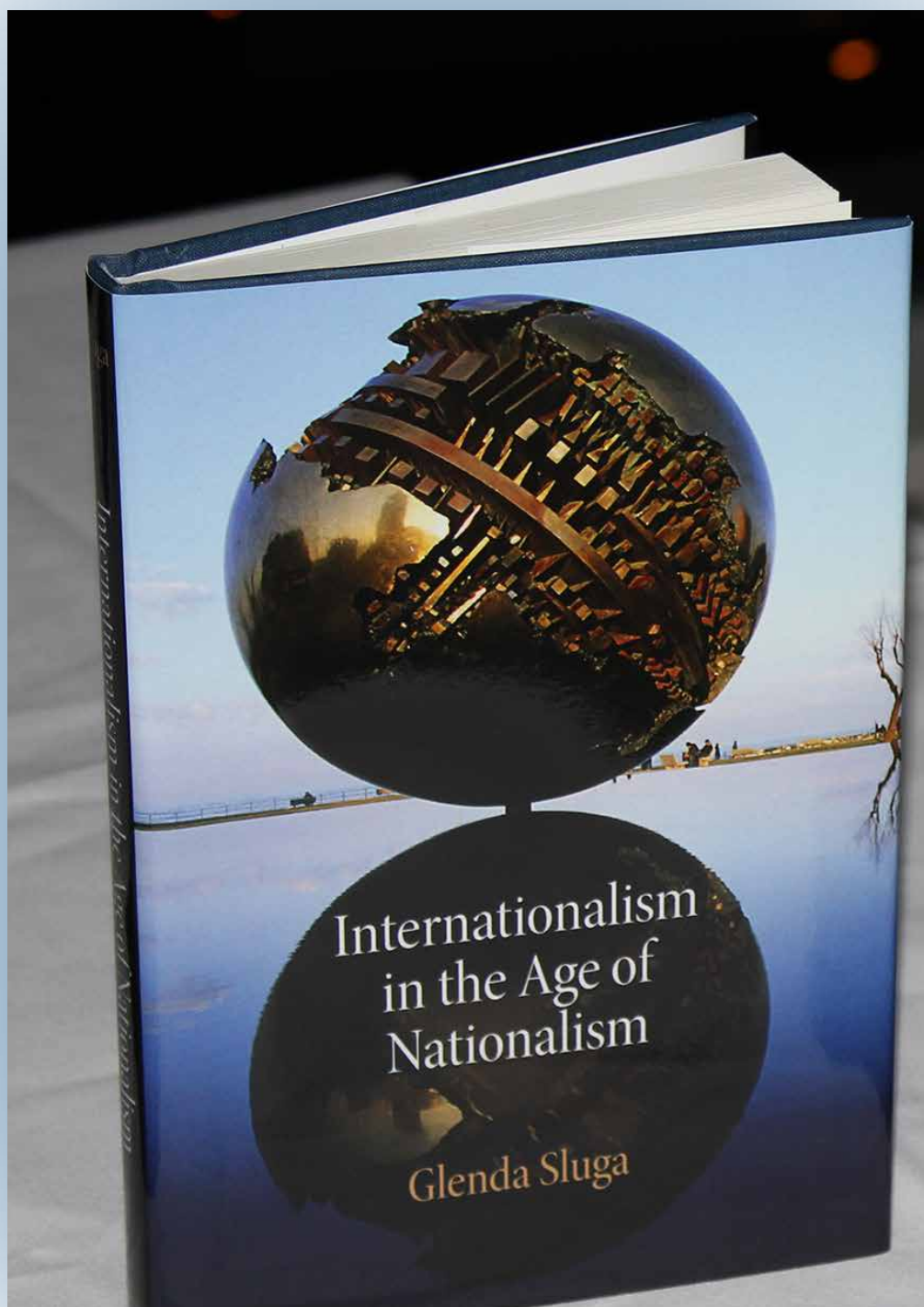
Convenor: Professor Marilyn Lake (Faculty of Arts) and Professor Dianne Otto

The book launch was co-hosted by IILAH with the School of Historical and Philosophical Studies, Faculty of Arts, University of Melbourne.

*Internationalism in the Age of Nationalism* (University of Pennsylvania Press, 2013) traces the arc of internationalism through its rise before World War I, its apogee at the end of World War II, its reprise in the global 1970s and the post-Cold War 1990s and its decline after 9/11. In this retelling of the history of the 20th century, conceptions of sovereignty, community and identity were the objects of trade and reinvention among diverse intellectual and social communities, and internationalism was imagined as the means of national independence and national rights, as well as the antidote to nationalism.



Professor Dianne Otto (IILAH) and Ms Sara Dehm (PhD Candidate, IILAH)



# IILAH PUBLICATIONS & PRESENTATIONS

## 2013

### Books

Alexander Zahar, **Jacqueline Peel** and **Lee Godden**, *Australian Climate Law in Global Context* (Cambridge University Press, Australia, 2013)

Julie Evans, **Ann Genovese**, Alexander Reilly and Patrick Wolfe, *Sovereignty: Frontiers of Possibility* (University of Hawaii Press, United States, 2013)

**Kevin Jon Heller** and **Gerry Simpson**, *The Hidden Histories of War Crimes Trials* (Oxford University Press, United Kingdom, 2013)

**Dianne Otto**, *Gender Issues and Human Rights (3 volume set)* (Edward Elgar Publishing Ltd, United Kingdom, 2013)

**Tania Voon**, *Trade Liberalisation and International Co-operation: A Legal Analysis of the Trans-Pacific Partnership Agreement* (Edward Elgar Publishing, United Kingdom, 2013)

**Tania Voon**, **Andrew Mitchell** and Glyn Ayres, *The Challenges of Trade Law* (Ashgate, United Kingdom, 2013)

### Book Chapters

**Michelle Foster** and Jonathan Klaaren, 'Asylum and Refugees' in Mark Tushnet, Thomas Fleiner and Cheryl Saunders (eds), *Routledge Handbook of Constitutional Law* (Routledge, United Kingdom, 2013) 415-425

**Kristy Gover**, 'Indigenous Jurisdiction as a Provocation of Settler State Political Theory: The Significance of Human Boundaries' in Lisa Ford, Tim Rowse and Anna Yeatman (eds), *Between Indigenous and Settler Governance* (Routledge, United Kingdom, 2013) 187-199

Jeremy Webber and **Kirsty Gover**, 'Proprietary Constitutionalism' in Mark Tushnet, Thomas Fleiner and Cheryl Saunders (eds), *Routledge Handbook of Constitutional Law* (Routledge, United Kingdom, 2013) 361-374

**Jürgen Kurtz**, 'The Intersections between International Trade and Investment Law: Mapping a Research Agenda' in N Jansen Calamita, David Earnest and Markus Burgstaller (eds), *The Future of ICSID and the Place of Investment Treaties in International Law* (BIICL Publishing, United Kingdom, 2013) 165-184

Shaunnagh Dorsett and **Shaun McVeigh**, 'Section 223 and the Shape of Native Title: The Limits of Jurisdictional Thinking' in Lisa Ford, Tim Rowse and Anna Yeatman (eds), *Between Indigenous and Settler Governance* (Routledge, United Kingdom, 2013) 162-173

**Shaun McVeigh**, 'Law and Postmodernism' in Reza Banakar and Max Travers (eds), *Law and Social Theory* (Hart Publishing, United Kingdom, 2013) 233-246

**Andrew Mitchell** and **James Munro**, 'State-state Dispute Settlement under the Trans-Pacific Partnership Agreement' in Tania Voon (ed), *Trade Liberalisation and International Co-Operation: A Legal Analysis of the Trans-Pacific Partnership Agreement* (Edward Elgar Publishing, United Kingdom, 2013) 156-178

**Anne Orford**, 'The Past as Law or History? The Relevance of Imperialism for Modern International Law' in Mark Toufayan, Emmanuelle Tourme-Jouannet and Hélène Ruiz Fabri (eds), *International Law and New Approaches to the Third World: Between Repetition and Renewal* (Société de Législation Comparée, France, 2013) 97-118

**Dianne Otto**, 'International Human Rights Law: Towards Rethinking Sex/Gender Dualism' in Margaret



Davies and Vanessa Munro (eds), *The Ashgate Research Companion to Feminist Legal Theory* (Ashgate, United Kingdom, 2013) 197-215

**James Parker**, 'The Musicology of Justice: Simon Bikindi and Incitement to Genocide at the International Criminal Tribunal for Rwanda' in Morag J Grant and Férdia J Stone-Davis (eds), *The Soundtrack of Conflict: The Role of Music in Radio Broadcasting in Wartime and in Conflict Situations* (Georg Olms, Germany, 2013) 211-229

**Connal Parsley**, 'The Animal Protagonist: Representing "The Animal" in Law and Cinema' in Yoriko Otomo and Ed Mussawir (eds), *Law and the Question of the Animal: A Critical Jurisprudence* (Routledge, United Kingdom, 2013) 10-34

**Jacqueline Peel**, 'Scope of Application of the SPS Agreement: A Post-Biotech Analysis' in Geert Van Calster and Denise Prévost (eds), *Research Handbook on Environment, Health and the WTO* (Edward Elgar Publishing, United Kingdom, 2013) 332-362

**Peter Rush**, 'Dirty War Crimes: Jurisdictions of Memory and International Criminal Law' in Kevin Jon Heller and Gerry Simpson (eds), *The Hidden Histories of War Crimes Trials* (Oxford University Press, United Kingdom, 2013) 367-384

**Gerry Simpson**, 'Crime, Structure, Harm' in Sébastien Jodoin and Marie-Claire Cordonier Segger (eds), *Sustainable Development, International Criminal Justice, and Treaty Implementation* (Cambridge University Press, United States, 2013) 36-49

**Gerry Simpson**, 'Great Powers and Outlaw States Redux' in Janne Elisabeth Nijman and Wouter G Werner (eds), *Netherlands Yearbook of International Law 2012: Legal Equality and the International Rule of Law: Essays in Honour of P.H. Kooijmans* (TMC Asser Press, Netherlands, 2013) 83-98

**Gerry Simpson**, 'History of Histories' in Kevin Jon Heller and Gerry Simpson (eds), *The Hidden Histories of War Crimes Trials* (Oxford University Press, United Kingdom, 2013) 1-9

**John Tobin**, 'Children's Rights in Australia: Confronting the Challenges' in Paula Gerber and Melissa Castan (eds), *Contemporary Perspectives on Human Rights Law in Australia* (Thomson Reuters, Australia, 2013) 275-299

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Nika Dharmadasa, **Alison Duxbury** and James May, 'Australian Correspondents' Report' (2013) 15 *Yearbook of International Humanitarian Law* 1-9

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**Dianne Otto**, 'Transnational Homo-Assemblages: Reading 'Gender' in Counter-terrorism Discourses' (2013) 4 *Jindal Global Law Review* 79-97

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## Presentations

**Alison Duxbury**, *Interpreting Constituent Instruments and the Membership Practice of International Organisations*, paper presented at the Changing Face of Global Governance - International Institutions in the International Legal Order, Oxford, 12 April 2013

**Andrew Mitchell**, *Governing Markets*, paper presented at the Public Policy in the Asian Century in Melbourne School of Government, 9 December 2013

**Andrew Mitchell**, *Legal Arrangements to Protect the Rights of Sub-National Groups: Lessons for Sabah and Sarawak*, paper presented at the Malaysia 50 Years On: Expectation vs Reality in Kota Kinabalu, 5 October 2013

**Andrew Mitchell**, *Ensuring Trade and Investment Agreements Protect the Australian National Interest in Public Health*, paper presented at the The Australian 'National Interest' in the Asian Century: Trade, Investment and Security event, Bond University, Gold Coast, 26 September 2013

**Andrew Mitchell**, *Comparing the Concept of 'Necessity' in International Investment Law and WTO Law*, paper presented at the World Trade Organization, Geneva, 20 September 2013

**Andrew Mitchell**, *The Role of International Trade and Investment Law in Protecting Foreign Investments in the Resources Sector*, paper presented at the Annual Academic LLM Conference, The University of Lausanne, 20 September 2013

**Andrew Mitchell**, *International Commercial Arbitration*, paper presented at the International Commercial Law and Arbitration Conference, Sydney, 22-23 August 2013

**Andrew Mitchell**, *A Collaborative Model for Combating Non-Communicable Diseases (NCDs): Coherence Between*

*Regulation of Risk Factors and International Law*, paper presented at the National Preventive Health Research Symposium, Canberra, 26 June 2013

**Andrew Mitchell**, *Plain Packaging of Tobacco Products: WTO Issues*, paper presented at the WTO Regional Trade Policy Course for Central and Eastern Europe, Central Asia and the Caucasus countries, Istanbul, 17 June 2013

**Andrew Mitchell**, *Trade and Investment Law's Impact on Public Health Measures*, paper presented at the 14th Greek/Australian International Legal and Medical Conference, Cape Sounion, 8 June 2013

**Andrew Mitchell**, *Plain Tobacco Packaging: Implications for Health, Law and Policy*, paper presented at the Pardee RAND Graduate School, RAND Corporation, 12 April 2013

**Andrew Mitchell**, *Ongoing Challenges to Plain Tobacco Packaging: Broader Implications*, paper presented at the UCLA School of Law, 8 April 2013

**Andrew Mitchell**, *Public Health Implications of International Trade and Investment Law*, paper presented at the Center for Biomedical Ethics and Society, Vanderbilt School of Medicine, 5 April 2013

**Andrew Mitchell**, *The Relationship between International Trade Law and International Investment Law*, paper presented at the International Law Society, Vanderbilt Law School, 3 April 2013

**Andrew Mitchell**, *Plain Tobacco Packaging: Implications for Law and Health*, paper presented at the Health Law Society, Vanderbilt Law School, 2 April 2013

**Anne Orford**, *From Humanitarian Intervention to the Responsibility to Protect*, paper presented at the 2013 James Crawford Biennial Lecture on International Law, University of Adelaide, 11 September 2013

**Anne Orford**, *Histories of International Law and Empire*, paper presented at a Public Lecture co-hosted by the Sorbonne Law School and the European Society of International Law, Université Paris 1 Panthéon-Sorbonne, 23 January 2013

**Dianne Otto**, *People's Tribunals and Testimonies of Protest and Survival*, paper presented at the Peoples Tribunals and International Law Expert Seminar, Rome, 27-28 September 2013

**Dianne Otto**, *People's Tribunals and International Law*, paper presented as panel member at the Inaugural Australian International Criminal Law Workshop hosted by IILAH and Melbourne Law School, 13 September 2013

**Dianne Otto**, *Transnational Homo-Assemblages: Contesting 'gender' in counter-terrorism discourses*, paper presented at the 21st Annual Australian and New Zealand Society of International Law Conference, ANU, 4-6 July 2013

**Dianne Otto**, *De-Coding Crisis in International Law: A queer feminist perspective*, paper presented at the New Directions In Global Thought: 5 Years of Heterodoxy at the Institute for Global Law and Policy Conference, Harvard Law School, Cambridge, 3-4 June 2013

**Dianne Otto**, *Archival Disruptions: People's Tribunals and Testimonies of Protest and Survival*, paper presented at the Impunity, Justice and the Human Rights Agenda Conference, Rapoport Center for Human Rights and Justice, University of Texas at Austin, 7-8 February 2013

**Dianne Otto**, *The UN Security Council: What have women got to do with it?*, paper presented at the Melbourne Free University, Clifton Hill, 17 September 2013

**Dianne Otto**, *Gender and Protection without Adverse Distinction: Future directions in IHL and IHRL*, paper presented at the Australian Red Cross and King & Wood Mallesons (KWM) Humanitarian Law Perspectives 2013, KWM Melbourne, 14 August 2013 (with Dr Helen Durham)

**Dianne Otto**, *Gender Mainstreaming in International Human Rights Law*, paper presented at the Roundtable Discussion on Women's Human Rights, hosted by the Ivo Pilar Institute for Social Sciences and the Gender Equality Ombuds Office, Zagreb, Croatia, 14 June 2013

**Dianne Otto**, *Reflections on Current Research Interests*, paper presented at an academic roundtable, SOAS,

United Kingdom, 10 June 2013

**Dianne Otto**, *10 Years On ... Panel discussion to mark 10 years since the Iraq intervention* as a panel member with Tim McCormack, Anne Orford and Gerry Simpson at the APCML/IILAH event, Melbourne Law School, 20 March 2013

**Rose Parfitt**, *The Fourth Shore in Four Dimensions: Fascist Imperialism, International Law and the Chronotope*, paper presented at the Melbourne Law School Faculty Research Seminar, Melbourne Law School, 5 May 2014

**Rose Parfitt**, *What's International Personality Got To Do with It?*, paper presented at the Helsinki Summer Seminar 2013, *A Contested Concept? A New Ideology of the Rule of Law in Development?*, Erik Castrén Institute of International Law and Human Rights, Helsinki Law School, 19-30 August 2013

**Rose Parfitt**, *Down and Out in Geneva and Addis Ababa*, paper presented at a Law, History, Culture: Reading Sources Workshop, University of Technology Sydney, 26 July 2013

**Rose Parfitt**, *Ethiopia and the League of Nations*, paper presented at the Australia and New Zealand Society of International Law, Annual Conference: Accountability and International Law, Australian National University, 4-6 July 2013

**Jacqueline Peel**, *The Australian Carbon Pricing Mechanism: Promise and Pitfalls on the Pathway to a Clean Energy Future*, paper presented at the Legal and Policy Pathways for Energy Innovation, University of Minnesota, 24-25 April 2013

**Jacqueline Peel**, *Shared Responsibility and Climate Change*, paper presented at the SHARES Project Authors Meeting, University of Amsterdam, 17-18 April 2013

**Jacqueline Peel**, *Divergent Responses to Climate Change in a Multipolar World: A View from Down Under*, paper presented at the American Society for International Law, Climate Change Panel, Washington DC, 3-6 April 2013

**Jacqueline Peel**, *The Role of Litigation in Multilevel Climate Change Governance: Towards a Lower Carbon Future?*, paper presented at the National Environmental Law Association Conference, Melbourne, 7-8 March 2013 (with HM Osofsky)

**Jacqueline Peel**, *Science and International Risk Governance*, paper presented as the Keynote speaker at the The Place of Science in International Governance Symposium, Tokyo, Japan, 5 March 2013

**John Tobin**, *Why Children's Rights Matter*, paper presented as a Keynote address, Queens University, Belfast November 2013

**John Tobin**, *Special Medical Procedures and Children: The Role of the Courts*, paper presented at the Family and Child Law Research Series, November 2013

**John Tobin**, *Taking Children's Rights Seriously – A Response to Michael Freeman's Challenge*, paper presented at the Law and Michael Freeman Colloquium, University College London, July 2013

**John Tobin**, *Children and contentious medical procedures: What is the rights response?*, paper presented at the Slater & Gordon Medical Law Conference, Melbourne, March 2013

**John Tobin**, *Addressing the Health Needs of Persons with Disabilities: Is the right to health relevant?*, paper presented at the Harvard Law School, Project on Disability and the Law, Workshop, November 2013

**John Tobin**, *Special and Contentious Medical Procedures for Children: The Role of the Courts*, paper presented at the Family and Child Law Research Seminar, November 2013

**John Tobin**, *Building the Capacity of the VietNameese Juvenile Justice System: What is the role of rights?*, paper presented at the AusAid Delegation of Vietnamese Experts Workshop, Family Court of Australia, September 2013

**John Tobin**, *Plan Australia and the Rights Based Approach: The Need for Reflective Practice*, paper presented at the



Plan Australia Seminar, August 2013

**John Tobin**, *General Medical Practice and Human Rights: What is the Nexus?*, paper presented at the Department of General Practice Seminar, School of Medicine, University of Melbourne June 2013

**John Tobin**, *UNICEF and Addressing Children's Needs: What is the Rights Based Approach?*, paper presented at the UNICEF Seminar, Sydney, April 2013

**John Tobin**, *Dignity and the foundations of human rights*, paper presented at the Centre for Comparative Constitutional Studies Legal Theory Workshop, April 2013

**John Tobin**, *Conceptions of Childhood – What is the Rights Approach?*, paper presented at the Conceptions of Childhood Seminar, University of Melbourne, March 2013

**Tania Voon**, *The Trans-Pacific Partnership Agreement: From the Outside Looking In*, paper presented at the Attorney-General's Department International Law Colloquium 2013, Office of International Law, Attorney-General's Department, Canberra, 22 November 2013

**Tania Voon**, *When Two Worlds Collide? International Economic Law and Health Measures to Combat NCDs*, paper presented at the Global Health and the Law Conference, Sydney Law School, 30 September 2013

**Tania Voon**, *Trade and Investment Agreements in the Context of the WHO FCTC and its Guidelines*, paper presented at the International Conference on Public Health Priorities in the 21st Century: The Endgame for Tobacco, New Delhi, 12 September 2013

**Tania Voon**, *Plain Tobacco Packaging in Australia and Beyond*, paper presented at the Georgetown Law/Graduate Institute Annual Lecture of the LLM on Global Health Law and International Institutions: Tobacco Control Enters a New Era, Geneva, 9 July 2013

**Tania Voon**, *International Trade and Investment Law and the Challenge of Non-Communicable Disease*, International Trade Law Symposium, Canberra, 6 May 2013

**Tania Voon**, *Plain Tobacco Packaging: Implications for Health, Law and Policy*, paper presented at the Pardee RAND Graduate School, RAND Corporation, Los Angeles, 12 April 2013

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**Tania Voon**, *Public Health Implications of International Trade and Investment Law*, paper presented at the Center for Biomedical Ethics and Society, Vanderbilt School of Medicine, Nashville, 5 April 2013

**Tania Voon**, *The Relationship between International Trade Law and International Investment Law*, paper presented at the International Law Society, Vanderbilt Law School, Nashville, 3 April 2013

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**Tania Voon**, *International Trade Law Implications of International Mobile Roaming Regulation*, paper presented at the Centre for Media and Communications Law Conference, Melbourne Law School, 25 February 2013

**Tania Voon**, *Flexibilities in WTO Law to Support Tobacco Control Regulation*, paper presented at the Future of Global Tobacco Control: Current Constitutional and Treaty-Based Challenges Symposium conducted by the *American Journal of Law & Medicine*, American Society of Law, Medicine & Ethics, and Boston University School of Law, Boston, 25 January 2013

**Tania Voon**, *Plain Tobacco Packaging: Implications for East Asia and International Law*, paper presented at East Asian Legal Studies, Harvard Law School, Cambridge, MA, 23 January 2013

**Tania Voon**, *International Roaming Regulation and Trade Law*, paper presented at Telstra Corporation Limited, Regulatory Team, Melbourne, 17 January 2013







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**CONTACT DETAILS**

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

Telephone 0061 (3) 8344 6589  
Fax 0061 (3) 8344 1013  
Email: [law-iilah@unimelb.edu.au](mailto:law-iilah@unimelb.edu.au)  
Web: <http://law.unimelb.edu.au/iilah>

