

ANNUAL REPORT 2023



IILAH

Institute for International
Law and the Humanities





Participants at the 2023 Doctoral Forum on Legal Theory, 'Translation, Transformation and Transgression'

Front Cover Image The 15th Doctoral Forum on Legal Theory.

Authorised by the IILAH Director

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DIRECTORS' MESSAGE

IILAH welcomed Margaret Young as co-Director in 2023. Professor Margaret Young is an Australian Research Council Future Fellow and eminent international lawyer, particularly well known in the spaces of environmental law, law of the sea and critical and theoretical approaches to fragmentation. As well as our new co-Director, we also welcomed many new graduate researchers, international visitors, and a new McKenzie Postdoctoral Fellow, Dr Lauren Nishimura. IILAH has been a thriving hub of activity and conversation in 2023, cementing and growing our commitment to supporting graduate researchers and our ethos of collaboration with scholars at all stages of their careers.

Our events series included wonderful presentations from our visiting scholars and members on topics as varied as AI and creative practice in decision-making, struggles over the meaning of accountability in times of conflict, Pan-African thought and international criminal law, practices of appropriation and care in coastal biodiversity, populism and narratives of time in treaties prohibiting nuclear weapons.

The symposium on Professor Gerry Simpson's new book 'The Sentimental Life of International Law' with visitors and members including Raimond Gaita, Barry Hill, Sundhya Pahuja, Margaret Young, Maddy Chiam, Chris Gevers, Danish Sheikh, Judy Grbich, was a highlight of the year. We were also very pleased to launch 'The Decline and Fall of Republican Afghanistan' by William Maley.

We hosted the tremendously successful 'Romancing the Tomes 2.0: Feminism, Law and Popular Culture', beautifully convened by IILAH PhD Candidates Sanam Amin, Johanna Commins and Roanna McLelland, continuing the trailblazing tradition enabled by Margaret Thornton's 2000 workshop of the same name.

Our Skills Circles grew further with contributions from IILAH members James Parker on non-traditional research outputs, Connal Parsley on interdisciplinarity, Adil Hasan Khan and Manav Kapur on archival research in the Global South, and applying for grants for law and humanities research with Tim Peters and Sundhya Pahuja. Our widely-attended Reading Group, co-convened by Margaret Young and Lauren Nishimura, took

up the theme of 'Ocean, Climate, and the Law'. Its list of readings on this critical topic are available on the website as a public resource.

The Doctoral Forum on Legal Theory, now in its 16th year, continues to galvanise and support cutting-edge graduate research. This year's Forum on the theme of 'Translation, Transformation and Transgression', was truly outstanding. We congratulate convenors Earn Asanasak, Jing Qian, Michael Bader and Tina Yao, as well as IILAH member and keynote speaker Adil Hasan Khan.

IILAH's external collaborations included the ARC-funded 'International Law and the Challenge of Populism' led by IILAH members and colleagues across multiple institutions Richard Joyce, Sundhya Pahuja, Andrew Benjamin, James Martel and Kojo Koram. The project held a wonderful workshop with terrific presentations from IILAH's own Valeria Vázquez Guevara and Claerwen O'Hara as well as internationally-renowned guests Eve Darian-Smith, Jothie Rajan and Jessica Whyte, among others.

As always, eternal thanks are due to our members, students, visitors, collaborators and support staff for their wonderful work and vision for the future. We look forward to another great year in 2024.

Sincerely,

Sundhya Pahuja and Margaret Young, IILAH Co-Directors

OVERVIEW

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

Aims and Objectives

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

Activities

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

PROGRAMS

Law and Development

Program Director: Jennifer Beard

International Human Rights Law

Program Director: Hilary Charlesworth and John Tobin

International Refugee Law

Program Director: Michelle Foster

Art and Law

Program Director: Alice Palmer

Australian Legal Histories

Program Director: Ann Genovese and Tanya Josev

Indigenous Peoples in International and Comparative Law

Program Director: Kirsty Gover

Jurisprudence of the South

Program Director: Shaun McVeigh

Feminist and Queer Approaches to International Law

Program Director: Dianne Otto

Law, Science, Technology and Society

Program Director: James Parker

International Environment Law

Program Director: Jacqueline Peel

International Criminal Law

Program Director: Peter Rush

Property and the International

Program Director: Olivia Barr

DIRECTORS AND RESEARCH FELLOWS

Professor Sundhya Pahuja | IILAH Co-Director



Sundhya Pahuja is the co-Director of IILAH and Director of the Laureate Research Program in Global Corporations and International Law. Her research focuses on the history, theory and practice of international law in both its political and economic dimensions. She has a particular interest in international law and the relationship between North and South, and the practice, and praxis, of development and international law. She teaches across public international law, international law and development, trade, development and

human rights, globalization and law, and legal theory.

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

Sundhya has held visiting appointments at Birkbeck, the LSE, NYU, and UBC, currently serves as core faculty at the Harvard Law School Institute for Global Law and Policy Workshop, as Affiliate Faculty of the European Collaborative Doctoral Programme in Globalisation and Legal Theory, and holds Visiting Chairs at the National University of Singapore (2019), the Graduate Institute in Geneva (2022) and SOAS (2012-2015).

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

Professor Margaret Young | IILAH Co-Director



Margaret joined MLS in 2009 from the University of Cambridge, where she held the inaugural position of Research Fellow in Public International Law at Pembroke College and the Lauterpacht Centre for International Law. Margaret is an Australian Research Council (ARC) Future Fellow who specializes in public international law, the law of the sea, international trade law, climate change and environmental law. She is currently leading an Australian Research Council-funded project with Professor Hilary Charlesworth on 'The Potential and Limits of International Adjudication'.

Margaret's scholarship has won numerous awards. Her book *Trading Fish, Saving Fish: The Interaction between Regimes in International Law* (CUP, 2011) was awarded the International Union for Conservation of Nature (IUCN) Academy of Environmental Law Junior Scholar Prize in 2012 and the University of Melbourne Woodward Medal in Humanities and Social Sciences in 2016, while her latest book, *The Impact of Climate Change Mitigation on Indigenous and Forest Communities* (CUP, 2017) was awarded the Certificate of Merit in a Specialized Area of International Law by the American Society of International Law. She has been Distinguished International Visiting Professor at the University of St Gallen, Switzerland, Visiting Professor at Aix-Marseille University, and at the State University of Saint Petersburg and a Visiting Scholar at Columbia Law School. Margaret served as Visiting Legal Fellow at the Australian Department of Foreign Affairs and Trade (DFAT) (2019-2020). In 2021 Margaret was elected as a Fellow of the Australian Academy of Law. Margaret is academic consultant to the World Bank's Blue Economy Program and serves as a member of the international expert group for the proposed United Nations 'Global Pact for the Environment'.

Dr Olivia Barr | Program Director: Property and the International



Olivia Barr joined the Law School as a Senior Lecturer in February 2016. Prior to her Melbourne appointment Olivia was a Lecturer at the University of Technology, Sydney. She has also worked as a government solicitor, in law reform, and for the United Nations Permanent Forum on Indigenous Issues. With Dr Karen Crawley (Griffith University), she is the Managing Editor of the Australian Feminist Law Journal: A Critical Legal Journal. Olivia writes in jurisprudence, and her cross-disciplinary work engages with geography, anthropology, philosophy, architecture and contemporary public art practices. Her research focuses on questions of inheritance, especially ongoing relations between Anglo-Australian common law and

Aboriginal law in Australia. Olivia recently published *A Jurisprudence of Movement: Common Law, Walking, Unsettling Place* (Routledge, 2016) in Routledge's 'Space, Materiality and the Normative' series. Her current research concerns questions of lawful place, and argues for greater attention to the place-making practices of law.

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



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

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

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



Jennifer is currently involved in research on the public aspects of charity law over time, political advocacy of charities and the role of the not-for-profit sector in law and development. Her collaborations include research on Ethiopian charity law and the links between English charity law, imperialism, international law and religion. In all her research, Jennifer focuses on the relationship between public and private power, law and society, and law, imperialism and development. She is particularly interested in theories of the State, political authority, and the role of law in the exercise of political power. Jennifer has been a visiting fellow at the University of Otago Law Faculty; the University of British Columbia Law School; the Department of International Law and Human Rights at the United Nations University for Peace in Costa Rica; and the University of Lund Law School. Jennifer took leave from the academy for five years when she was a member of the Migration Review Tribunal and the Refugee Review Tribunal from 2009 to 2014.

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



Hilary Charlesworth is a Judge of the International Court of Justice. She is also a Melbourne Laureate Professor at MLS and a Distinguished Professor at the Australian National University. Her research includes the structure of the international legal system, peacebuilding, human rights law and international humanitarian law, international legal theory, particularly feminist approaches to international law and the art of international law. Hilary received the American Society of International Law's award for creative legal scholarship for her book, co-authored with Christine Chinkin, *The Boundaries of International Law*, and has also been awarded the American Society of International Law's Goler T. Butcher award for her contributions to the development of international human rights law. Hilary has held both an ARC Federation Fellowship (2005-2010) and an ARC Laureate Fellowship (2010-2015). She has been a visiting professor at various institutions including Harvard Law School, New York University Global Law School, UCLA, Paris I and the London School of Economics. In 2016 Hilary was awarded an Honorary Doctorate by the Université Catholique de Louvain in Belgium. She is an associate member of the Institut de Droit International and served as Judge ad hoc in the International Court of Justice in the Whaling in the Antarctic case (*Australia v Japan*). In 2021, the International Studies Association conferred a Distinguished Scholar award on Hilary.

Professor Michelle Foster | Program Director: International Refugee Law



Michelle is the inaugural Director of the Peter McMullin Centre on Statelessness. She has published extensively in the field of international refugee law. Michelle teaches Refugee Law and International Refugee Law, and in 2017 taught in the International Summer School in Forced Migration at Oxford's Refugee Studies Centre. Michelle has undertaken consultancy work for the United Nations High Commissioner for Refugees, and training of refugee tribunal members in New Zealand and Australia. She is Editor in Chief (with Laura van Waas) of the *Statelessness and Citizenship Review*. Michelle is also an Advisory Board Member of the *Melbourne Journal of International Law*, an Associate Member of the International Association of Refugee and Migration Law Judges, and joint case editor (with Professor H el ene Lambert) of the *International Journal of Refugee Law*. Michelle previously worked for the Commonwealth Attorney-General's Department, as Research Director for the Hon AM Gleeson AC (then Chief Justice of NSW) and Legal Research Officer in the Chambers of the NSW Solicitor-General and Crown Advocate.

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



Ann Genovese is the Associate Dean (Diversity and Inclusion) and a Professor at the Melbourne Law School. She teaches and researches in the fields of public law, history, and jurisprudence. She is a Law and Humanities specialist; with expertise in explaining and caring for the archival sources, and techniques, that show how Australian people have lived with their law. Her work has been integral to the establishment of an emergent practice – jurisography. She publishes widely across feminist jurisprudence, history, Indigenous and non-

Indigenous relations, law and interdisciplinary fields. She has been the recipient of six ARC grants over the course of her career, often working with institutions, to research the history, theory and lived experiences of the relations between Australian law and its diverse publics. Her publications include: *Rights and Redemption: History, Law, Indigenous People* (Sydney: UNSW Press, 2008) (with Curthoys and Reilly); *Sovereignty: Frontiers of Possibility* (University of Hawaii Press, 2013) (with Evans, Wolfe, Reilly); *Australian Critical Decisions: Remembering the Koowarta and Tasmanian Dam Case* (Routledge, 2017), *The Court As Archive* (ANU Press, 2019) (with Rubenstein and Luker); and *Feminist Jurisography: Law, History, Writing* (Routledge, 2022).

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



Kirsty was appointed to the MLS faculty in 2009. Her research and publications address the law, policy and political theory of Indigenous rights, institutions and jurisdiction. She is interested in the importance of Indigenous concepts of law and politics in settler state political theory, constitutionalism and international law. Kirsty is the

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

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



Tanya is a legal historian, researching in contemporary Australian and American legal and political history. She was the Woodward Medallist in the Humanities and Social Sciences for 2022. Her interests include the origins and evolution of the binary understanding of the judicial role as involving ‘activism’ and ‘restraint’ across various common law jurisdictions; and judicial biography. Her first book, ‘The Campaign Against the Courts: A History of the Judicial Activism Debate’ was awarded the Law & Society Association of Australia and New Zealand’s ECR prize in 2018. The doctoral thesis upon which the book was based also won the Dennis-Wettenhall Prize for the best thesis in Australian history in 2015. She previously worked as a commercial litigation lawyer at Allens and as an associate to the late Justice Alan Goldberg AO. She was one of MLS’s inaugural PhD Teaching Fellows. In 2010-11, she was based at New York University’s School of Law through her appointment as a Hauser Global Fellow. Her research has been supported by scholarships from the Australian Federation of Graduate Women, the Alma Hansen Bequest, the Hauser Global program at NYU, and various other prizes. She teaches The High Court in the Twentieth Century; the Law of Obligations; Legal Method and Reasoning; Corporations Law and Principles of Business Law.

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



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

Professor Anne Orford | IILAH Director Emeritus



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

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



Dianne Otto held the Francine V McNiff Chair in Human Rights Law (2013-2016) and was Director of IILAH from 2011-2015. Dianne's scholarship explores how international legal discourse reinforces hierarchies of nation, race, gender and sexuality, and aims to understand how the reproduction of such legal knowledge can be resisted. Her research enjoys a national and international reputation, marked by its emphasis on melding theory with transformative practice. Dianne has held visiting positions at Columbia University, the School of Oriental and African Studies, New York University and the University of British Columbia. In 2004 she was the Kate Stoneman Endowed Visiting Professor in Law and Democracy, at Albany Law School in New York. She has also been active in a number of human rights NGOs including Women's Rights Action Network Australia (WRANA), Women's Economic Equality Project (WEEP) Canada, International

Women's Rights Action Watch Asia Pacific (IWRAW-AP) Malaysia, and International Women's Tribune Centre (IWTC) New York. Dianne was a member of the Expert Panel at the Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict held in Phnom Penh in 2012. In 2020 Dianne prepared an amicus brief for the Committee on the Elimination of Discrimination Against Women in the case of *Rosanna Flamer-Caldera v Sri Lanka* (2022).

Dr Alice Palmer | Program Director: Art and Law



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

Alice's teaching and research draw on over 15 years' experience in providing legal support to governments, international institutions, think tanks and campaign organisations as well as businesses. She was previously the Director of the Foundation for International Environmental Law and Development (FIELD), a not-for-profit organisation in London that advocated for the crafting, implementation and enforcement of international environmental laws by developing countries.

A/Professor James Parker | Program Co-Director: Law, Science, Technology and Society



James' research focuses on the relations between law, sound and listening, with a particular emphasis on international criminal law, and the law of war and privacy. James teaches evidence, criminal law, legal theory and ethics in the JD and Masters programs at MLS. He has an interest in legal pedagogy and has both spoken and published on the topic widely. James has provided commentary for the ABC, BBC and CNN, amongst others, on controversies including police use of the Long Range Acoustic Device and the alleged 'sonic attacks' at the US Embassy in Cuba in 2017. He has given public lectures and performances at universities and art institutions across the world, including Harvard, the Rietveld Academy, Gertrude Contemporary, firstdraft, Westspace and the Institute of Modern Art, Brisbane. James is co-curator of Eavesdropping, a collaboration between Liquid Architecture and MLS,

comprising an exhibition, a public program, series of working groups and touring event which explores the politics of listening through work by leading artists, researchers, writers and activists from around the world. In 2018, Eavesdropping was staged at the Ian Potter Museum of Art in Melbourne and was later shown at the City Gallery in Wellington, NZ.

Professor Jacqueline Peel | Program Director: International Environment Law



Jacqueline is a leading expert in the field of environmental and climate change law. Her scholarship on these topics encompasses international, transnational and national dimensions, as well as interdisciplinary aspects of the law/science relationship in the environmental field and risk regulation. This research has spawned an extensive body of work which has led to the awarding of numerous prizes and research grants. Jacqueline has been an active contributor to public policy formulation on climate change and environmental issues at the national and international level. Her research in this field has lead Jacqueline to the awarding of several ARC grants including to examine the regulatory framework for responding to climate change in Australia (2009-2011); on the role of climate change litigation in transitioning to a clean energy future (2012-2017); and on legal mechanisms for promoting corporate energy transition (2016-2019). Jacqueline has received several awards which include a Fulbright Scholarship, a NYU Hauser Scholarship and the Morrison Prize. She is regularly invited to take part in expert panels at conferences and to deliver keynote addresses, such as the 2016 Mahla Pearlman Oration in Environmental Law. Jacqueline co-founded the Women's Energy and Climate Law Network with the aim of fostering greater involvement of women in areas of energy and climate law-related scholarship and practice (2017). In 2022, Jacqueline taught at the Centre of Studies and Research of the Hague Academy of International Law on the topic of 'Climate Change and the Testing of International Law'.

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



Peter joined the University of Melbourne in 1999. He has been a youth worker, an artist, a filmmaker and a scholar. He has taught in Australia and in England on such topics as criminal law, jurisprudence, legal discourse, gender and law, evidence, legal history and legal method, and law and the body. He is the author of several books on criminal law and edited collections on jurisprudence and poststructuralist legal theory. A longstanding member of the critical legal studies movement in the United Kingdom, he was coordinator of its national conference and a founding member of the

interdisciplinary legal theory journal *Law & Critique*. In Australia, he is a member of the editorial boards of several legal theory journals and has been active in the Australian Law and Literature Association and the Australian Law and Society Association. He contributes to debate concerning law reform, particularly in relation to both the law of sexual offences and the criminal law of HIV transmission. In 2000, he made a short documentary film concerning justice, aesthetics and colonialism in the city of Melbourne. His teaching and research interests include: criminal law; jurisprudence and the humanities; international criminal justice; trauma and transitional justice.

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



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

John has a strong commitment to interdisciplinary research and he was an inaugural member of the Melbourne Social Equity Institute where he was the theme leader for human rights and refugee rights and a member of the original reference group. He was also a member of the steering committees for the Hallmark Initiatives supporting Statelessness and Improving Children's Lives. He initiated and is the Joint Coordinator for the Human Rights Tertiary Teachers' Network and the Children's Rights Academic Network.

MEMBERS

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



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

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

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

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

Professor Alison Duxbury | Deputy Dean, Melbourne Law School



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

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

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

Professor Belinda Fehlberg | Melbourne Law School



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

Dr Jake Goldenfein | Senior Lecturer, Melbourne Law School



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

Dr Adil Hasan Khan | Melbourne Law School



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

A/Professor Jarrod Hepburn | Melbourne Law School



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

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

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



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

Professor Bruce Oswald | Professorial Fellow, Melbourne Law School



Bruce “Ossie” Oswald is a Professorial Fellow at Melbourne Law School. His interests include the areas of international humanitarian law, peace operations, state building, accountability and responsibility, and the application of human rights law to military operations, with a focus on examining the law and practice surrounding the protection of civilians, the taking and handling of detainees during military operations, and militias undertaking law and order functions.

Ossie has served in the Australian Regular Army as a legal officer, and continues to serve in that role in the Army Reserves. He has seen operational service in Rwanda, the Former Yugoslavia, East Timor, Iraq and Afghanistan. He has provided legal advice and held staff appointments as a legal officer at tactical, operational and strategic levels. During his service in Australia he provided legal advice to the Deployable Joint Force Headquarters, Headquarters Australian Theatre, Strategic Command and Directorate of Operations and International Law. For his service as the Legal Officer for the Australian Contingent serving in Rwanda, Ossie was awarded the Conspicuous Service Cross (CSC). Ossie was a Jennings Randolph Senior Fellow at the US Institute of Peace in Washington DC. Ossie retired from Melbourne Law School in September 2021.

Dr Robi Rado | Lecturer, Melbourne Law School



Dr Robi Rado is a Lecturer at Melbourne Law School. He teaches Corporations Law, Obligations, and Legal Method and Reasoning. Robi’s current research interests are in the areas of law and development, international law and political economy, international trade law and international migration law. His PhD thesis examined international legal frameworks that govern Indians’ movement abroad, and described

how international law plays an important role in the making of an unequal world. He previously worked as a corporate lawyer at Mallesons Stephen Jaques (now King & Wood Mallesons) in Melbourne and at Freshfields (now Freshfields Bruckhaus Deringer) in London.

A/ Professor Lisa Sarmas | Melbourne Law School



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

Dr Jordana Silverstein | Senior Research Fellow, Melbourne Law School



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

2016 hardcover, 2020 paperback) and (with Rachel Stevens) *Refugee Journeys: Histories of Resettlement, Representation and Resistance* (Canberra: ANU Press, 2021).

A cultural historian, she researches histories of statelessness, Australian child refugee policies, and Australian Jewish history, focusing on questions of belonging, nationalism, identity, historiography, sexuality and memory. Jordana has held a Visiting Fellowship (with grant) at the Humanities Research Centre at the ANU (March-May 2019), and was awarded the 2021 Marian Quartly Prize for best article published in *History Australia* in 2020 for her article entitled "Refugee children, boats and drownings: a history of an Australian 'humanitarian' discourse".

Professor Joo-Cheong Tham | Director: Electoral Regulation Research Network



Joo-Cheong Tham is a Professor at Melbourne Law School with expertise in labour law and public law. His labour law research focusses on the regulation of precarious work. Joo-Cheong's doctoral thesis examined the legal precariousness of casual employment and he has a significant body of work on migrant labour; he has also researched labour protection under trade agreements. His public law research centres upon law and democracy with a particular emphasis on the role of money in politics. Joo-Cheong has also undertaken considerable research into counter-terrorism laws.

Since the 2019 student climate strikes, Joo-Cheong has increasingly orientated his research towards the climate crisis.

Joo-Cheong is one of the Law School's Graduate Research Co-ordinators. He is the National Tertiary Education Union's Victorian Assistant Secretary (Academic Staff) and an inaugural Director of the Centre for Public Integrity. From 2012 to 2023, Joo-Cheong was the inaugural Director of the Electoral Regulation Research Network. Joo-Cheong has also been the Deputy Chair of the Migrant Workers Centre. Joo-Cheong has held a number of visiting fellowships internationally including a fellowship under the Genest Global Faculty, Osgoode Hall Law School; a British Academy Visiting Fellowship at the Law School, King's College, University of London; the Rydon Fellowship for Australian Politics and History at the Menzies Centre for Australian Studies, King's College, University of London; and an Australian Bicentennial Fellowship.

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



Amanda Whiting is Associate Director (Malaysia) of the Asian Law Centre at MLS. She has been a member of the Centre since 1999, and she joined the School of Law as a Lecturer in 2004. She has been involved with the Australian Journal of Asian Law since its inaugural issue in 1999 and has been an editor since 2002. Her research is principally in the area of Malaysian legal and political history; human rights institutions and practices in the Asia-Pacific Region; and the intersection of gender, society, religion and the law (with particular reference to Malaysia). She is the author of scholarly articles, book chapters and media commentary about Malaysian law, society and history, dealing with the history and current struggles of the legal profession; human rights institutions and practices; the uncomfortable fit of women's rights, human rights and development; and the colliding and conflicting understandings of secular and religious law. Between 2009-2012, Amanda was the recipient of an Australian Research Council Post-doctoral Fellowship for the project "Lawyers, Civil Society and the State in Post-colonial Malaysia".

GRADUATE RESEARCHERS

Current Graduate Researchers

Jasmine Ali

The Transnational Legal Life of an Anticolonial Lawyer: Manilal Maganlal Shah

Supervisors: Ann Genovese and Shaun McVeigh

This thesis brings together the fields of legal biography, transnational histories of Empire and anticolonial movements in the early twentieth century, to provide an account of a significant, yet littleknown, South Asian lawyer and barrister, Manilal Maganlal Shah. The research question that this thesis seeks to answer is: what can Manilal's legal life show us about the standing of the legal advocate? In seeking to answer this question this thesis draws on jurisprudential and non-legal sources, including archival sources, across many of the jurisdictions in which Manilal lived and worked. These include, Mauritius, South Africa, Fiji, Ceylon, India, Somaliland, as well as the settler-colonial states New Zealand and Australia.

Sanam Amin

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

Supervisors: Sundhya Pahuja and Shaun McVeigh

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

Dylan Asafo

To Protect Oceania: Towards an Understanding of Pacific Peoples' Engagements with International Law

Supervisors: Sundhya Pahuja and Margaret Young

Since the 1970s, Pacific diplomats, lawyers and advocates have engaged collectively with international law to protect Oceania against several co-existing environmental and existential threats, including nuclear weapons, marine resource exploitation and climate change. My thesis follows two intuitions about these engagements. First, they are influenced by Indigenous Pacific laws and norms. Second, they implicate different legal regimes and are therefore informed by points of regime interaction and fragmentation. To follow these intuitions, I will critically examine legal materials, literature and stories gathered from the talanoa (Pacific-style interviews) I will have with Pacific lawyers, diplomats and advocates undertaking these engagements.

Earn Asanasak

The Cartographies of Post-Western Legal Systems – a post-colonial and transnational investigation on Thailand's modern legal system

Supervisors: Shaun McVeigh and Sarah Biddulph

The thesis aims to seriously investigate the post-Western legal tradition with specific attention to the Thai legal system. The term 'post-Western' was first coined as an attempt to capture a commonality among diverse legal systems in South East Asia. Highlighting the region's unique cultural pluralism and its experience of colonialism, the post-Western legal system is defined as a legal system that passes through Western legal discourses, consuming, adapting, and imitating Western doctrines to serve local demands, and then emerges as Western with new twists. In short, a post-Western legal tradition is a tradition that functions through a continuing process of legal transplant. Using the continuous process of legal transplant as the primary navigating tool, the thesis aims to explore the form of law and life that emerge as a result of the process. Ultimately, the thesis aims to understand how Thai people come to live with modern law, an object that is foreign yet strangely familiar to them.

Rafiqha Qurrata A'yun

Indonesia's Blasphemy Regime: Between Law and Politics

Supervisors: Tim Lindsey and Amanda Whiting

This thesis examines the persistence of blasphemy laws and their increasing use in post-authoritarian Indonesia. It aims to address the question of why blasphemy laws continue to be used despite two-decade democratisation in Indonesia. Specifically, this thesis attempts to identify the ways by which the Indonesian state maintains and replicates blasphemy laws. It will provide an understanding of blasphemy laws in contemporary Indonesia by analysing the evolution of the laws and contextualising their enforcement in certain socio-political contexts.

Michael Bader

Corporate Authority over Public Matters: US-American Oil Companies and transnational legal ordering in Ecuador

Supervisors: Sundhya Pahuja and Shaun McVeigh

This thesis explores the ways in which global corporations could be said to assert public authority and co-create relations of law in their expansion toward the Third World. The story begins amidst the globalisation of the US-American oil industry after the First World War and narrows in on the trajectory of one global corporation, the US-American oil giant Texaco and its travel to Ecuador in the 1960s. By carefully investigating Texaco's arrival and subsequent conduct in Ecuador, the thesis analyses the extent and mode of corporate authority over land and life in the Oriente Basin and beyond.

Renuka Balasubramaniam

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

Supervisors: Amanda Whiting and Jennifer Beard

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

Astrid Bernal Rubio

Corporate Accountability and Climate Litigation: Examining Directors' Duties in Australia for a Just Energy Transition

Supervisors: Jacqueline Peel and Ben Neville

This thesis aims to investigate the comprehension of the roles and duties of corporate directors in addressing the risks related to climate change to promote the just energy transition in Australia. Emphasising a holistic approach, it explores extending the corporate duty of care through a comprehensive approach to climate risk and their potential transformation through the transition litigation and the often-overlooked Scope 3 emissions. By comparing practices in the United States, it aims to highlight jurisdictional differences and similarities and offer valuable insights for potential improvements.

Ashleigh Best

A case for granting animals a limited right to experience minimal suffering in times of disaster

Supervisors: Christine Parker and Olivia Barr

Since Hurricane Katrina, there has been increasing recognition of the acute vulnerability of animals in disasters. In response, a number of jurisdictions have introduced emergency planning instruments, which are designed to manage the impacts of extreme natural and human-induced events on animals. Ashleigh's doctoral research examines the way the law applies to animals in disasters. She is interested in how disasters destabilise legal protections for animals, amplifying their vulnerability, and how the law might respond. Ashleigh's research is cross-jurisdictional in nature and deploys both doctrinal and theoretical methods.

Sek Lun Cheong

Re-Defining Investor Obligations in International Investment Law: Embedding the Business and Human Rights Agenda on Mandatory Corporate Human Rights Due Diligence in the International Investment Regime.

Supervisors: Tania Voon and Jarrod Hepburn

There is growing recognition of the human rights impacts of foreign investment activities on the population of capital importing countries. International investment law has been facing a legitimacy crisis, partly attributable to the lack of human rights accountability of foreign investors. The thesis analyses the notion of investor due diligence in international investment arbitration and its potential in ameliorating this accountability gap by advancing higher standards of corporate conduct with respect to human rights. The thesis draws on the business and human rights field in this regard.

Xiaoxuan Chen

Coastal Management, Community Resilience, and the Law: A Comparative Analysis of Shandong Province in China and the State of Victoria in Australia

Supervisors: Margaret Young and Sarah Biddulph

This thesis explores how environmental governance in China impacts climate change adaptation and community resilience. It analyses policy, legislation and judicial (including procuratorial) developments. Assisted by semi-structured interviews and case studies, it addresses two key questions. How does the law allocate government power and accountability in relation to climate change adaptation? How do legal developments shape or limit collaboration between communities and governments and impact on community resilience? Findings from Shandong Province suggest a form of community resilience that is dependent on a government-led approach to cooperation, but that does not foster proactive community participation, especially in marine public interest litigation.

Sumedha Choudhury

The State, Statelessness and International Law: A Third World Perspective

Supervisors: Michelle Foster and Adil Hasan Khan

My thesis is guided by an intuition that international law plays a role in contributing to the 'crises' of statelessness in postcolonial states. In so doing, I look at the 'state practice' of postcolonial states and reflect on how they have historically positioned themselves on statelessness matters. I explore what this historical tracing tells us about the relationship between international law and statelessness.

Georgie Clough

International law and the Australian states and territories

Supervisors: Margaret Young and Cheryl Saunders

There is increasing focus globally on the role and status of subnational governments in international affairs. Against that background, this thesis asks: what is the ongoing significance of federalism to Australia's relationship with international law? It

examines the historical and contemporary character of the states and territories as international actors; the continued relevance of federalism to Australia's assumption, implementation and performance of its international obligations; and international law's influence over state and territory laws and policies.

Johanna Commins

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

Supervisors: Peter Rush and Ann Genovese

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

Alex Dela Cruz

The Archipelago in International Law: Phillipine state formation and the law of the sea

Supervisors: Sundhya Pahuja and Margaret Young

The concept of the archipelago, as defined in the law of the sea, has important consequences for states, particularly in post-colonial contexts. This thesis argues that the concept of the archipelago has both enabled and constrained assertions of Philippine sovereignty over sea and land areas since independence in 1946. Drawing on historical international negotiations and jurisprudence from 1958 to 2016, this thesis demonstrates the role of the law of the sea in state-making after imperial rule.

Tegan Evans

'Circumstances of Peculiar Horror': Gender, Madness and Monstrous Queerness in the Australian Murder Trial

Supervisors: Ann Genovese and Peter Rush

Queer women receive longer sentences than cisgender, heterosexual women when convicted of homicide, and are frequently described as monstrous both by the media and in the courtroom in highly publicised trials. This thesis examines the process by which queer female homicide defendants are narratively constructed as monstrous and how this designation produces specific legal outcomes in the criminal law's assessment of intention, culpability and responsibility. I examine three Australian trials across the 20th century to trace the evolution of ideas of sexuality and gender deviance, psychology and the criminal law itself, and the ways in which these factors interact.

Emma Finlay

Automated Decision Making; an examination into the human intervention in public institutions' regulatory response to ADM

Supervisors: Kirsten Rundle and Jake Goldenfein

As repositories of decision-making power increasingly employ Automated Decision Making (ADM) systems, how automated decisions can be both explained and contested becomes pertinent. Emphasis has been very much placed on both the concept of explainable artificial intelligence 'xAI', as well as human oversight concepts like 'human-in-the-loop' (HITL), as forms of regulatory strategies to add an element of 'humanness' to automated decisions. This 'human intervention' is seen as a key factor to promote meaningful contestation, help explain decisions, and encourage societal and institutional trust in ADM for public governance. However, these regulatory and supervisory strategies, and specifically HITL, places considerable reliance on the human's intervention into these automated decision processes. The human-centred reliance on HITL provides little understanding as to what exactly is a decision, when exactly is a decision made, or even what the function of the human is when it interacts in a physical form in a digital decision-making process. Inserting a human through HITL instead potentially acts as a 'rubber stamp' to humanise, and, therefore, make legally, socially, and institutionally acceptable automated decision-making in government. As such, the key research question focuses on the value, function, and impact HITL has as a regulatory strategy in ADM. Specifically, whether HITL, as a somewhat uncontested concept in the governance domain, can in fact regulate the malleable processes of ADM.

Andrea Furger

"Extraterritorial Evidence Collection: At the Crossroads of International Law and Politics Towards strengthening the systems for extraterritorial evidence collection in the context of core international crimes investigations"

Supervisors: Alison Duxbury, Carrie McDougall and Carla Winston

The thesis focuses on exploring what factors inform whether or not states cooperate with international tribunals and domestic judicial authorities in extraterritorial evidence collection in the context of investigations and prosecutions of core international crimes. International criminal tribunals and domestic jurisdiction that are investigating and prosecuting core international crimes (genocide war crimes, crimes against humanity and the crime of aggression) on the basis of extraterritorial jurisdiction rely extensively on evidence gathered abroad for the building of their case files. This makes them critically dependant on the cooperation of states on whose territory the information is located, creating a systemic but often overlooked obstacle in the pursuit of criminal justice. Andrea's thesis seeks examine the complexities of extraterritorial evidence collection in core crimes investigations, through an interdisciplinary and partially empirical lens. Based on the research findings, the study aims to set out proposals for strengthening the current systems so that core international crimes may be more successfully investigated and prosecuted.

Philip Hainbach

Renewable Energies in International Trade and Investment Law

Supervisors: Jurgen Kurtz and Margaret Young

The thesis will critically analyse the coverage and treatment of domestic renewable energy policies in international economic law. It will focus on the interplay between the policy instruments that states use to foster a transition toward renewable energies and the conflicting constraints imposed by the legal regimes of international trade and investment law. A central goal of this analysis is to explore how the constraints applying to national energy transition policies have evolved over time (i.e. through hermeneutic shifts in interpretation by adjudicatory bodies and/or re-calibrated treaty-making by states) and whether this evolution leaves now sufficient policy space to reconcile states climate change mitigation objectives with contemporary international economic law.

Marcus Hickleton

Armed Attack' as an 'Accumulation of Events': Lawfulness, Boundaries and Limits

Supervisors: Alison Duxbury and Carrie McDougall

Under Article 51 of the United Nations Charter, the international right of self-defence is enlivened 'if an armed attack occurs'. But 'armed attack' is undefined in the Charter, and States and scholars dispute its content. A key question that remains under-explored is whether the armed attack concept includes a series of forcible acts regarded cumulatively (known as the 'accumulation of events' theory of armed attack). This theory is increasingly witnessed in the practice of States, but its lawfulness remains uncertain. In this context, the present research question is twofold: does the definition of 'armed attack' include an 'accumulation of events'? If so, what are the 'accumulation of events' theory's core elements and outer limits?

Tyson Holloway-Clarke

Methods and Concepts: Contemporary Indigenous Jurisprudence

Supervisors: Shaun McVeigh and Olivia Barr

Within First Nations societies, law is coded within multiple mediums beyond written word, instead spanning across the diversity of performance, and visual art. For the outsider, accessing these vital legal concepts and thinking has been challenging, but a key factor within many landmark cases. This project seeks to propose improved methods on how the law ought to interpret these legal sources and include their perspectives within the law, and thus the perspectives of First Nations communities. The project will then seek to expand our understanding of sovereignty, treaty, truth-telling, and justice by utilising these methods.

Andrea Immanuel

The Right to Nationality in Armed Conflict

Supervisors: Michelle Foster, John Tobin and Dr Katharine Fortin (Utrecht University)

The right to nationality is regularly under threat during armed conflict. This doctoral thesis examines the conceptualisation of nationality under different international law

frameworks applicable during armed conflict to analyse the extent to which these frameworks secure the right to nationality. This thesis uses a 'human rights thinking' approach to nationality to examine how the right to nationality is secured during armed conflict.

Kate Jama

Walls at Sea: Theorising Boat Interdiction and Detention of Asylum Seekers on the Indian Ocean through the border wall

Supervisors: Shaun McVeigh, Peter Rush and Cait Storr

The Indian Ocean is often presented as an empty space in opposition to land. In my thesis, I will examine how the law shapes relationships to the Indian ocean. My project builds on the growing legal scholarship on the ocean as a contested legal space by paying particular attention to how maps, as a legal mode, shape how the law, and lawyers, see the Indian Ocean. An interdisciplinary methodology centred on mapping and art making will make visible otherwise invisible histories associated with this oceanic space.

Haris Jamil

The Concept of 'State Practice' in International Law: A Third World Approaches to International Law (TWAIL) Critique

Supervisors: Sundhya Pahuja and Adil Hasan Khan

This thesis seeks to critically study the origins, development, and nature of the concept of state practice. It seeks to analyse the historical conditions which led to the origins and development of the concept of state practice and the rules relating to the identification of state practice. In so doing, it attempts to understand the ways in which state practice shapes the relationship between third world and international law.

Caroline Kelly

The Influence of Public Law Principles in Australian Labour Law

Supervisors: Joo-Cheong Tham and Jason Varuhas

The extent to, and manner in which, doctrines of administrative law find expression in labour law has been the subject of little scholarly interrogation in Australia. In particular, whilst it has been observed that certain features of Australian labour law bear similarity to, and appear to have been influenced by, doctrines of administrative law, these connections have not been investigated in any detail. This thesis seeks to commence that inquiry by examining the way in which administrative law doctrines – such as procedural fairness, reasonableness and proportionality – are reflected in the regulation and control of employer discretion within the employment relationship. To this end, three case studies are examined: the creation of the employment relationship, the control and discipline of employees during employment and termination of employment. This thesis argues that administrative law doctrines find expression in labour law because the two fields share a common normative concern with the control and distribution of power and its abuse. It is submitted that administrative law doctrines do and should play an important role in shaping the nature and scope of employer power in the inherently uneven relationship of employment.

Tim Lindgren

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

Supervisors: Shaun McVeigh and Sundhya Pahuja

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

Rebekkah Markey-Towler

Climate action starts with home (loans): Law and regulation to address climate change in the context of banks' mortgage lending

Supervisors: Jackie Peel, Ben Neville and Andrew Godwin

My thesis investigates what the network of regulatory actors in the field of practice of bank mortgage lending are doing about climate change mitigation and adaptation goals. Emerging literature around this problem, situated at the intersection of climate, banking and finance law, has largely focused on discussing discrete legal developments like adapting corporate and financial law tools to the climate context or the role of central banks and financial regulators in climate action. However, my thesis will contribute a more comprehensive approach. It will describe the regulatory network and critically evaluate what they are doing, with conclusions that have socio-legal significance in terms of law reform relevance.

Odette Mazel

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

Supervisors: Ann Genovese and Beth Gaze

Whilst the legalisation of same-sex marriage has been widely celebrated in Australia, it has also brought to the surface tensions for some LGBTIQ+ activists and queer

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

Thomas McGee

Syria's changing statelessness landscape: protracted situations and "ticking time bombs"

Supervisors: Michelle Foster, Susan Kneebone and Christopher Sperfeldt

Syria is a country with several historic statelessness problems. Alongside the deprivation of citizenship from some 300,000 Kurds in the Northeast, more than 400,000 Palestinian Refugees may also be considered stateless. Additionally, gender discriminatory legal provisions and practices have created further cases (and risks) of statelessness. This project traces the transformations and diversification of statelessness relating to Syria since conflict began in 2011. Doing so, it explores the statelessness-displacement nexus, studying experiences of stateless Syrians in asylum contexts. The project thus considers the expanded geographical and institutional landscape of statelessness, including how Syria has become a 'laboratory' site for statelessness for persons of non-Syrian origins.

Juliette McIntyre

Procedures of the International Court: Theory, Function and Practice

Supervisors: Hilary Charlesworth and Margaret Young

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

Caitlin Murphy

International Law and the Energy Transition through the Lithium Supply Chain

Supervisors: Sundhya Pahuja and Shaun McVeigh

Green energy commodities such as lithium are widely embraced as promising a way to leave the fossil fuel economy behind. But despite, or perhaps because of this promise, the underside of such commodities is only beginning to be examined. This thesis inquires into the circumstances of lithium's extraction and movement from

within the earth to an energy storage facility. The project is guided by an intuition that international law may be central to understanding the possible trajectories of the energy transition away from fossil fuels. Specifically, this thesis investigates the legal forms that carry the promise of lithium – and those that are carried by its extraction and use.

Tanvee Nandan

Of the Company, by the Company, for the Company: a Legislative History of India's Corporate Laws

Supervisors: Sundhya Pahuja and Adil Hasan Khan

This thesis seeks to understand the legislative history of corporate laws in India from their early inception to the current statute, the Companies Act 2013. In drawing this legislative history, this thesis pays due regard to India's early engagement with corporations by way of its colonisation by the English East India Company after its arrival in 1600 to Indian shores. By 'denaturalising' and carefully (re)describing corporations, corporate laws, and the state's role in shaping commercial relations, this thesis presents an account of the meeting of the ways of doing business and corporate forms in India as told through the legislative history of corporate laws in India.

Bongkot Napaumporn

Stateless persons from Thailand in Japan: Negotiating identity and inclusion

Supervisors: Susan Kneebone and Michelle Foster

Statelessness is a violation of the human right to a nationality and further increases people's vulnerability to marginalisation and exclusion when they migrate to another country. Despite their struggles, it is evident that some stateless persons from Thailand in Japan have sought to assert and define their own identity. Drawing on an empirical approach, this thesis analyses how these stateless migrants negotiate their identity and inclusion in the context of the laws and policies on status and nationality in Japan. Using the lived experiences of these stateless persons, my research challenges dominant understandings of statelessness and identity.

Zoe Nay

State Responsibility for Loss and Damage associated with Climate Change in Pacific Islands: Legal Obligation and Remedies under International Law

Supervisors: Jacqueline Peel and Alice Palmer

Pacific Small Island Developing States (PSIDS) face harm associated with climate change known as 'loss and damage', while contributing little to its causes. Despite a long history of PSIDS advocating for enhanced action to address loss and damage, it remains an ambiguous and contested topic in the international climate treaty regime, with little consensus about the nature and extent of states' remedial obligations under international law. This thesis critically engages with international climate change law, the law of the sea, and the international law of state responsibility, to examine the legal issues related to accountability for loss and damage in PSIDS. These include issues of attribution, causation, apportionment of responsibility, and determination of appropriate remedies.

Nimna Prematilaka

Narrative in Sovereign Debt Law and Policy: Telling Sri Lanka's Debt Crisis from Start to Finish

Supervisors: Jenny Beard and Jarrod Hepburn

Using Sri Lanka's imminent sovereign default as a case study, this thesis shows how the narrative of sovereign debt has endowed private and official creditors with unprecedented structural power to demand uninterrupted debt repayment from heavily indebted states at times of crisis despite the devastating social, political and economic consequences for the sovereign debtor. In particular, this research considers how the chosen narrative conceals the structural power of finance of the global political economy and limits alternative possibilities that may effectively resolve sovereign debt crises.

Azadah Raz Mohammad

The Crimes of Terrorism as a threat to international community: The possibilities of including crimes of terrorism under Article 5 of the Rome Statute.

Supervisors: Alison Duxbury, Carrie McDougall and Monique Cormier

Despite the immense threat posed by terrorism there is no internationally accepted definition for the term. The lack of definition consequently poses an impediment to the efforts to criminalise acts of terrorism under international criminal law. This ultimately creates substantial barriers to the inclusion of terrorism in the Rome Statute of the International Criminal Court for effective prosecution at the international level. My thesis analyses the existing legal framework on suppression of terrorism, assessing the rationale for defining and criminalising terrorism internationally and evaluating the possibilities for including terrorism in the Rome Statute as an independent crime.

Hossain Mohammad Reza

Coalescence of Climate Actions to Develop Effective Strategies for Adaptation Litigation: Australia, Bangladesh, and India Perspectives

Supervisors: Rebecca Nelson and Alice Palmer

The thesis will investigate the roles, barriers, and prospects of adaptation litigation in Bangladesh and India through the lens of the Australian experience. Though the courts in Bangladesh and India have rich jurisprudence on safeguarding nature, water pollution, and the quality of life of their citizens, there has been scant climate adaptation litigation in these two countries. In this context, the thesis will investigate why there is so little climate adaptation litigation in rapidly developing countries like Bangladesh and India, even with independent and activist judiciaries. Does the lack of litigation mean that litigation is not appropriate or desirable? Why might that be? This identification will help us to know the potential barriers that can stymie further development of climate litigation in other South Asian and other Global South countries that have yet to experience climate litigation.

Jade Roberts

Beyond the State: An Individual Rights Approach to Recognising and Protecting the Rights of Stateless Persons

Supervisors: Michelle Foster and Hillary Charlesworth

For the more than 4.3 million stateless people worldwide, being without a nationality often equates to a lack of access to human rights. The current approach to addressing statelessness, reflected in the UNHCR Global Action Plan to End Statelessness by 2024, views statelessness as a problem to be solved by states through the grant of nationality. However, this approach has several problems, including a lack of political will among states to end statelessness. This thesis seeks to broaden the dominant understanding of statelessness by considering alternative approaches. It explores whether alternative forms of citizenship – such as those offered by cities or regional organisations or through international law – could remedy the rights deprivations that stateless people experience. In doing so, it aims to not only contribute to understandings of statelessness, but to shed light on the relationship between individuals and states in international law.

Emilia Sterjova

The End of a Pillar of Democracy? Governance, Rule of Law and the Dismantling of Indonesia's Anti-Corruption Commission'

Supervisors: Tim Lindsey and Amanda Whiting

The last ten years have seen major challenges to the quality of Indonesian democracy. The winding back of civil and political rights, particularly freedom of expression, has been accompanied by attacks on civil society and key democratic institutions, including student organisations, academics, the press, and the anti-corruption commission ('KPK'). Indeed, Indonesia's current President Joko Widodo (Jokowi) has said that '[Indonesia's] democracy has gone too far'. In 2019, the legislature amended the law on the KPK and stripped back its powers. These revisions have weakened the accountability of Indonesia's executive, legislature and judiciary, further eroding its democracy.

Magdalena Sylister

Enhancing the Involvement of Individuals in Enforcing East African Community Law

Supervisors: Tania Voon and Alison Duxbury

The *Treaty for the Establishment of the East African Community* ('EAC') mentions people-centredness as among the guiding principles of EAC integration project. However, the right of individuals to enforce the law of the EAC does not reflect that principle because some provisions of the Treaty inhibit that right. Through the lens of people-centric regional integration, and using doctrinal, comparative, and empirical methodologies, this research will provide recommendations for enhancing the right of individuals to enforce the law of the EAC.

Avantik Tamta

Freedom of Thought, Surveillance and the Law

Supervisors: Andrew Kenyon and Jake Goldenfein

Avantik's thesis aims to explore the possibility of how AI may tend to usurp the right to free thought under Article 18, ICCPR. Unlike 'forum externum', the right to free thought concerns the 'forum internum' and cannot be restricted. This would only gain sincerity if we were sure of what constitutes 'thought' within the meaning of law. While some scholars believe 'thoughts' should mean all kinds of cognitive outcomes, others contend that 'thoughts' must only include sophisticated manifestations of cognitive functioning such as the capacity to reason and the ability to decide. Additionally, there is also debate on whether 'thoughts' encompass 'external thinking' or the external record of one's thoughts. Would a person's digital footprint, in the nature of internet searches and smartphone captured surveillance data, constitute 'expression' or 'thought'?

Yianni Tsesmelis

Human or Unalienable Rights? Interpreting Legal Questions of Human Rights in the United States'.

Supervisors: Dale Smith and John Tobin

Recent scholarship addressing the Department of State's *Report of the Commission on Unalienable Rights* suggests that the Report introduces a new interpretive method for human rights—that is, human rights "originalism". This project contends that originalism is an interpretive method that has and still is being used by United States federal courts in order to decide cases involving human rights; essentially making the claim that human rights originalism is not of recent advent. This project contends, however, that the Report's overt reliance upon human rights originalism has a significant impact in both (i) emboldening the federal courts to rely on human rights originalism in their own judicial decision-making, and (ii) disrupting advocacy centred on expanding human rights in the United States.

Michael Ukponu

Eco-Justice for Environmental Crimes During Peacetime: Examining Regionalism as an Alternative Pathway for the Recognition of Ecocide Under International Law

Supervisors: Alison Duxbury and Rebecca Nelson

In a bid to leverage 'hard' international law to combat anthropogenic climate change, ecological loss, and environmental degradation, various stakeholders have called for the recognition of "ecocide" as a crime under international criminal law, particularly the Rome Statute of the International Criminal Court ('Rome Statute'). However, there are a plethora of limitations inhibiting the feasibility of its recognition under the Rome Statute. This dissertation aims to investigate these limitations and evaluate the plausibility of regionalism, which it terms the 'mid-level approach', as an alternative pathway for recognizing ecocide under international law. Observably, the success of this mid-level approach would substantially depend on judicial (pro)activism at the regional court level in enforcing extant provisions of relevant regional treaties and conventions.

Daria Vasilevskaia

Pollution of the Marine Environment by Plastic: Comparative Approach in International, European and Comparative Law

Supervisors: Margaret Young and Sandrine Maljean-Dubois (Aix-Marseille University)

There is growing realisation that transport and trade in plastic waste is a major contributor to marine pollution. Plastics enter the oceans from the land due to inadequate waste management in recipient countries. While marine plastic pollution needs a holistic approach, international law is fragmented, and domestic law responses reveal the weakness of multi-level governance. My thesis aims to analyse the existing legal framework and gaps and propose practical and theoretical solutions to this systemic problem. It focuses on the waste stage of plastic products, and particularly the transport and trade in such products. It considers how laws at different levels of governance seek to limit the transport and trade in plastic waste, while at other times laws seek to liberalise it. The study explores the way international environmental, marine, and trade law can jointly respond to the problem. It does this by taking into consideration regional economic and legal particularities via examples from developed and developing countries.

Rashmi Venkatesan

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

Supervisors: Sundhya Pahuja and Jenny Beard

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

Ella Vines

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

Supervisors: Margaret Young and Jacqueline Peel

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

Sean Whiting

A Chthonic Natural Law Theory: Foundations and Implications

Supervisors: Kirsty Gover and Dale Smith

Motivated by the claims of Chthonic elders and scholars, this thesis seeks to construct a Chthonic moral philosophy that is at once faithful to Chthonic ontology and ethico-legal thought, while also being in genuine accord with the leading characteristics of the paradigm case of Western natural law theory (viz., Aquinas). I contend that (i) a faithful and genuine Chthonic natural law moral theory can be plausibly constructed; while, at the same time, (ii) such a Chthonic theory differs markedly and provocatively from its Western cousins. If correct, this argument is important because it (a) is the first attempt to cash out the pervasive claim that Chthonic Law is a species of natural law, (b) is a necessary first step in developing a complete Chthonic natural law theory, (c) brings Chthonic ethico-legal thought into closer dialogue with an important strain of Western ethico-legal thought, and (d) constitutes a fecund provocation to existing Western natural law scholarship.

Tina Yao

Before the Law -- Administration, Jurisdiction and the Criminal Law

Supervisors: Peter Rush and Sarah Biddulph

Contemporary society witnesses the expansion of administration and the innovation of administrative toolkits through law. The legitimisation of administrative practices has altered the contour of law, transforming its ordinary mode of operation. This thesis examines the administrative rationality and techniques in giving shape to law's response to corruption through two case studies: anti-corruption laws and institutions in New South Wales and China. By focusing on legal techniques employed throughout anti-corruption activities, the thesis analyses the discourses, institutions, procedures and officials of anti-corruption laws.

Andrew Zhu

Understanding Criminal Negligence: A Normative Inquiry

Supervisors: Peter Rush and Andy Roberts

Negligence has been framed in a plethora of ways in modern criminal law, in contrast to the relatively more stable formulation in private law context (in most cases, the falling short of a standard of care that would have been taken against the risk of a reasonably foreseeable harm). Understanding criminal negligence is challenging and my thesis intends to ask this question: when, if ever, is negligence criminal? Under this are two interrelated central questions: (a) How the existing normative theories respond to the issue of criminalisation of negligence, and (b) what grounds the individual responsibility for criminal negligence.

Completed Graduate Researchers

Adrienne Anderson

The Political Dimensions of Intimate Partner Violence in Refugee Law

Supervisors: Michelle Foster and Susan Kneebone

Women experiencing violence from an intimate partner are not consistently recognized as refugees. This thesis analyses jurisprudence in five jurisdictions, finding that decision-makers' failure to adequately understand the key concepts of 'gender' and 'intimate partner violence' contributes to inconsistent outcomes and overreliance on the particular social group ground. As this thesis reveals, a renewed focus on the international legal framework and the political opinion ground in this context is crucial to understanding these key concepts and improving adjudication. The thesis develops, through an exploration of real case examples, guidance for decision-makers on the appropriate application of the political opinion ground in this context.

Nina Araneta-Alana

'Climate Finance' and the Philippines: Law, Practice, and Meaning

Supervisors: Margaret Young and Sundhya Pahuja

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

Deirdre Evelyn Brennan

The Ethics of Care in Nepali Citizenship-Equality Activism

Supervisors: Michelle Foster, Susan Kneebone and Ana Dragojlovic

In the "end statelessness" discourse, both the search for solutions to statelessness, and the framing of statelessness successes, are dominated by a rights-based approach. While important, this approach prioritises engagement with international human rights law, overlooking, Deirdre argues, the pervasive social role of care in statelessness solutions. To understand care's presence in "ending statelessness", Deirdre presents an analysis of activists' experiences campaigning for equal nationality laws in Nepal. As this presentation

reveals, there is an undervaluation of an intricate web of care, emotions, and community amongst activists which sustains and reproduces the 'labour power' required of campaigning, be it local or global.

Benjamin Carrick

Residing Permanently in the Midst of the Border: Why Discrimination Law Fails Indefinitely Temporary Migrants and How the Disaggregation of Citizenship can Come to Their Aid

Supervisors: Jenny Beard and Beth Gaze

Both discrimination law and immigration law in 'settler states' are concerned with constituting communities through the regulation of relations between individuals and groups. This thesis explores the impact of the immigration jurisdiction on discrimination law in Australia and Canada. Understanding state borders as detached from territorial boundaries, it focuses how border law attaches to individuals and how this affects the way that discrimination law engages with them.

André Dao

Human Rights for the Data Society

Supervisors: Sundhya Pahuja and Hilary Charlesworth

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

Philippa Duell-Piening

The Right to be Counted for People who are Refugees or from Refugee Backgrounds

Supervisors: Michelle Foster and Anna Arstein-Kerslake

This thesis makes four interventions by examining the Convention on the Rights of Persons with Disabilities' Article 31 Statistics and Data Collection and its implications in refugee contexts. Firstly, arguing participatory treaty interpretation with rights bearers is a state obligation and trialling an approach of the same. Secondly, proposing an interpretation of Article 31 that emphasises data collection about state actions. Thirdly, elaborating the doctrinal understanding of group human rights through an exploration of a group right to be counted. Lastly, problematising disability data practices in refugee contexts and arguing for a greater focus on the locus of power.

Danish Sheikh

A Theatrical Jurisprudence of Repair

Supervisors: Peter Rush and Shaun McVeigh

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

Valeria Vázquez Guevara

Truth Commissions: The Authority of International Law and the State after Conflict

Supervisors: Sundhya Pahuja and Shaun McVeigh

This thesis argues that Truth Commissions have drawn, in different ways, on the authority of international law to 'authorise' their accounts of the truth of past violence and their promises of future community. Over the last thirty years, Truth Commissions have proliferated and gained an international reputation as important post-conflict institutions that help to create a peaceful, just, and law-abiding relationship between state and society after civil conflict. Truth Commissions are generally understood to be investigatory institutions that establish an official, yet independent, account of past violent events. This thesis examines how Truth Commissions create an authoritative account of violent conflicts, and how they deal with the plurality of (rival) accounts that exist across communities. The thesis examines three of the earliest and most internationally-influential Truth Commissions: Argentina (1983-1984); Chile (1990-1991); and El Salvador (1992-1993).

EVENTS AND ENGAGEMENT

Public Lectures

Wednesday 3rd May: The struggle for Accountability and Justice in Situations of Armed Conflict – A View from the Battlefield
Delivered by Yulia Gorbunova and Fereshta Abbasi of Human Rights Watch

A public lecture hosted by the Melbourne Law School, the MLS Human Rights Community and IILAH. It featured two researchers from Human Rights Watch who were visiting Australia, Yulia Gorbunova and Fereshta Abbasi. Ukraine Senior Researcher Yulia Gorbunova is a lawyer by training and has worked extensively documenting war crimes in Russia's war against Ukraine in the wake of the February 24, 2022 invasion. Fereshta Abbasi is a Researcher in the Asia division at Human Rights Watch, focusing on research and documentation of ongoing abuses in Afghanistan. For the past 7 years she has documented human rights abuses in Afghanistan with different organizations, including Human Rights Watch and the All-Survivors Project.

Research Seminars

Friday 17th March: Towards 'Good Human-AI Decisions': Law, the Humanities, and Creative Practice

Dr Connal Parsley (Kent Law School)

Automated decision-making tools are widely regarded as presenting a challenge to administrative law and procedure, as well as the core values of the rule of law. Whereas recent research has emphasised the need for designed decision systems to better conform to rule of law norms, Dr Connal Parsley's UKRI-funded research project seeks to identify new design values, procedural norms and evaluative practices—a new vision of 'good decisions'—for an age where humans and AI increasingly 'co-decide'. The project extends contemporary research in the humanities on evolving technosocial ecologies, and adopts mixed methods including creative 'prefigurative' participatory methods and multi-sited ethnography, in order to shape suggestions for the reform of administrative decision-making law and practice.

In this seminar, Dr Connal Parsley outlined the project's motivations and research design, to showcase how knowledge from the humanities and creative practice can help liberal legal systems to more thoroughly address the challenges presented by automated decision-making technologies.

Thursday 23rd March: The Sentimental Life of International Law: A Conversation

Presented by Raimond Gaita and Gerry Simpson

This event was a day-long seminar with eminent philosopher Rai Gaita and international legal scholar, Gerry Simpson. Topics included Gerry's latest book, *The Sentimental Life of International Law*, and international law and literature, poetry and writing. The seminar featured Barry Hill, Sundhya Pahuja, Margaret Young, Maddy Chiam, Chris Gevers, Danish Sheikh, Judy Grbich and others.

Thursday 18th May: Pan-Africanist Worldmaking and the International Criminal Court

Presented by Dr Yassin Brunger (Queen's University, Belfast), chaired by Professor Di Otto.

Dr Yassin Brunger presented a paper which asked the question, to what extent can prevailing notions of justice and international law be contested and re-imagined? With a focus on the operation of the International Criminal Court (ICC) in Africa, the analysis began with real-life examples of justice's failures, delays and incoherencies drawn from the contemporary paradigm. This was followed by a proposal for using Pan-Africanism to dislocate hegemonic narratives and to challenge the modalities, architectures, and performativities of the ICC. In the paper, the analysis showcases the transformative possibilities for justice grounded in Pan-Africanist epistemology, lexicon, and radical praxis to re-configure and re-compose efforts at world making in international law.

Thursday 6th July: Consistency Testing in WTO Law and the Special Case of Moral Measures

Presented by Dr Ben Czapnik (National University of Singapore), chaired by Professor Christine Parker

Dr Ben Czapnik presented a seminar considering trade restrictions that are necessary to protect the moral values of citizens and consumers. A key issue in the WTO's landmark Seals dispute (which challenged the EU's restrictions on imports of seal fur) was whether the EU's regulatory approach to protecting seals should be consistent with its broader regulatory settings for factory farmed animals. WTO adjudicators and scholars have generally opposed this type of consistency testing under GATT Article XX, but Dr Czapnik argued that it may be desirable or even necessary under the "public morals" exception.

Tuesday 1st August: Feral Coasts: Thinking about Coastal Biodiversity Restoration through Indigenous South American Modes of Appropriation and Care

Presented by Professor Marc Brightman and Associate Professor Vanessa Grotti (University of Bologna), chaired by Professor Margaret Young.

Coastal areas are critical zones where multiple dynamic ecological and human processes meet, both concentrating and confounding human efforts to control nature. Projects for nature restoration are challenged by uncertainty over future conditions, spatial fragmentation and the influence of multiple uncontained processes on diverse scales (e.g. climate change, pollution, invasive species). Restoring diverse and uncertain worlds requires taking seriously the agency of nonhumans as well as – and through – engagement with indigenous and local communities, cultivating an ethic of care for social and ecological reproduction.

To better understand what this means, Professor Marc Brightman and Associate Professor Vanessa Grotti first briefly described two coastal areas – the Po Delta and parts of Belize – and efforts to address threats to ecological processes. They then outlined how the practices of appropriation and care among Trio people of Suriname carry implications for characterisations of the ‘more than human’: for them, species categorisation (or a human/nonhuman dichotomy) is not fixed by nature, but contingent on relationships, the cultivation of which allows life to flourish. The presentation ended with a discussion of what lessons such insight might offer to coastal nature restoration efforts.

Wednesday 9th August: The Role of International Law in the Rise of Populism

Presented by Professor Peter Danchin (University of Maryland) and Professor Jolyon Ford (Australian National University), introduced by Professor Margaret Young and chaired by Dr Alice Palmer.

Building on arguments advanced in a jointly-authored essay, “The Pandemic Paradox in International Law,” 114 *AJIL* 598 (2020) examining a series of paradoxes that rendered the international legal order’s mechanisms for collective action powerless when most needed to fight COVID19, this seminar explored some of the key theoretical implications of the ongoing perceived populist assault on, disengagement from and unravelling of the modern internationalist vision of multilateral cooperation and global governance. Much international legal scholarship today seeks to diagnose the populist antagonism towards international law and warn about the fundamental challenges it poses to the collective action required to respond to global threats. What this work tends to overlook, however, is the role that dramatic shifts in international legal normativity and conceptions of global governance have themselves played over the last half-century in helping to create the conditions for the rise of populism. A

critical analysis of contemporary understandings of the sources of legal normativity, of competing notions of collective identity and political community, and of the rise of managerial regimes of knowledge in international law reveals that within each of these spheres of contestation lie the seeds of the international legal order's reimagination and recreation.

This seminar was part of a 2022-26 Australian Research Council Discovery project on "Reconceiving Engagement with International Law in a Populist Era" that seeks to address the fundamental problem of how to reconceive engagement by states with the international legal order in the face of a sustained populist backlash. The chief investigators are Professors Jeremy Farrall and Jolyon Ford and Associate Professor Imogen Saunders from ANU College of Law and partner investigators Peter Danchin from the University of Maryland and Shruti Rana from Indiana University.

Wednesday 15th November: Treaty on the Prohibition of Nuclear Weapons: Narratives of Apocalyptic Time in Elite Discourse

Presented by Zeenat Sabur (University of Manchester), chaired by Professor Margaret Young.

This seminar was presented by Zeenat Sabur, a visiting scholar at Melbourne Law School. Zeenat's seminar looked at the narratives of apocalyptic time that the proponents and P5 state opponents of the TPNW articulate. It argued that the impact of proponents' narratives of the end of humanity, tied to the continued existence of nuclear weapons, is to delegitimize the key suppositions of deterrence theory through which possession is often justified. It also argued however, that such narratives of apocalyptic time presented in a future sense, work to exclude some from conceptions of humanity, namely those whose worlds have already been destroyed by nuclear weapons. Finally, it looked at narratives of the apocalypse in the understanding of the TPNW from the perspective of P5 state officials.

Tuesday 5th December: The Principle of Distinction in International Humanitarian Law

Presented by Julian A. Hettihewa (University of Bonn), chaired by Dr Carrie McDougall.

According to the principle of distinction, the parties to a conflict shall at all times distinguish between civilians and combatants. Described as one of the cardinal principles of international humanitarian law, the principle thus requires that civilians are never made objects of attacks. Underneath these seemingly objective and neutral concepts are real human beings. Available data indicates that the vast majority of victims of direct conflict are young men. Against this background, this presentation examined the relevance of the principle of distinction for young people. It suggested that youth as a social category is constructed by international law as dream/nightmare and that this may inform decisions

on targeting. The presentation concluded with an invitation to use existing critical approaches to explore further areas of international law with a sensibility for young people and youth. Listen to the podcast [here](#).

Workshops

25th – 26th May 2023: *Romancing the Tomes 2.0: Feminism, Law and Popular Culture Workshop*

Organised by Roanna McClelland, Sanam Amin and Johanna Commins
(Melbourne Law School)

In 2000, the trailblazing *Romancing the Tomes* conference, organised by Professor Margaret Thornton, brought together feminist scholars across disciplines to consider popular culture's role in creating and interpreting the law. In the two decades since *Romancing the Tomes*, there has been a seismic shift in how we make, participate in, disseminate and consume popular culture, in no small part due to the creation of online spaces and feminists' participation in them. The 2023 workshop reflected on the work of these original pioneering scholars, discussed new and emerging issues, and asked what, if anything, has changed?



Convenors of Romancing the Tomes 2.0 introduce the Workshop

Skills Circles

The 'Skills Circle' is an ongoing collaboration between IILAH, the UNSW Critique Network of Professor Ben Golder, and La Trobe Law and Humanities Network co-led by Dr Kathleen Birrell. Each year we hold around 6 sessions.

It is modelled on the knitting circle, which brings knitters of all levels of experience together into a room to knit, and while they do so, to share ideas and techniques, and to experience the camaraderie of a shared activity. Accordingly, we invite scholars of all levels, from PhD students and early career researchers, to mid and late career researchers who want to share their knowledge, or watch how other people do things to reflect upon their own methods. Sessions are kept small to allow for good conversation, and often feature special guests. We create recordings for the IILAH podcast from the episodes.

Thursday 2nd March: Non-traditional Research Outputs

Featured Guest: James Parker. Listen to the podcast [here](#).

Thursday 16th April: Working With Other Fields and Across Disciplines

Featured Guest: Connal Parsley. Listen to the podcast [here](#).

Thursday 11th May: Archival Research in the South

Featured Guests: Adil Hasan and Manav Kapur. Listen to the podcast [here](#).

Thursday 24th August: Applying for Grants for Law and the Humanities Research

Featured Guests: Tim Peters and Sundhya Pahuja. Listen to the podcast [here](#).

Reading Group – ‘Ocean, Climate and the Law’

The reading group for Semester 2 was co-convened by Professor Margaret Young and Dr Lauren Nishimura.

The topic centred on global oceans, now in a state of emergency. The United Nations and other bodies are currently seeking advice from international courts and tribunals about the obligations of states to protect the climate system. The IILAH reading group explored overlapping social, scientific and legal problems relating to climate change, fisheries, trade, seabed mining, and marine biodiversity. It explored whether systemic integration is possible and even useful.

Wednesday 23rd August

David Freestone and Millicent McCreath, ‘Climate Change, the Anthropocene and Ocean Law: Mapping the Issues’, in Jan McDonald, Jeffrey McGee and Richard Barnes (eds), *Research Handbook on Climate Change, Oceans and Coasts* (Edward Elgar Publishing 2020) 49-80

Wednesday 6th September

Justin Alger, ‘The Political Economy of Protected Area Designations: Commercial Interests in Conservation Policy’ (2023) 23 *Global Environmental Politics* 54-7

Wednesday 20th September

International Tribunal for the Law of the Sea (ITLOS), Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law (Case No 31), Written Statement of the International Union for Conservation of Nature and Natural Resources (IUCN) – World Commission on International Law, Ocean Law Specialist Group (13 June 2023) 15-66

Wednesday 4th October

Margaret A Young, ‘Fisheries’ in Daniel Bethlehem and others (eds), *The Oxford Handbook of International Trade Law* (2nd edition) (Oxford University Press 2022) 817-837

Wednesday 18th October

Vito De Lucia, ‘Regime Interaction through Concepts: The BBNJ Process as a Critical Juncture in the Relation between the Convention on Biological Diversity and the Convention on the Law of the Sea’ in Nele Matz-Lück et al (eds), *The Law of the Sea: Normative Context and Interactions with other Legal Regimes* (Routledge 2022) 4

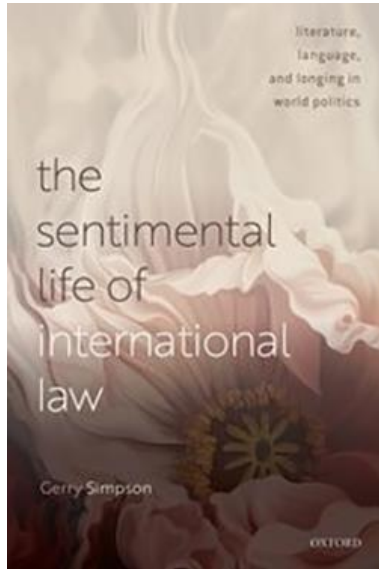
Wednesday 1st November

Surabhi Ranganathan, ‘Decolonization and International Law: Putting the Ocean on the Map’ (2020) 23 *Journal of the History of International Law / Revue d’histoire du droit international* 161-183; Tiffany Morrison et al, ‘Radical interventions for climate-impacted ecosystems’ (2020) 12 *Nature Climate Change* 1100-1106.

Book Launches

23rd March 2023: *The Sentimental Life of International Law: Literature, Language and Longing in World Politics*

Gerry Simpson, Raimond Gaita and Professor Sundhya Pahuja



Gerry Simpson, *The Sentimental Life of International Law, and on international law and literature, poetry and writing*, (OUP, 2023)

IILAH was pleased to announce the launch of international legal scholar Gerry Simpson's latest book, 'The Sentimental Life of International Law, and on international law and literature, poetry and writing' at the State Library of Victoria Readings.

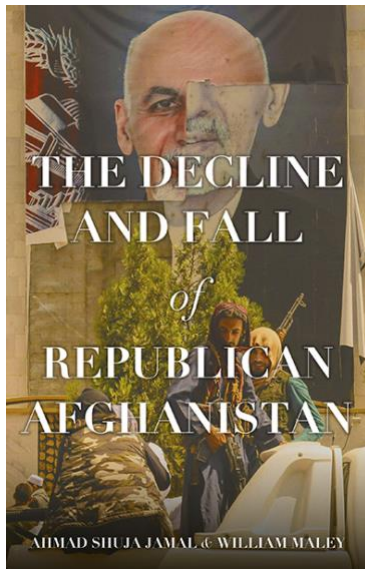
The Sentimental Life of International Law is about our age-old longing for a decent international society and the ways of seeing, being, and speaking that might help us achieve that aim. It's a compelling and unusually personal account of international law from one of the top thinkers in the discipline.

The book was launched by Raimond Gaita and Professor Sundhya Pahuja.

This event was preceded by a one day seminar at Melbourne Law School with eminent philosopher Raimond Gaita and Gerry Simpson, featuring Barry Hill, Sundhya Pahuja, Margaret Young, Maddy Chiam, Chris Gevers, Danish Sheikh, Judy Grbich and others.

29th May 2023: The Decline and Fall of Republican Afghanistan

Shuja Jamal, William Maley and Professor Matthew Harding



Shuja Jamal and William Maley,
'The Decline and Fall of Republican Afghanistan', (OUP, 2023)

IILAH was pleased to host the launch of Shuja Jamal and William Maley's book, 'The Decline and Fall of Republican Afghanistan' at Melbourne Law School. This book launch featured Melbourne Law School Dean Matthew Harding in conversation with the authors, Shuja Jamal and William Maley.

The Taliban's violent takeover of Afghanistan in 2021 was the result of declining active support for the government, and of waste and inefficiency in aid delivery. Yet, while corrosive, these problems were not in themselves sufficient to have brought about a collapse. To a significant degree, they were the result of early failings in institutional design, reflecting an American inclination to pursue short-term policy approaches that created perverse incentives—thus interfering with the long-term

objective of stability. This book exposes the true factors underpinning Kabul's fall. The Afghan Republic came under relentless attack from Taliban insurgents who depended critically on Pakistani support. It also suffered a creeping invasion that put the government on the back foot as the US tried and failed to deal with Pakistan's perfidy. The fatal blow came when bored US leaders naively cut an exit deal with the enemy, fatally compromising the operation of the Afghan army and air force and triggering the final collapse, with top leaders at odds over whether to make a final stand in Kabul. The Afghan Republic did not simply decline and fall. It was betrayed.

This book was launched by Melbourne Law School Dean Matthew Harding.

Doctoral Forum on Legal Theory

16th Melbourne Doctoral Forum on Legal Theory

Monday 20th and Tuesday 21st November, 2023

Forum organizers: Earn Asanasak, Jing Qian, Michael Bader & Tina Yao

The Annual Melbourne Doctoral Forum on Legal Theory (DFLT) is an interdisciplinary workshop hosted by graduate researchers to bring together graduate researchers and early career scholars from a range of disciplines to think critically, methodologically and theoretically about law and legal theory. It aims to create a cordial and safe space for doctoral scholars to share their research and warmly welcome attendee participation.

The theme for this year's Forum was *Translation, Transformation and Transgression*. The theme of the DLFT-16 engaged with the activities of crossing (trans-) and law. It was conducted along the three axes of inquiry of *translation, transformation and transgression*, emphasizing the importance of approaching these tasks with the utmost care.



ILLA's Dr Adil Hasan Khan addresses the 15th Doctoral Forum on Legal Theory.

VISITING SCHOLARS

Işil Aral



Işil Aral is an Assistant Professor of Public International Law at Koç University, Istanbul, Turkey. Her research focuses on international legal theory, international organisations law and international human rights law. Her co-edited book with Jean d'Aspremont, entitled 'International Law and Universality', will be published by Oxford University Press in 2023. Her monograph 'International Law as a Set of Narratives' will be published by Cambridge University Press in 2024.

Luis Bogliolo



Luis Bogliolo holds a PhD from the University of Melbourne and was a Teaching Fellow from 2018-2021 at Melbourne Law School. His research is focused on the history and theory of international law in the context of the intersections between technology and warfare. He adopts critical legal methodologies and historical materialism to consider the structures, limitations and possibilities of international legal discourse.

Yassin Brunger



Yassin Brunger is Lecturer in Human Rights Law at Queen's University, Belfast and Co-Director of the Faculty-wide QUB Gender Network (@Gender_Network) She is also a Fellow of Senator George J Mitchell Institute for Global Peace, Security, and Justice. She lectures and supervises Public International Law; International Criminal Law; International Human Rights Law, Transitional Justice, and Gender and Society at both undergraduate and graduate-level.

Judy Grbich



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

Jun Matsukuma



Jun Matsukuma is a Professor of international law at Tokyo University of Foreign Studies. His research focuses on international law and international organizations. Jun has a particular interest in the right to food and extraterritorial obligations. He teaches and supervises students in the areas of international law.

Panu Minkinen



Panu Minkinen is a Professor of Jurisprudence at the University of Helsinki, Finland. Currently his chair also covers socio-legal studies and law and gender studies both of which have previously had designated academic leaders at Faculty level. Panu coordinates socio-legal scholarship in the Faculty (and beyond) through the Helsinki Socio-Legal Initiative (HSLI).

Connal Parsley



Connal Parsley is Senior Lecturer in Law at Kent Law School, UK. He is Deputy Director of the University's Centre for Critical Thought, which facilitates cross-disciplinary collaborations within and beyond the University of Kent, and Co-Director of the Kent Summer School in Critical Theory, held annually in Paris.

Laura Petersen



Laura Petersen's research interests are cross-disciplinary, integrating approaches to jurisprudence with literature and visual art. She has a particular interest in Germany in the 20th Century. Her recently completed PhD focused on the jurisprudence of restitution or Wiedergutmachung in Germany after WWII, arguing that legal, literary, artistic and memorial works are practices of restitution. Laura won the inaugural international 2021 Zipporah B. Wiseman Prize for Scholarship on Law, Literature and Justice run by the University of Texas (Austin). Her paper was based on her research into a German lawyer, Dr Walter Schwarz,

and his glossatorial writings.

Zeenat Sabur



Zeenat Sabur is an ESRC funded doctoral candidate at the University of Manchester. Researching international law, war, and politics.

