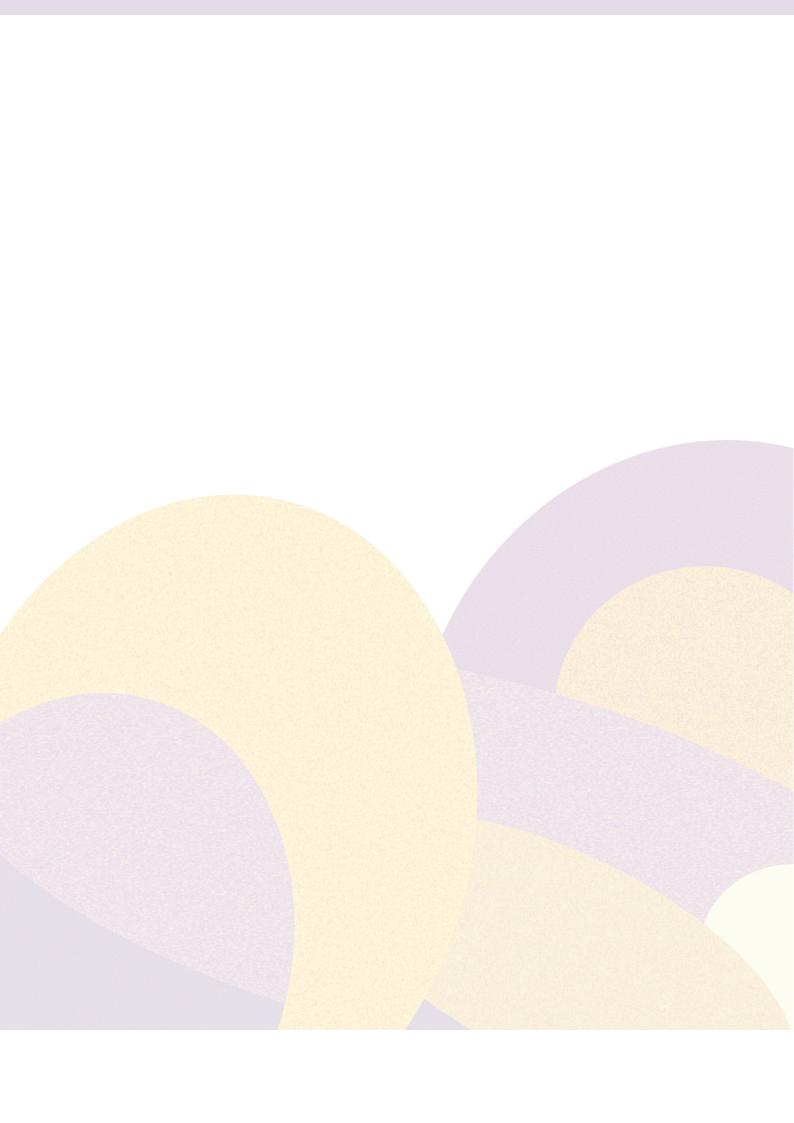


Annual Report 2008





AUTHORISED BY IILAH Director

Published by the Institute for International Law and the Humanities, Melbourne Law School, University of Melbourne.

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DIRECTOR'S MESSAGE

I am very pleased to present the 2008 Annual Report of the Institute for International Law and the Humanities (IILAH). IILAH was created to provide opportunities for discussions about research in international law and the humanities at the Melbourne Law School, to build an intellectual community within the law school and beyond, and to create opportunities for engagement with an international network of leading and upcoming scholars.

IILAH now provides a home for twelve research programmes, with new programmes recently introduced in the areas of Comparative Tribal Constitutionalism (Director: Dr Kirsty Gover), Fragmentation and Regime Interaction in International Law (Director: Dr Margaret Young), Global Trade (Directors: Associate Professor Andrew Mitchell and Associate Professor Tania Voon), Histories of International Law and Empire (Director: Professor Anne Orford), International Criminal Justice (Director: Associate Professor Peter Rush), International Investment Law (Director: Mr Jürgen Kurtz) and Jurisdictions of the South (Director: Associate Professor Shaun McVeigh). These programmes aim to facilitate innovative scholarship and critical thinking on emerging questions of international law, governance and justice. Details of the full range of IILAH research programmes are set out at page 7.

In 2008, IILAH hosted a wide range of visitors, including Professor Hilary Charlesworth (ANU), Ms Victoria Donaldson (WTO Appellate Body Secretariat), Professor Susan Marks (Kings College London), Dr Vasuki Nesiah (Brown), Professor Balakrishnan Rajagopal (MIT), Mr Jan Job de Vries Robbé (Dutch Development Bank), Mr Ken Roth (Human Rights Watch), Professor Alvaro Santos (Georgetown) and Professor Martin Scheinin (now European University Institute). Visitors presented public lectures and participated in workshops on issues including the rule of law in post-conflict peacebuilding, the new law and economic development, the place of history in transitional justice and whether international lawyers should take a break from feminism. Details of our 2008 events begin at page 30.

IILAH continued its commitment to engaging in collaborations with scholars and activists within and beyond Melbourne Law School. In 2008, IILAH co-hosted events with the Asian Law Centre, the Centre for Comparative Constitutional Studies, the Centre for Employment and Labour Relations Law and the Postgraduate Law Students' Association at Melbourne Law School, and with the International Humanitarian Law Research Programme at LSE and the Human Rights Law Resource Centre.

Supporting and engaging with the work of doctoral students remains one of the central functions of IILAH. IILAH continued its series of doctoral roundtables during 2008, at which students were invited to present their work to visiting professors and other audience members. In addition, IILAH co-sponsored a

Postgraduate and Early Career Researchers Workshop on Methodological Approaches to Legal Scholarship, on the theme of In Search of Authority, Rebellion and Action. The workshop was convened by doctoral students Ms Olivia Barr, Mr Luis Eslava and Ms Yoriko Otomo. Selected papers from the workshop will be published in a special issue of Sortuz journal. Professor Tony Anghie, Professor Hilary Charlesworth and Professor Susan Marks all worked with our doctoral students at roundtables or workshops in 2008. We are very grateful for their critical engagement with our doctoral programme, and for the real sense of scholarly community which this engagement created. Details about the projects of IILAH's doctoral students can be found beginning at page 22.

The scholarship of IILAH members continues to focus upon a wide range of pressing contemporary international issues, and to draw upon a diverse range of methodological and theoretical approaches to understand and question developments in international law, transnational law and legal theory. We profile some of the publications and presentations of IILAH's directors and members from page 41.

IILAH's achievements in 2008 were made possible by the creativity and commitment of the IILAH programme directors, the energy and skill of IILAH's administrator, Ms Vesna Stefanovski, the enthusiasm and intellectual engagement of IILAH doctoral students, and the community of members and friends who participate so wholeheartedly in IILAH events.

Anne Orford

ARC Australian Professorial Fellow

Jeme Rycol

Director, Institute for International Law and the Humanities

OVERVIEW OF IILAH

The Institute for International Law and the Humanities (IILAH) is dedicated to integrating the study of international law with contemporary approaches to the humanities. It facilitates and promotes innovative scholarship and critical thinking on emerging questions of international law, governance and justice, and strengthens the role of Melbourne Law School as a leading centre of research in this area.

Aims and objectives

IILAH supports interdisciplinary scholarship on emerging questions of international law, governance and justice. 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, through fostering dialogue with scholars working in disciplines such as anthropology, cultural studies, geography, history, linguistics, literature, philosophy, politics and theology.

IILAH focuses on encouraging 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 in international law and the humanities from Canada, Colombia, Egypt, Finland, France, India, New Zealand, South Africa, Sweden, the United Kingdom and the United States. IILAH is currently focusing on 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, workshops and reading groups; supervises and supports of the work of graduate research students, and undertakes and facilitates collaborative and interdisciplinary research projects both within the University of Melbourne and internationally. In doing so, it contributes to ongoing debates about the theoretical foundation and practical effect of international law in today's political climate.

IILAH RESEARCH PROGRAMMES

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

Comparative Tribal Constitutionalism

Programme Director: Dr Kirsty Gover

Fragmentation and Regime Interaction in International Law

Programme Director: Dr Margaret Young

Global Trade

Programme Directors: Associate Professor Andrew Mitchell and Associate Professor Tania Voon

Histories of International Law and Empire

Programme Director: Professor Anne Orford

International Criminal Justice

Programme Director: Associate Professor Peter Rush

International Environmental Law

Programme Director: Associate Professor Jacqueline Peel

International Human Rights Law

Programme Director: Professor Dianne Otto

International Investment Law

Programme Director: Mr Jürgen Kurtz

International Refugee Law

Programme Director: Dr Michelle Foster

Jurisdictions of the South

Programme Director: Associate Professor Shaun McVeigh

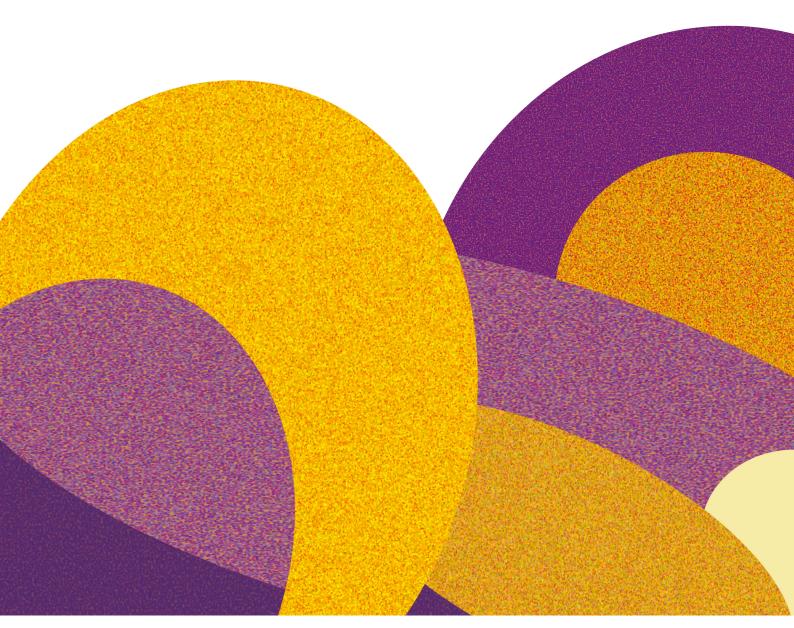
Law and Development

Programme Directors: Dr Jennifer Beard and Associate Professor Sundhya Pahuja

Peace and Security in International Law

Programme Director: Professor Anne Orford

DIRECTORS AND STAFF



Professor Anne Orford Director of IILAH

Programme Director, Histories of International Law and Empire Programme Director, Peace and Security in International Law



Anne Orford is an ARC Australian Professorial Fellow and Director of the Institute for International Law and the Humanities at the University of Melbourne. She has been appointed as the inaugural holder of the Michael D Kirby Chair of International Law, and will take up this position on 1 July 2009. Anne researches in the areas of international law and legal theory, with a current focus on histories of international law, statecraft and empire. Her publications include *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (CUP, 2003) and the edited collection *International Law and its Others* (CUP, 2006). Anne was awarded a research-only Australian Professorial Fellowship by

the Australian Research Council to undertake a project on *Cosmopolitanism and the Future of International Law* from 2007 to 2011. As part of that project, she is finalising work on a book entitled *International Authority and the Responsibility to Protect* (CUP, forthcoming 2010). The book offers a history, from Hobbes to the UN, of attempts to ground *de facto* authority on the capacity to guarantee security and protection.

Programme Directors

Dr Jennifer Beard Senior Lecturer

Programme Co-Director, Law and Development



Jennifer Beard is a Senior Lecturer at the Melbourne Law School and, together with Associate Professor Sundhya Pahuja, is a Co-Director of the Law and Development Research Programme at IILAH. Jennifer undertakes teaching, research and writing in the areas of international law and development, property law, globalisation and the law, and critical legal theory. Jennifer is the author of *The Political Economy of Desire: International Law, Development and the Nation State* (Cavendish-Routledge, 2007). The book is an interdisciplinary analysis of the genealogy of Western 'development' and the role Christianity, international law and the nation state have played in that history. Since that time, Jennifer has

continued to focus her research on the relationship of law to society, belief systems, historical narrative and ethics. For instance, Jennifer has just completed a critical history of the cab rank rule and the limits the rule places on legal ethics. Jennifer is also the co-editor and contributing author with Dr Andrew Mitchell of *Public International Law in Principle*, an academic text to be published by Thomson in 2009.

Also in 2009, Jennifer will be involved in three international studies. The first involves a critical analysis of theories of recognition in international law in collaboration with Professor Gregor Noll at Lund University Law School. The second project involves a critical study of the relationship between law and development in Ethiopia based on empirical studies of federal legislation regulating NGOs. The third is a collaboration with Associate Professor Sundhya Pahuja on the application of critical pedagogy in their teaching of a fully on-line, interdisciplinary subject across five universities called 'Globalisation and the Law'.

Jennifer has been a visiting fellow at the University of British Columbia Law School in Canada where she taught a PhD Seminar on Legal Theory and Interdisciplinary Approaches to Law; a teacher of International Law, Trade and Development in the Master of Laws Programme in the Department of International Law and Human Rights at the United Nations University for Peace in Costa Rica; and a visiting fellow at the University of Lund Law School in Sweden where she works in collaboration with Professor Gregor Noll on an analysis of the Refugee Status Determination processes of the UNHCR.

Dr Michelle Foster

Programme Director, International Refugee Law



Michelle Foster is a Senior Lecturer and Director of the International Refugee Law Research Programme in the Institute for International Law and the Humanities at Melbourne Law School. Her teaching and research interests are in the areas of public law, international refugee law, and international human rights law. Michelle has a Master of Laws and a Doctor of Juridical Science from the University of Michigan Law School, where she was a Michigan Grotius Fellow. She also holds a Bachelor of Laws and Bachelor of Commerce with First Class Honours from the University of New South Wales, for which she obtained a University Medal. Prior to her graduate studies, she worked for the Commonwealth Attorney-General's

Department, as Research Director for the Honourable Anthony Murray Gleeson AC (then Chief Justice of NSW) and Legal Research Officer in the Chambers of the NSW Solicitor-General and Crown Advocate.

Michelle has published widely in the field of international refugee law, and her work has been cited extensively in the international refugee law literature and also in judicial decisions in the UK, Australia and New Zealand. Her most important contribution to date has been her book, *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation* (CUP, 2007), which has been widely and favourably reviewed. Michelle has developed a new curriculum in Refugee Law in both the Bachelor of Laws and Master of Laws degrees (Melbourne Law School). She has been engaged by the Refugee Review Tribunal to conduct training workshops for decision-makers and has been involved in extensive consultation with the Department of Immigration and Citizenship concerning new directions for refugee law and policy in Australia.

Dr Kirsty Gover

Programme Director, Comparative Tribal Constitutionalism



Kirsty Gover recently graduated from the NYU Doctor of Juridical Science Program, where she was an Institute for International Law and Justice (IILJ) Graduate Scholar and a New Zealand Top Achiever Doctoral Fellow. Her dissertation is entitled 'Constitutionalizing Tribalism: States, Tribes and Membership Governance in Australia, Canada, New Zealand and the United States'. Kirsty has a Master of Laws from Columbia University School of Law, a Bachelor of Arts and a Bachelor of Laws with Honours from the University of Canterbury, New Zealand. A Columbia University School of Law Human Rights Fellow and James Kent Scholar, she was also the first full-time Institute Fellow at NYU Law School's IILJ. She has

worked as a senior advisor and consultant to Te Puni Kokiri (Ministry of Maori Development) and the Ministry of Justice, Wellington, New Zealand, consulting on international and domestic policy on indigenous peoples. She also taught in this field at the University of Canterbury Law School. A forthcoming article by Dr Gover, 'Genealogy as Continuity: Explaining the Growing Tribal

Preference for Descent Rules in Membership Governance' (American Indian Law Review). The dissertation is based on a large-scale study of the membership rules contained in the constitutions of 600 recognised tribes.

Mr Jürgen Kurtz

Programme Director, International Investment Law



Jürgen Kurtz researches and teaches in the various strands of international economic law including the jurisprudence of the World Trade Organization and that of investor-state arbitral tribunals. He has a particular interest in examining the impact of treaty-based disciplines on regulatory autonomy and development strategies of member states. Jürgen's work has been published in a range of leading international law journals and has been cited by international tribunals in adjudication.

In 2002, Jürgen was appointed an Emile Noël Fellow at the Jean Monnet Center for International and Regional Economic Law Justice at New

York University Law School. He has subsequently held a Grotius Fellowship at the University of Michigan Law School (2003–04) and was appointed a research fellow at the Hague Academy of International Law in 2004. Most recently, in 2008, Jürgen was appointed as the inaugural convenor of the General Course on International Investment Law of the Academy of International Trade and Investment Law based in Macau and organised by the Institute of European Studies. This Institute aims to provide education and training at the highest international standard on the law of international trade and investment, the WTO, and select regional integration regimes such as the NAFTA, the EU, MERCOSUR and ASEAN. The course takes place for two weeks in July and follows a model similar to the Academy of European Law in Florence and to the Academy of International Law in The Hague. Jürgen has also recently accepted an appointment and will teach in the Master of Laws program at the Universidade Católica in Portugal in 2010.

Aside from research and teaching, Jürgen acts as a consultant to a variety of governmental (AusAID) and inter-governmental agencies on law reform and implementation of investment and trade treaty commitments in developing countries. Most recently, Jürgen was invited by UNCTAD and UNDP to advise on Vietnam's planned accession into the World Trade Organization.

Associate Professor Shaun McVeigh

Programme Director, Jurisdictions of the South



Shaun McVeigh joined the Melbourne Law School 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 inheritance of Australia and Britain.

Over the next 18 months, Shaun will be jointly organising and attending symposia and conferences on 'Transpositions of Empire' (Prato, April 2009); and 'Lawful Life and Labour' (University of Cape Town, September 2010). Recent elaborations of these themes can be found in Shaun McVeigh

(ed), *Jurisprudence of Jurisdiction* (Routledge, 2007); Christine Black, Shaun McVeigh and Richard Johnstone (eds), 'Of the South' (2007) 16(2) *Griffith Law Review*; and Shaun McVeigh (ed), 'Traversals: Engagements with Critical Movements in Law (Law of the South)' (2005) 15(2) *Griffith Law Review*.

Associate Professor Andrew D. Mitchell

Programme Co-Director, Global Trade



Andrew Mitchell joined the Melbourne Law School as a Senior Lecturer in 2006, having been a Senior Fellow since 2004. His major area of interest is international economic law, in particular the law of the WTO. He graduated from the University of Melbourne with First Class Honours in both his Bachelor of Laws and Bachelor of Commerce degrees. He subsequently obtained a Graduate Diploma in International Law from the University of Melbourne, a Master of Laws from Harvard Law School and a PhD from the University of Cambridge. His dissertation was published in 2008 by Cambridge University Press as *Legal Principles in WTO Disputes*.

Andrew was previously a solicitor with Allens Arthur Robinson in Australia and worked briefly at Davis Polk & Wardwell in New York. He has also worked in the Trade Directorate of the Organisation for Economic Co-operation and Development, the Intellectual Property Division of the WTO, and the Legal Department of the International Monetary Fund. Andrew has published in numerous journals and books on areas including WTO law, international law, international humanitarian law, and constitutional law. In addition to his Melbourne teaching, Andrew has taught WTO law to undergraduate and postgraduate students at Bond University, Monash University, University of Western Ontario, and to Australian and overseas government officials at the Australian Department of Foreign Affairs and Trade and the International Development Law Organization respectively.

Andrew also consults for the private sector and international organisations. He has been engaged by Telstra for a research project on trade and telecommunications issues and by the World Health Organization to advise on issues concerning the *Framework Convention on Tobacco Control*. In 2007, following a nomination by the Australian government, the WTO's Dispute Settlement Body added him to the indicative list of governmental and non-governmental panelists to hear WTO disputes. In 2008, he was a Visiting Fellow at the Department of Law, London School of Economics and Scholar-in-Residence at the International Arbitration Group of WilmerHale in London.

Professor Dianne Otto

Programme Director, International Human Rights Law

Dianne Otto is Professor of Law and Director of IILAH's International Human Rights Law Program

at the Melbourne Law School. Dianne was the inaugural Convenor of the University's interdisciplinary Human Rights Forum in 2006. Her research interests include peace and security issues, the UN Security Council, international economic and social rights, the exclusionary effects of legal representations of marginalised groups, gender issues in human rights and development, international human rights NGOs, and domestic implementation of international legal obligations.

Dianne has been active in a number of human rights NGOs including Amnesty International, Women's Rights Action Network Australia,



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Women's Economic Equality Project (Canada) and International Women's Rights Action Watch Asia Pacific (IWRAW-AP), and the Human Rights Law Resource Centre (Melbourne).

Associate Professor Sundhya Pahuja

Programme Co-Director, Law and Development



Sundhya Pahuja's scholarship explores the changing role of law and legal institutions in the context of globalisation. She has a special interest in the World Bank and the International Monetary Fund and writes widely in the areas of law and development, international legal theory, and globalisation. Her research crosses traditional disciplinary boundaries and challenges distinctions between public and private behaviours and the categories of economic and non-economic in new ways. The various national and transnational regulatory practices (including law) through which governance is effected, especially in the context of the relationship between North and South, are a particular concern. To this end, Sundhya's

work engages with public international law, international economic law, and a range of critical and philosophical approaches to law and legal theory, including postcolonial, post-structural and political-economic theories.

Associate Professor Jacqueline Peel

Programme Director, International Environmental Law



Jacqueline Peel is an Associate Professor at the Melbourne Law School and the Programme Director of IILAH's Environmental Law programme. She holds the degrees of Bachelor of Science and Bachelor of Laws with First Class Honours from the University of Queensland, a Master of Laws from New York University where she was a Fulbright scholar, and a PhD from the University of Melbourne. In 2003-04, Jacqueline returned to NYU Law School as a Hauser Research Scholar and Emile Noel Fellow, undertaking a project on international trade and its environmental law intersections.

Jacqueline's established research interests are in the areas of environmental law (domestic and international), risk regulation, and international trade law. She has published numerous articles on these topics in a number of prominent academic and international journals. Jacqueline's thesis (to be published by Cambridge University Press) focuses on the area of international risk regulation, examining the use (and abuse) of science in legal risk assessment processes, such as those undertaken by the dispute settlement bodies of the WTO in cases under the *Sanitary and Phytosanitary Agreement*. Jacqueline's expertise and scholarship in the field of law/science is also evident in her well-regarded book on the implementation of the precautionary principle (Federation Press, 2005). Another book on *Environmental Law: Scientific, Policy and Regulatory Dimensions* (co-authored with Lee Godden) is to be published in 2009 by Oxford University Press.

Recently, Jacqueline has expanded her research to focus on the emerging field of climate change law. Together with Lee Godden and Rod Keenan, Jacqueline holds an Australian Research Council Discovery grant to examine the regulatory framework for responding to climate change in Australia. She has also secured a USSC grant for 2009 to undertake a comparative analysis of Californian and Australian climate change law. These projects augment Jacqueline's existing publications and teaching in the field of climate change law.

Associate Professor Peter Rush

Programme Director, International Criminal Justice

Peter Rush is an Associate Professor at the Melbourne Law School and director of the



International Criminal Justice programme in IILAH. He has been a youth worker, an artist, a filmmaker and a scholar. He has taught in law faculties and criminology departments in Australia and in England. In 2004-05, he was the Karl Lowenstein Fellow in Political Science and Jurisprudence at Amherst College. Peter is the author of several books on criminal law and edited collections on jurisprudence, and on law and aesthetics. A longstanding member of the critical legal studies movement in the United Kingdom, he was coordinator of its national conference and a founding member of the interdisciplinary legal theory journal *Law & Critique*.

Peter has been invited to present papers and lectures at institutions in the United Kingdom, United States and Canada, such as Birkbeck College, Carleton University, and New York University. 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. His areas of expertise include international criminal law, legal theory and jurisdiction, the histories and doctrine of criminal law, sexual assault law and its reform, legal aesthetics, and legal formations of trauma.

Associate Professor Tania Voon

Programme Co-Director, Global Trade



Tania Voon undertook her Master of Laws at Harvard Law School (focusing on humanitarian intervention) and her PhD at the University of Cambridge, where she was a WM Tapp Scholar and a Fellow of the Cambridge Commonwealth Society. Her book, *Cultural Products and the World Trade Organization*, was published by Cambridge University Press in 2007. Before joining the Melbourne Law School, Tania was a Legal Officer in the Appellate Body Secretariat of the WTO, and in 2007 she was nominated by Australia and approved by the WTO's Dispute Settlement Body for inclusion on the indicative list of governmental and non-governmental panelists. Tania has also worked with the Australian

Government Solicitor, Mallesons Stephen Jaques, the UN Office of Legal Affairs, and the Environment Directorate of the OECD. Aside from international economic law, her research interests include the laws of war and cultural rights. Tania is a member of the Asia Pacific Centre for Military Law and a Fellow of the Tim Fischer Centre for Global Trade and Finance.

Dr Margaret Young

Programme Director, Fragmentation and Regime Interaction in International Law

Margaret Young was previously the William Charnley Research Fellow in Public International Law at Pembroke College and the Lauterpacht Centre for International Law, University of Cambridge. She holds a PhD and a Master of Law from the University of Cambridge and a Bachelor of Arts and a Bachelor of Laws with Honours from the University of Melbourne and has been a Visiting Scholar at Columbia Law School. Her graduate studies were supported by a number of awards, including the Gates Scholarship, the Commonwealth Scholarship and a scholarship from the *Modern Law Review*. She has lectured in Cambridge's Master of Laws



course on WTO law and has worked at the WTO (Appellate Body Secretariat), the United Nations International Law Commission and at Greenpeace International. Margaret is currently working on a book on trade-related aspects of fisheries and she is the Assistant Editor of the *British Year Book of International Law*. She is organising a conference at the Lauterpacht Centre in June 2009 on 'Regime Interaction: Theoretical and Practical Challenges'.

Staff

Ms Vesna Stefanovski

IILAH Administrator



Vesna Stefanovski joined IILAH in June 2007 as the Institute's administrator. Vesna holds a Bachelor of Arts with majors in marketing and media and a Certificate in Public Relations. In her previous position, Vesna worked in marketing and communications in the transport industry and has extensive practical experience in organising major public and staff events, implementing communication strategies, managing community and media relations. She has a reputation for being enthusiastic, providing energy and spark to the team and doing an excellent job in building a positive corporate culture. As the IILAH administrator, Vesna is involved in maintaining the IILAH web page, organising a range of conferences,

public lectures, workshops and reading groups, as well as designing publications and flyers for the Institute.

IILAH Members



Associate Professor Alison Duxbury

Melbourne Law School



Alison Duxbury's main areas of research are international institutional law, human rights law and international humanitarian law. In 2008, Alison completed her PhD on the role of human rights and democracy in determining states' participation in international organisations. Alison is a member of the Australian Red Cross International Humanitarian Law Committee (Victorian Division), the Asia Pacific Centre for Military Law, and the International Advisory Commission of the Commonwealth Human Rights Initiative based in Delhi. Between 2007 and 2008, Alison was Convenor of the University's Human Rights Forum.

In 2000, Alison was a Dame Lillian Penson Research Fellow at the Institute of Commonwealth Studies in London, and in 2004 and 2006 she was a Visiting Fellow at the Lauterpacht Research Centre for International Law at the University of Cambridge. Alison has undertaken advice work in the areas of international law and human rights, and has published in Australian and overseas law journals in these fields.

Dr Ann Genovese

ARC Postdoctoral Fellow, Melbourne Law School



Ann Genovese joined the Melbourne Law School in 2006. Ann completed her Bachelor of Arts and Bachelor of Law degrees at the University of Adelaide, and her PhD in History at the University of Technology, Sydney in 1998, for which she won the inaugural Chancellor's Award for excellence. Her research interests have consistently been directed to understanding the theoretical and methodological relationship between law and history, and its impact upon Australian political and legal reform.

Prior to joining the Melbourne Law School, Ann worked inside and outside the Academy. She was a Senior Researcher at the Justice Research Centre in Sydney, working on public policy issues in relation to unrepresented litigants, and Legal Aid funding in the family law jurisdiction. She has also taught various law, politics and theory subjects at the University of Technology, Sydney and at the University of New South Wales. In 2000, she undertook a Fellowship at the Humanities Research Centre for their Law and Humanities themed year. In 2002, she was awarded an Australian Research Council Discovery grant, with Professor Ann Curthoys (University of Sydney) and Associate Professor Alexander Reilly (University of Adelaide) to examine the role of history in key Indigenous rights cases, how the Federal Court has made use of historians as expert witnesses in those cases, as well as how the colonial past has been framed and understood by the law. The research has produced a book, *Rights and Redemption: Law, History, Indigenous Peoples* (UNSW Press, 2008).

In 2006, Ann was awarded an Australian Research Council Postdoctoral Fellowship to examine the interrelationships between shifts in liberal discourse and feminist thinking about legal reform in Australia since the late 1960s, using family law as a vehicle. The work from this project is ongoing.

Ann's interdisciplinary research has resulted in publications in journals relevant to law, history and feminist theory. She is a member of the editorial board of *Australian Feminist Studies*, and she is also a corresponding editor to the UK journal *Feminist Review*. She is currently supervising doctoral students who work between law and humanities, and is experienced in cross Faculty supervisions.

Professor Lee Godden

Melbourne Law School



Lee Godden holds a research and teaching position within the Melbourne Law School. As well as her involvement with IILAH, she is the Director of the Centre for Resources, Energy and Environmental Law. Accordingly, much of her scholarship occurs in areas at the intersection of law and the humanities related to environmental law, indigenous rights and natural resource management. An exploration of the relationship between law and history in the context of native title law formed a theoretical foundation for much of Lee's earlier research. A similar interdisciplinary focus has informed other aspects of her scholarship in property theory and environmental regulation and governance. A further theme pursued

in her work is the inter-relations between law, violence and bodily disciplining. Current projects include an application of post-colonial theory to property law and a discussion of regulatory theory as it impacts on water law.

Engagement with the theoretical and the grounded aspects of law is a hallmark of her scholarship distinguished by an interdisciplinary approach. She maintains a focus on legal theory, drawing on her background in law and geography. Her work has appeared in leading International journals such as *Journal of Environmental Law*, as well as leading Australian law journals; *University of New South Wales Law Journal*, *Melbourne University Law Review*, and the *Criminal Law Journal*. Professor Godden has been awarded ARC Discovery Project and Linkage Project funding, as well as grants from bodies, such as the AIATSIS.

Mr Kevin Jon Heller

Senior Lecturer, Melbourne Law School



Kevin Jon Heller, previously to joining the Melbourne Law School, taught International Criminal Law and Law and Society at the Faculty of Law, University of Auckland. He will teach core Criminal Law classes and International Criminal Law, at the Melbourne Law School. He has a Juris Doctor with Distinction from Stanford Law School, a Master in Laws with Honours from Duke University (Literature), and a Master of Arts and a Bachelor of Arts, both with Honours, from the New School for Social Research (Sociology). He has been involved in the International Criminal Court's negotiations over the crime of aggression and served as Human Rights Watch's external legal advisor on the trial of Saddam Hussein

(whose lawyers cited his academic work in their appeals). He has also consulted with a number of defendants, most recently Radovan Karadzic, at the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. He is currently writing a book entitled, *The Nuremberg Military Tribunals and the Origins of International Criminal Law*, which will be published by Oxford University Press in 2010.

Mr Bruce Oswald

Senior Lecturer, Melbourne Law School

Bruce (Ossie) Oswald's research interests are in the areas of international humanitarian law, peace operations law, international peace and security law, military law, and international criminal law. Ossie teaches a range of undergraduate and post-graduate subjects in the Law School. Some of the subjects he teaches are Principles of International Law, International



Dispute Settlement Law, International Humanitarian Law, International Peace and Security Law, Institutions in International Law and UN Law and Practice. Ossie has served in the Australian Army as a legal officer and has seen active service overseas as a member of the Australian Defence Force.

Professor Gerry Simpson

Melbourne Law School



Gerry Simpson is a Professor of Public International Law at the London School of Economics, and holds a Chair in Law at the University of Melbourne. He is the author of *Great Powers and Outlaw States* (Cambridge, 2004) (awarded the American Society of International Law's annual prize for Pre-eminent Contribution to Creative Legal Scholarship) and is co-editor of *The Law of War Crimes: National and International Approaches* (1997). His latest book is *Law, War and Crime: War Crimes Trials and the Reinvention of International Law* (Polity, 2007)

In 2006–07, Gerry engaged in human rights training with the UK Foreign Office and the Belgrade Humanitarian Law Centre. In 2008, he was

appointed Director of Studies for The Hague Academy and in 2009, he will give the Global Leaders Lecture at the University of Santa Clara.

Dr Joo-Cheong Tham

Senior Lecturer, Melbourne Law School



Joo-Cheong Tham has taught at the law schools of Victoria University and La Trobe University. Joo-Cheong graduated with a Bachelor of Laws with Honours in 1998 and a Master of Laws in 2003 at the University of Melbourne. He was granted a PhD by the University of Melbourne on the basis of his thesis that examined the legal precariousness of casual employment. His research focuses on the regulation of non-standard work, anti-terrorism laws and political finance law. He has published over 25 book chapters and refereed articles. His research has also been published in print and online media with Joo-Cheong having written more than 30 opinion pieces. He has also given evidence to parliamentary inquiries into

terrorism laws and political finance law. In 2007–08, he was a British Academy Visiting Fellow at King's College, University of London and undertook a comparative study of control orders in Australia and the UK in relation to the protection of human rights. He is also writing a book on Australian political finance law that will be published by UNSW Press.

Mr John Tobin

Senior Lecturer, Melbourne Law School

John Tobin has a Bachelor of Commerce and Bachelor of Laws with Honours from the University of Melbourne and a Master of Laws with Distinction from the University of London specialising in human rights law. Since 2001, he has worked in the Melbourne Law School and has designed and taught several subjects including Human Rights Litigation and Advocacy, International Human Rights Law, International Law, and International Law and Children's Rights. He also co-supervises the Graduate International Legal Internship. John has been a Visiting Professor at the American Academy of Human Rights and Humanitarian



Law, Washington College of Law, American University and in 2006 John was a Visiting Professor at the Centre for Human Rights and Global Justice at the NYU Law School.

John has published numerous reports and articles on human rights and provided human rights training and advice as a consultant and on a pro bono basis on numerous occasions to organisations such as UNICEF, the Victorian Law Reform Commissions, the Equal Opportunity Commission, the Human Rights Law Resource Centre as well as other NGOs, statutory bodies, government departments and community groups. He is a Director of Childwise, a leading NGO which campaigns against the sexual exploitation of children in the Asia–Pacific, an Advisory Board member of the *Melbourne Journal of International Law*, an Advisory Committee member and occasional chair of the Human Rights Legal Resource Centre and a member of the Steering Committee for the Human Rights Forum. He has also worked in numerous capacities as a solicitor including as a commercial lawyer, legal aid lawyer and legal officer with the Department of Justice.

Dr Amanda Whiting

ARC Postdoctoral Fellow, Melbourne Law School



Amanda Whiting joined Melbourne Law School as a Lecturer in 2004. She is an Australian Research Council Postdoctoral Research Fellow and is researching and writing a history of the post-colonial Malaysian legal profession. Her research is in the areas of human rights institutions and practices in the Asia—Pacific region, gender and religion, and Malaysian legal history. She is the Associate Director (Malaysia) of the Asian Law Centre. Amanda completed her honours degree in Arts at the University of Melbourne in 1981 and then taught seventeenth and eighteenth century history in the University's History Department over the next decade. She also has a Diploma of Education (1988) and a Graduate

Diploma of Indonesian (1995), which was partly undertaken at Universitas Kristen Satya Wacana, Indonesia. She completed her Bachelor of Laws with First Class Honours in 2001. In 2004, her article "Some Women Can Shift It Well Enough": A Legal Context for Understanding the Women Petitioners of the Seventeenth-Century English Revolution' appeared in the *Australian Feminist Law Journal*. In 2007, she completed her doctorate thesis, which provided a feminist analysis of mid-seventeenth century English legal and political history.

Amanda is also presently engaged in an Australian Research Council Discovery Project, 'The Media and ASEAN Transitions: Defamation Law, Journalism and Public Debate in Indonesia, Malaysia and Singapore', together with Professor Andrew Kenyon and Professor Tim Lindsey (Melbourne Law School) and Dr Tim Marjoribanks (Faculty of Arts, University of Melbourne).

IILAH Doctoral Students



Olivia Barr



Thesis: Geographies of Jurisdiction: Aboriginal Sovereignty and the Common Law in Australia

Supervisors: Dr Jennifer Beard and Associate Professor Maureen Tehan

Olivia Barr graduated from the University of Western Australia with a Bachelor of Laws with Distinction and a Bachelor of Arts (Anthropology) before graduating from the University of British Columbia with a Master of Laws. Olivia has worked in law reform, as a government solicitor and for the United Nations Permanent Forum on Indigenous Issues. Her doctoral thesis contemplates the role of jurisdiction in locating and placing

the common law through the utilisation of critical approaches to jurisdiction and critical legal geography.

Megan Brodie



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

Supervisors: Professor Dianne Otto, Dr John Chesterman (external) and Professor Brian Burdekin (external)

Meg Brodie completed her Bachelor of Arts with Honours and her Bachelor of Laws with Honours at the University of Melbourne. Her PhD investigates national inquiries conducted by the National Human Rights Commissions of Mongolia and India. Her fieldwork was supported by an Endeavour Research Fellowship. A lawyer, Meg has worked in both the

corporate and not-for-profit sectors and currently sits on the Board of the Oaktree Foundation. In 2009, Meg will took a Teaching Fellowship at the Melbourne Law School.

Takele Soboka Bulto



Thesis: The Imperatives of Extraterritorial Application of the Human Right to Water: A Case Study of the Nile Basin

Supervisors: Associate Professor Carolyn Evans and Associate Professor Jacqueline Peel

Takele Soboka Bulto holds a Bachelor of Laws and a Master of Arts from Addis Ababa University, and a Master of Laws from the University of Pretoria. Takele worked as a judge and lecturer in Ethiopia and a visiting lecturer at the Centre for Human Rights, Faculty of Law at the University of Pretoria. He also worked as Programme Coordinator for Child Rights

and Child Rights Programming in Eastern and Central African Regional Office of Save the Children Sweden. Just before taking up his PhD studies at the Melbourne Law School, Takele was a Legal Officer in a PanAfrican Pioneer NGO, Institute for Human Rights and Development in Africa, where he practiced before the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child. He represented victims on human rights violations from Zimbabwe, Ethiopia, Kenya and Angola and defended their cases before the two African regional human rights bodies.

Takele has published his works in American, South African and Ethiopian journals. His most recent works, entitled 'Between Ambivalence and Necessity: Occlusions on the Path Towards A Basin-Wide Treaty in the Nile Basin' and 'The Interplay of the Equality Clause and Affirmative

Action Measures under the Ethiopian Constitution: The Benishangul Gumuz Case and Beyond' are forthcoming in 20(1) *Colorado Journal of International Environmental Law and Policy* (2008) and 2 *Ethiopian Human Rights Law Review* (2009), respectively.

Takele's PhD thesis analyses the operationalisation of the emerging human right to water in Africa. Given that every single African state has at least one water source to share with another state, the realisation of the human right to water in Africa is primarily dependent upon resources that cross international borders of states that rely on the same resource to fulfill the human right to water in their respective territories. Many states lack the necessary water resources from within their territories, and find themselves under resource constraints that would severely hamper their ability to 'respect', 'protect,' 'promote' and 'fulfill' the human rights of their inhabitants. Taking the Nile Basin as a case study, Takele's thesis seeks to explore riparian states' extraterritorial legal obligations in the fulfillment of a human right to water of the populations living beyond their own borders.

Luis Eslava



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

Supervisors: Dr Jennifer Beard and Professor Anne Orford

Luis Eslava completed his undergraduate law degree at Universidad Externado de Colombia and a Master of Law and Development at the Melbourne Law School. Luis is interested in issues of Global Governance, from the perspective of critical Third World subjects. In the last few years, Luis has published various articles in Colombian and international journals, including 'Corporate Social Responsibility & Development: A

Knot of disempowerment' in *Sortuz – Oñati Journal of Emergent Sociolegal Studies*; 'Occupation Law: (Mis)Use and Consequences in Iraq' in *Contexto* and a review of *Developing Power: How Women Transformed International Development* for *Feminist Legal Studies*.

Luis' PhD project investigates the implications of the decentralisation of development in Colombia since the reform of the Colombian Constitution in 1991. It specifically asks what have been the effects of the move from national to local development on the juridico-political concepts of sovereignty, state and citizenship. It suggests that these reforms altered the geographical space in which development was usually conceived and performed as part of an international trend that portrays states as overgrown and unmanageable spaces. The effect was the creation of multiple sub-national territorial units, which overtook the nation-state and its citizens as the preferred sites of development interventions. To evaluate this development shift, the research adopts a case-based approach focusing on Bogotá, Colombia.

Carolyn Graydon



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

Supervisors: Professor Tim Lindsey and Professor Dianne Otto

Carolyn Graydon worked as an advocate in the area of refugee and immigration law for several years and then with the United Nations in Timor-Leste as a human rights officer. This experience triggered her interest in Timorese women's responses to gender violence, in particular, their use of formal and indigenous justice systems. Carolyn's thesis focuses on indigenous processes of developing and protecting human

rights, more specifically, justice processes and their potential for long term transformation so that they are better able to deliver the justice and protection sought by Timorese women. In 2006–07, she lectured at the Melbourne Law School in the subject, Law and Society in Southeast Asia.

Lia Kent



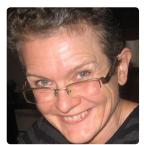
Thesis: Exploring Expectations of Transitional Justice in Timor Leste

Supervisors: Professor Dianne Otto, Dr Jennifer Balint (external) and Dr Julie Evans (external)

Lia Kent holds a Bachelor of Arts and a Master of Public and International Law from the University of Melbourne and a Master of Social Work from La Trobe University. Her fields of interest include postconflict reconstruction, transitional justice and reconciliation. Lia has worked in the field of human rights and development for over ten years, in Australia and East Timor, including for non-government and intergovernmental organisations such

as Oxfam and the United Nations. Lia is in the final year of her PhD, which considers the transitional justice processes undertaken in East Timor during the period of United Nations administration, and explores the complex and long term effects of these processes at the local level. The project aims to reflect critically on the adequacy of transitional justice models for dealing with the complex and long-term needs of societies emerging from periods of conflict.

Eve Lester



Thesis: Making Migration Law Work in Australia: Paradoxes and Prospects

Supervisors: Dr Jennifer Beard and Associate Professor Shaun McVeigh

Eve Lester's thesis explores the historical dynamics that have shaped immigration law-making in Australia so as to circumscribe enjoyment of basic social and economic rights, and pivotally the right to work, by people who migrate as part of a survival strategy. To this end, her thesis analyses the influence of a matrix of societal dynamics, including the concept of

sovereignty, race, religion and political economy and their role in shaping social and economic rights and realities for survival migrants in Australia.

Daniel Muriu



Thesis: Recognition, Redistribution and Resistance: Assessing the Usefulness of Human Rights in the Task of Realising Better Health in Sub-Saharan Africa in the Context of Challenges Posed by International Economic Actors

Supervisors: Professor Anne Orford and Dr Jennifer Beard

Daniel Muriu's PhD thesis examines the usefulness of human rights as a strategy for realising or ensuring better health in Africa, especially in the context of the pervasive power of international economic institutions such as the World Trade Organization, the World Bank and the International

Monetary Fund. Using insights from Third World Approaches to International Law and the writings of Michel Foucault, he argues for a conceptualisation of human rights that recognises the limits of human rights as instruments of recognition, resistance and redistribution particularly in the light of the activities of the aforesaid non-state actors.

Daniel completed his Bachelor of Laws with Honours at the University of Nairobi, Kenya in 1992 and his Master of Laws with Distinction at the University of Witwatersrand, Johannesburg in 2002. A research paper Daniel submitted as part of his Master of Laws, 'Paying Lip Service to the Principles of Regulation: A Comparative Critique of the Telecommunications Laws of Kenya, Uganda, South Africa, Ghana, Cameroon and Sri Lanka', was published in the *Journal of African Law*, University of London in 2002.

Prior to commencing his doctoral studies at Melbourne, Daniel was a partner at Hamilton Harrison and Mathews, which is the oldest and largest law firm in Kenya, offering a full range of legal services to both local and international clients. His specialisations in legal practice have been in corporate, commercial, banking and intellectual property law amongst others. Since 1997, he has also worked on a pro bono basis for human rights organisations, providing legal aid to women and children in Kenya. Daniel was a founding member and trustee of the Child Rights, Advocacy and Documentation Legal Centre (CRADLE) which is the foremost children's rights organisation in Kenya.

Edward Mussawir



Thesis: *Jurisdiction: The Expression and Representation of Law*Supervisors: Associate Professor Peter Rush and Professor Anne Orford

Edward has taught in the Melbourne Law School and in the Criminology Department at the University of Melbourne and is currently completing a doctoral thesis addressing the place that various models of jurisdiction have had within a Western tradition of jurisprudence. His research focus is concerned with the jurisdictions of personality, possession and procedure. Drawing a theoretical influence from Gilles Deleuze, Edward has been interested in finding ways of addressing an expressive genre

in jurisprudence. He has published in such journals as *Law and Literature*, *Australian Feminist Law Journal* and *Studies in Law, Politics and Society* on themes ranging from Franz Kafka to law and cinematic representation. Other topics within Edward's academic interest include issues of jurisdiction relating to animal law, terror-related procedures of control and the sexuate legal personality of children.

Yoriko Otomo



Thesis: The Changing Landscapes of Risk: A Feminist Jurisprudence of the International Law of Occupation and International Economic Law

Supervisors: Professor Anne Orford and Dr Jennifer Beard

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

and international economic law.

Mickaël Ho Foui Sang



Thesis: The Function of Law in the Protection of Historical Truth Supervisor: Professor Anne Orford and Dr Olivier Cayla (external)

Mickaël Ho Foui Sang completed his undergraduate studies at the University of Paris II (Panthéon-Assas, France). Mickaël holds a Master in Theory and Analysis of the Law and a degree in European Law from the University of Paris X (Nanterre, France). His Masters thesis focused on the interaction of legal systems, especially on ways to rethink French private law in the context of European integration, both from a substantial and from a procedural law point of view. Mickaël is particularly interested

in the tension between the State, collective memory and history in contemporary France and Europe. His PhD thesis explores the place and function of law in the process of reconciliation and the recognition of historical truth.

Olivera Simič



Thesis: Is the Zero Tolerance Approach to Sex between UN Peacekeeping Personnel and Local People in the Context of UN Peacekeeping Operations the Best Way to Prevent 'Sexual Exploitation' in the Future?

Supervisors: Professor Dianne Otto and Dr Michelle Foster

Olivera Simič has a Master of Law in International Human Rights Law from Essex University, UK, and a Master of Arts in Gender

and Peacebuilding from the UN University for Peace, Costa Rica. For more than a decade, she has been working as a Gender and Law consultant for different agencies such as the UNICEF, OSCE, and ICMPD. Also, Olivera has been actively engaged with projects related to women's and children's human rights in different capacities as an activist, researcher, trainer, tutor, and lecturer. Her fields of interests are gender, sexual abuse, sexual exploitation, organised crime, militarism, war, peacekeeping, and reconciliation.

Her PhD thesis argues that, although the zero tolerance policy should be welcomed as the first important step towards comprehensive recognition of the problem of 'sexual exploitation' in the UN peacekeeping context, the policy is problematic for several reasons including its broad definition of 'sexual exploitation'. In her thesis, Olivera examines why and how the zero tolerance policy was tailored as well as what assumptions it makes, in particular about the people with whom it is most concerned. Her thesis aims to explain bewilderment about the zero tolerance policy's broadly defined term of 'sexual exploitation'. Search for the identification of the fine line between coerced sex and different layers of consensual sex lies at the heart of her research project.

John Tobin

Thesis: Children's Right to Health: Seeking Clarity in the Content of Article 24 of the UN Convention on the Rights of the Child

Supervisors: Professor Anne Orford and Professor Philip Alston (external)

It has been said that 'one would be hard pressed to find a more controversial or nebulous human right than the "the right to health" which 'is characterised by conceptual confusion as well as a lack of effective implementation'. The aim of John Tobin's thesis is to examine the extent



to which clarity can be brought to the content of the obligations which States parties have assumed under article 24 of the *Convention on the Rights of the Child*. John is a Senior Lecturer at the Melbourne Law School.

Deborah Whitehall



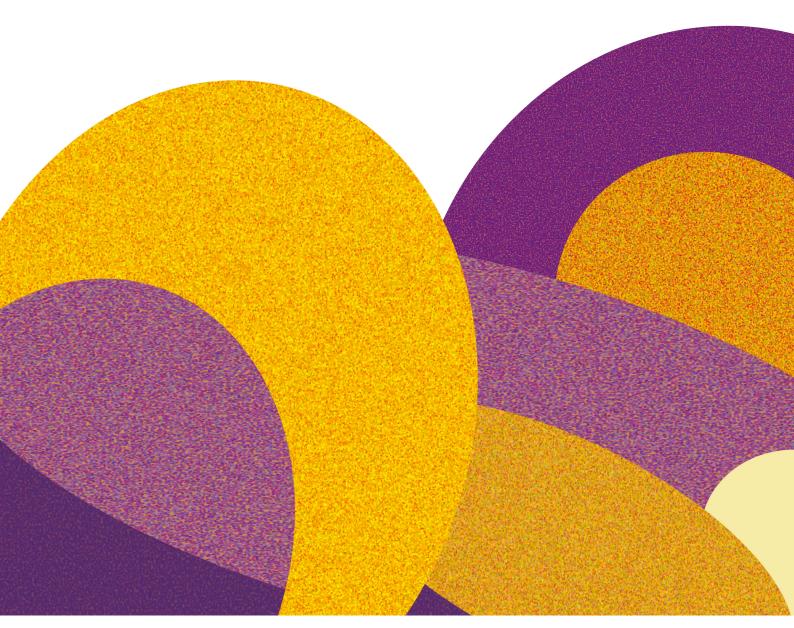
Title: Hannah Arendt, Reproductive Rights and the Legal Discourse between Body Politics

Supervisors: Professor Anne Orford and Dr Ann Genovese

Deborah's research uses the work of Hannah Arendt as a resource for reworking familiar metaphors of human rights in ways that reveal the transformative potential of law. She is particularly interested in how social and political theory can be used to generate questions about women's reproductive rights that reset the framework in which the options for reform might be considered. Deborah's project reflects her ongoing interest in

the tensions between rights discourse in international human rights law and national law and the political and social trajectories in which human rights are given substance. Deborah has studied and taught law in Australia and the United Kingdom, and has experience in law reform, and as a solicitor in the public and private sectors.

EVENTS AND VISITORS



14 March 2008: IILAH Roundtable with Mr Ken Roth (Executive Director at Human Rights Watch (HRW) in New York)

(Convenor: Professor Dianne Otto)

HRW is an international NGO, dedicated to protecting the human rights of people around the world. It is based in New York, with offices in Brussels, London, Moscow, Paris, Hong Kong, Los Angeles, San Francisco, Tashkent, Toronto, and Washington.

Ken Roth opened the Roundtable by explaining that he was in Australia to explore first-hand the possibility of HRW establishing a presence here. The roundtable participants discussed the aims that HRW would have in establishing an Australian office; the benefits that might flow from such a development, both domestically and regionally; the anticipated relationship between HRW and Australian human rights organisations; and the all-important question of its geographical location. The Roundtable was attended by a number of academics, practitioners, students and NGO representatives. Participants included representatives from the Australian Centre for Human Rights Education, Australian Lawyers for Human Rights, Human Rights Law Resource Centre, Refugee and Immigration Legal Centre, Victorian Council of Social Service and the Victorian Foundation for the Survivors of Torture. The general view was very positive about the enhanced attention to human rights issues that a presence of HRW in Australia would engender, and the new opportunities that would be created for bringing together human rights research and advocacy.

18 March 2008: Seminar with Professor Martin Scheinin (Åbo Akademi University)

The Future of International Human Rights Protection: Reflections from the UN Special Rapporteur on Human Rights and CounterTerrorism

(Convenor: Professor Dianne Otto)

IILAH co-hosted this seminar with the Human Rights Law Resource Centre and the Centre for Comparative Constitutional Studies (CCCS). At the seminar, Professor Martin Scheinin, Director of the Institute for Human Rights at Åbo Akademi University and United Nations Special Rapporteur in Finland, discussed the often deteriorating regard for human rights in an international climate that is focused on countering terrorism. His predominant message was one of hope - or, perhaps more accurately, not to lose hope - as he discussed some of the opportunities for creative human rights advocacy in the post 9/11 environment. He referred to two recent events as examples: first, Cuba's ratification of the *ICCPR* and *ICESCR* and, second, the decision by the European Court of Human Rights in *Saadi v Italy*, which affirmed the absolute nature of the prohibition against torture. His address was followed by a brief discussion of the issues with Professor Cheryl Saunders (CCCS) and Professor Dianne Otto (IILAH) before questions from the floor were invited. The seminar was attended by about 100 legal practitioners, students and NGO representatives.

3 April 2008: IILAH Public Seminar with Ms Devika Hovell (Balliol College, Oxford)

Legal Conceptualisation of Security Council "Sanctions"

(Convenor: Professor Anne Orford)

This seminar drew on analogies from domestic jurisdictions (including criminal, administrative and preventive measures such as Anti-Social Behaviour Orders and terrorist control orders), together with theories of legal punishment and censure, to arrive at a conceptualisation of international sanctions. In recent times, the Security Council has come under significant criticism for its failure



L-R: Professor Dianne Otto, Ms Devika Hovell, Associate Professor Tania Voon and Professor Anne Orford.



Ms Devika Hovell

to ensure procedural fairness in its decision-making process on sanctions. At the seminar, Ms Hovell argued that cases such as *Kadi v Council and Commission* and *Yusuf and Al Barakaat International Foundation v Council and Commission* in the European context have highlighted the alarmingly arbitrary nature by which individuals have been placed on Security Council "blacklists", leading to a world-wide freeze on their assets and travel bans.

10 April 2008: IILAH Doctoral Students Roundtable with Professor Susan Marks (King's College London, University of London)

(Convenor: Professor Dianne Otto)

This Roundtable provided a forum for doctoral students to present their present work and to receive comments from Professor Susan Marks and faculty members. Papers were presented by Ms Lia Kent on 'Transitional Justice: Narratives of Pathology?'; Mr Bruce Oswald who spoke about legal issues concerning the taking and handling of civilian detainees during military operations; Ms Olivera Simic on 'Is the zero tolerance approach to sex between UN peacekeeping personnel and local people in the context of UN peacekeeping operations the best way to prevent "sexual exploitation" in the future?' and Ms Deborah Whitehall on 'Hannah Arendt and the prospects for a cosmopolitan rights thesis'.



L-R: Ms Virginie Tassin (PhD, Law, Melbourne/ Université Paris I) and Ms Yoriko Otomo (PhD, Law, Melborune)



L-R: Professor Dianne Otto and Professor Susan Marks

1 May 2008: IILAH Twilight Seminar with Dr Hashim Tewfik (State Minister for Justice and Deputy Attorney General, Ethiopia)

Constitutions and Democracy-Building in Africa

(Convenor: Dr Jennifer Beard)



Dr Jennifer Beard

This seminar was presented by Dr Hashim Tewfik, State Minister for Justice and Deputy Attorney General in Ethiopia, who visited Melbourne Law School in April as a guest of the Law and Development Research Programme within IILAH. As a State Minister and Deputy Attorney General, Dr Tewfik is responsible for the prosecution and civil litigation division of the Ministry of Justice. Dr Tewfik has a keen interest in the relationship between law and development in his country and in the ways in which western law and development assistance influences his day-to-day work.

Dr Tewfik explored the role of the principles of self-determination, federalism and constitutionalism in contemporary Ethiopia. In response, His Honour Justice Weinberg of the Federal Court of Australia

discussed the issues of human rights and the rule of law in Ethiopia. Faculty, students and the general public, including members of the Ethiopian community in Melbourne, attended the event. Dr Tewfik answered questions from the audience about a range of contemporary issues of law and justice in Ethiopia, including the treatment of the civilian population by the Ethiopian military.

15 May 2008: IILAH Book Launch

Rights and Redemption: History, Law and Indigenous People, by Ann Curthoys, Ann Genovese and Alexander Reilly

(Convenor: Professor Anne Orford)

The book was launched at the Melbourne Law School by The Hon Robert Nicholson AO, Professorial Fellow, University of Melbourne, formerly of the Federal Court of Australia.



L-R: Dr Ann Genovese, Associate Professor Alexander Reilly, Professor Ann Curthoys and The Hon Robert Nicholson AO, Professorial Fellow, University of Melbourne



L-R: Associate Professor Peter Rush, Professor Andrew Roberston, Professor Gerry Simpson, Mr Mickaël Ho Foui Sang (PhD, Law, Melbourne/Université Paris X Nanterre), Ms Virginie Tassin and Professor Anne Orford.



L-R: Dr Zora Simic, Mr Samuel Ronfeldt, Dr Ann Genovese and Mr Joseph Ronfeldt



Dr Jennifer Beard, Dr Ann Genovese and Professor Belinda Fehlberg

22 May 2008: IILAH Seminar with Ms Victoria Donaldson (WTO Appellate Body Secretariat)

Taking Your Beefs to the WTO: The Continuing Hormones Dispute and Issues in WTO Dispute Settlement

(Convenors: Associate Professors Andrew Mitchell and Tania Voon)



Ms Victoria Donaldson



L-R: Associate Professor Tania Voon and Associate Professor Andrew Mitchell

The seminar was presented by Ms Victoria Donaldson, who was a Visiting WTO Fellow at the Institute for International Trade at the University of Adelaide. During this time Victoria took a sixmonth leave of absence from her job as a Counsellor at the WTO Appellate Body Secretariat.

In 1998, Canada and the United States succeeded before the WTO in their legal challenge to a ban by the European Communities on the import of hormone-treated beef. However, the ban remains in place today. The multiple proceedings relating to this dispute that have taken place over more than 10 years illustrate both the strengths and weaknesses of the WTO's dispute settlement mechanism. Ms Donaldson discussed some significant and current issues in WTO dispute settlement, drawing in particular on the ongoing hormones dispute. She covered issues such as transparency and public hearings at the WTO, evidence in WTO dispute settlement, the use of retaliatory trade sanctions, and discussions amongst WTO member states as to how to improve their dispute settlement system in the future.

29 May 2008: Law and Development Reading Roundtable with Professor Alvaro Santos (Georgetown Law School)

(Convenor: Associate Professor Sundhya Pahuja)

This roundtable was co-hosted by IILAH, the Asian Law Centre and the Centre for Employment and Labour Relations Law. It provided an opportunity for participants to engage critically with new thinking in the field of economic law and development, and to relate this thinking to their own research and scholarship. The workshop was attended by faculty and doctoral students.

1 July 2008: IILAH Twilight Seminar with Professor Balakrishnan Rajagopal (Massachusetts Institute of Technology)

Rule of Law in Post-Conflict Rebuilding

(Convenor: Professor Dianne Otto)



L-R: Professor Dianne Otto, Professor Balakrishnan Rajagopal and Professor Antony Anghie (Utah).

This seminar was presented by Professor Balakrishnan Rajagopal, Ford International Professor of Law and Development and Director of the Program on Human Rights and Justice at the Massachusetts Institute of Technology. Professor Rajagopal argued that underlying the new-found fascination with the rule of law is a desire to escape from politics, by imagining the rule of law as technical, legal and apolitical. In other words, he suggested that there is a tendency to think that failures of development, threats to security and human rights

violations could all be avoided or managed by a resort to law. The rule of law agenda threatens to obfuscate the real tradeoffs that need to be made in order to achieve these worthy goals. Establishing the rule of law is increasingly seen as the panacea for all the problems that afflict many non-western countries, particularly in post-conflict settings. The seminar discussed how the rule of law has come to be seen as the common element that development experts, security analysts and human rights activists agree upon and as the mechanism that links these disparate areas.

30 July 2008: IILAH Twilight Seminar with Mr Jan Job de Vries Robbé (Netherlands Development Bank)

Law and Development in Practice - The Dutch Development Bank

(Convenor: Dr Jennifer Beard)

The seminar, presented by Mr Jan Job de Vries Robbé, a Solicitor at the Netherlands Development Bank, provided an overview of how FMO (the Dutch Development Bank) assists the private sector in emerging country economies. Two successful cases studies were discussed at the seminar: first, the securitisation of micro finance receivables for BRAC in Bangladesh; and second, the Currency Exchange. The case studies provided examples of where development finance institutions and commercial banks join force to facilitate local currency lending. At the seminar, Mr de Vries Robbé spoke about the implications of the credit crunch for development finance.

31 July 2008: IILAH Twilight Seminar with Dr Vasuki Nesiah (Brown) Delimiting Accountability: Writing History Out of Transitional Justice

(Convenor: Professor Anne Orford)



L-R: Dr Ann Genovese, Professor Gerry Simpson, Dr Vasuki Nesiah and Professor Anne Orford.

This seminar, presented by Dr Vasuki Nesiah, Director of International Affairs at Brown University, examined the embrace of history by the field of transitional justice. Today, in the wake of dictatorships and civil war, human rights movements across the world invoke the vocabulary and promise of 'transitional justice' in seeking to address and redress the legacies of human rights abuse. History and historical wrongs are a dominant part of these redress

initiatives. Discussion of the perpetrators' crimes is weighted with invocations of history in two senses: first, the accountability mechanisms have a retrospective mandate; and second, the crimes for which individuals are pursued are seen

to be of historic significance. Yet ironically, just as coteries of lawyers and policy-makers have emerged on the transitional justice field with a commitment to ensure that justice looks back, not just forward, it seems that our notions of the historical involve blinders to the enabling conditions of human rights abuse.



L-R: Dr Sarah Biddulph, Dr Jennifer Beard and Professor Gerry Simpson



L-R: Professor Vera Mackie and Dr Ann Genovese

The seminar probed the narrowing of the potential meanings of 'historical justice' to focus on convicting perpetrators of bodily harm. As a result, historical structures that produced and shaped specific patterns of human rights violations fade into the backdrop. The seminar explored questions around whether the proliferation of calls to historical justice has produced closure on history's most critical claims, and whether history has been invoked in ways that have delimited its reach and pruned the discourse of accountability.

13 August 2008: IILAH Seminar with Ms Suraya Pakzad (Voice of Women Organisation)

The Fight for Justice in Afghanistan - Victims of Childhood Marriage and Forced Labour

(Convenor: Professor Dianne Otto)

IILAH hosted this special lunch-time seminar, presented by guest speaker Ms Suraya Pakzad, Founder and Director of *Voice of Women Organization* (VWO), an NGO based in Herat,

Afghanistan. Ms Pakzad was one of seven women to be awarded the International Women of Courage Award by the US Department of State in 2008, recognising her work in the critically important field of the development of children and women in Afghanistan since 1990. The seminar was co-sponsored by Children's Rights International and The International Commission of Jurists.

18 September 2008: IILAH Seminar with Mr Martin Jones (Osgoode Hall Law School)

The Governance of International Refugee Law: Time for a Change?

(Convenor: Dr Michelle Foster)



L-R: Mr Martin Jones and Dr Michelle Foster

This seminar was presented by Mr Martin Jones, a doctoral candidate at Osgoode Hall Law School, currently a visiting researcher at IILAH.

One hundred and forty seven states and one international agency are required to implement and enforce the rights contained in the 1951 Refugee Convention. Unlike other treaties, there is no meaningful complaints or dispute resolution mechanism to ensure compliance. Although UNHCR is currently charged with the supervision of the implementation of the Convention, both its ability to perform this task and the bounds of the

task itself are severely limited. As a result, there is no meaningful formal legal process by which to reconcile or evaluate the conflicting policies and judicial decisions of different jurisdictions. The resulting differences in interpretation undermine the legitimacy of the regime and, ultimately, its ability to provide protection to refugees. The seminar explored the current situation and outlined the problems with the status quo. Alternatives to the current situation, including the proposal of Justice North of the Federal Court of Australia for a 'world refugee court' were assessed and evaluated using lessons learned from other governance regimes.

10 October 2008: IILAH/LSE Symposium

The Work of History in International Law and Empire

(Convenors: Dr Louise Arimatsu (LSE), Professor Anne Orford and Professor Gerry Simpson)

In October, IILAH, the International Humanitarian Law Project (LSE) and the International Criminal Justice Project (Melbourne) co-hosted a symposium on *The Work of History in International Law and Empire* at the London School of Economics. The one-day symposium brought together international lawyers, legal theorists and international relations scholars to discuss the turn to history in internationalist scholarship. Four panels discussed the work of history in internationalist scholarship, the significance of secrecy and secret histories, whether the appeal to history is a declaration of independence from past debts and obligations, and whether history has a truth. The Symposium featured, amongst many others, Professor Anthony Carty (University of Aberdeen), Professor David Chandler (University of Westminster), Professor Matthew Craven (SOAS, University of London), Professor Emmanuelle Jouannet (Sorbonne), Professor Martti Koskenniemi (Helsinki) and Professor Susan Marks (King's College London).

19 November 2008: IILAH Doctoral Roundtable with Professor Hilary Charlesworth (Australian National University)

(Convenor: Professor Anne Orford)



Professor Hilary Charlesworth

This roundtable provided an opportunity for doctoral students to present work-in-progress papers. Papers were presented by Ms Olivia Bar (IILAH) on 'In the Space of Jurisdiction: Aboriginal Sovereignty and the Common Law in Australia', Ms Eve Lester (IILAH) on 'Understanding Social and Economic Rights and Realities for Survival Migrants in Australia: Paradoxes and Prospects', Ms Lia Kent (IILAH/Criminology) on 'Transitional Justice and the Politics of Memory in East Timor' and Ms Deborah Whitehall (IILAH) on 'Hannah Arendt and the Reflexive Totalitarianism of Universal Declarations of Rights'. All four students received feedback on their work from Professor Charlesworth and audience members. The workshop was of particular relevance to doctoral students working on questions of post-conflict reconstruction, statebuilding, democracy and international law or feminist approaches to international law.



L-R: Ms Lia Kent (PhD, Law/Criminology) and Ms Eve Lester (PhD, Law)



 $\hbox{$L$-R: Professor Hilary Charlesworth and Professor Anne Orford.}$

19 November 2008: IILAH Public Seminar with Professor Hilary Charlesworth (Australian National University)

Talking to Ourselves: Should International Lawyers Take a Break from Feminism?

(Convenor: Professor Anne Orford)

This seminar was presented by Professor Hilary Charlesworth, an Australian Research Council Federation Fellow, Professor in RegNet and Director of the Centre for International Governance and Justice at the Australian National University.

The seminar suggested that feminist scholarship in international law has mainly generated debate between feminists, and has attracted little engagement from the mainstream. Professor Charlesworth considered one strand of the internal debate - the arguments of Janet Halley's book, *Split Decisions: How and Why to Take a Break from Feminism* (Princeton University Press, 2005), and their applicability to international law. Professor Halley contends that feminist theory has obscured many realities through its focus on sex and gender. She also argues that feminists do not adequately acknowledge their own power in public realms such as governance.

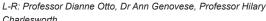






At the seminar







At the seminar

At the seminar, Professor Charlesworth considered these questions in the context of modern international law. Professor Charlesworth's paper was responded to by Professor Dianne Otto (IILAH) and Dr Ann Genovese (IILAH).

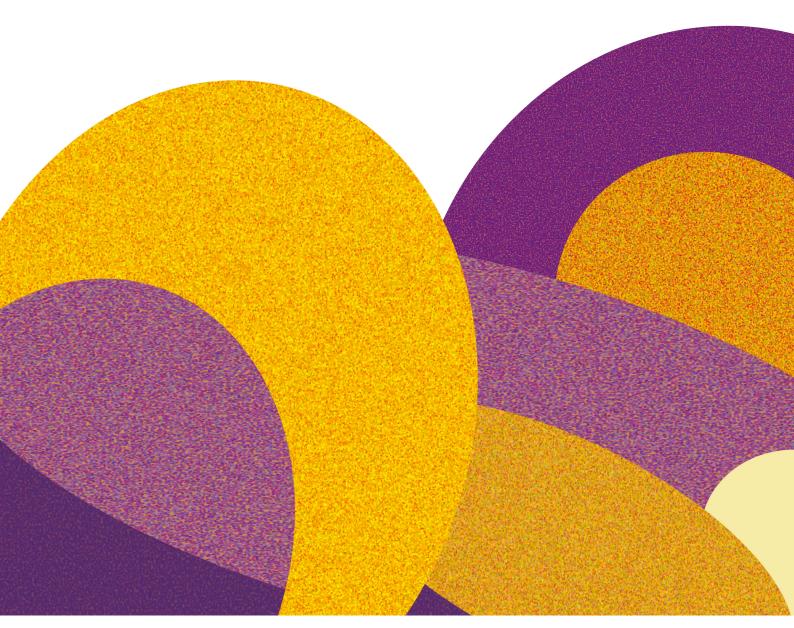
18-19 December 2008: Inaugural Postgraduate and Early Career Researchers' Workshop on Methodological Approaches to Legal Scholarship - *In Search of Authority, Rebellion and Action*

Melbourne Law School's first postgraduate and early-career researcher workshop on methodological approaches to legal scholarship, 'In Search of Authority, Rebellion and Action', was held on 18-19 December 2008. Organised by PhD candidates Olivia Barr, Luis Eslava and Yoriko Otomo, the workshop brought research students and early-career researchers together to talk about how their methodological engagement with the Law calls into question their authority to speak; determines their capacity to revolt; and defines their ability to act. The workshop addressed the possibilities and limitations of using non-doctrinal methodologies to insert a politics into questions of Law.

Participants were welcomed by Aunty Dianne Kerr, Wurundjeri Elder. Proceedings were opened by Melbourne Law School's Deputy Dean, Associate Professor Simon Evans, and Director of the Institute for International Law and the Humanities, Professor Anne Orford. A keynote speech was presented by Visiting Scholar Professor Antony Anghie, and a response delivered by Associate Professor Sundhya Pahuja. The workshop was attended by scholars from Melbourne, interstate and overseas, and created momentum for a follow-up workshop, to be held in 2010.

The workshop was co-sponsored by IILAH, Melbourne Law School, Melbourne School of Graduate Studies and the Postgraduate Law Students' Association.

RECENT AND FORTHCOMING PUBLICATIONS



Books

Ruth Buchanan and **Sundhya Pahuja**, *International Development* (London: Routledge-Cavendish, forthcoming 2010).

Ruth Buchanan, Stewart Motha and **Sundhya Pahuja**, *Reading Modern Law* (London: Routledge-Cavendish, forthcoming 2010).

Jennifer Beard and **Andrew Mitchell**, *International Law - In Principle* (Sydney: Thomson, forthcoming 2009).

Ann Curthoys, **Ann Genovese** and Alex Reilly, *Rights and Redemption: History, Law and Indigenous People* (Sydney: UNSW Press, 2008).

Lee Godden and **Jacqueline Peel**, *Environmental Law: Scientific, Policy and Regulatory Dimensions* (Oxford: Oxford University Press, forthcoming 2009).

Lee Godden and Maureen Tehan (eds), *Sustainable Futures: Comparative Perspectives on Communal Lands and Individual Ownership* (London: Routledge-Cavendish, forthcoming 2009).

Fleur Johns, Richard Joyce and **Sundhya Pahuja** (eds), *Events: The Force of International Law* (London: Routledge-Cavendish, forthcoming 2009).

Andrew Mitchell, *Legal Principles in WTO Disputes* (Cambridge: Cambridge University Press, 2008).

Book Chapters

Ruth Buchanan and **Sundhya Pahuja**, 'Law, Nation and (Imagined) International Community' in John Hawley and Revathi Krishnaswamy (eds), *The Postcolonial and the Global* (Minnesota: University of Minnesota Press, 2008).

Alison Duxbury, 'Excluding the Undesirable: Interpreting Article IF(a) of the Refugee Convention in Australia' in David Blumenthal and Tim McCormack (eds), *The Legacy of Nuremberg: Civilising Influence or Institutionalised Vengeance?* (Netherlands: Martinus Nijhoff Publishers, 2008).

Michelle Foster, 'Refugee Law' in Ian Freckelton and Hugh Selby (eds), *Appealing to the Future: Michael Kirby and His Legacy* (Sydney: Thompson, 2009) 686-720.

Lee Godden, 'Law in the Schism: Its Role in Moving Beyond the Carbon Economy in Australia' in Donald Zillman, Catherine Redgwell, Yinka Omorogbe and Lila Barrera-Hernandez (eds), *Beyond the Carbon Economy: Energy Law in Transition* (Oxford: Oxford University Press, 2008).

Lee Godden, 'Property in Urban Water: Private Rights and Public Governance' in Patrick Troy (ed), *Troubled Waters: Confronting the Water Crisis in Australia's Cities* (Canberra: ANU E Press, 2008).

Lee Godden, 'Conclusion' in **Lee Godden** and Maureen Tehan (eds), *Sustainable Futures*: *Comparative Perspectives on Communal Lands and Individual Ownership* (London: Routledge-Cavendish, forthcoming 2009).

Andrew Mitchell, 'Electronic Commerce' in Ramkishen Rajan and Kenneth Reinert (eds), *Princeton Encyclopedia of the World Economy* - Vol I (Princeton: Princeton University Press, 2008).

Andrew Mitchell, 'The Australia - United States Free Trade Agreement' in Ross Buckley, Vai Io Lo and Laurence Boulle (eds), *Challenges to Multilateral Trade: The Impact of Bilateral, Preferential and Regional Agreements* (The Hague: Kluwer Law International, 2008).

Andrew Mitchell and Nicholas Lockhart, 'Legal Requirements for FTAs under the WTO' in Simon Lester and Bryan Mercurio (eds), *Bilateral and Regional Trade Agreements: Commentary and Analysis* (Cambridge: Cambridge University Press, 2008).

Andrew Mitchell and **Tania Voon**, 'The Australia-US FTA' in Simon Lester and Bryan Mercurio (eds), *Bilateral and Regional Trade Agreements: Case Studies* (Cambridge: Cambridge University Press, 2008).

Andrew Mitchell and **Tania Voon**, 'Trade-Related Aspects of Intellectual Property Rights (TRIPS)' in Daniel Bethlehem, Donald McRae, Rodney Neufeld and Isabelle Van Damme (eds), *Oxford Handbook on International Trade Law* (Oxford: Oxford University Press, 2009).

Andrew Mitchell, 'General Principle of Law'; 'Most Favoured Nation Treatment'; and 'International Treaties' in *The Oxford Australian Law Dictionary* (Oxford: Oxford University Press, forthcoming 2009).

Andrew Mitchell, 'The Relationship Between the WTO and an Australia-China FTA' in Gary Magee, Sisira Kumara Jayasuriya and Donald MacLaren (eds), *Negotiating a Preferential Trading Agreement: Issues, Constraints and Practical Options* (London: Edward Elgar, forthcoming 2009).

Andrew Mitchell and Elizabeth Sheargold, 'GATT Art XV: Exchange Arrangements' in Rüdiger Wolfrum and Peter-Tobias Stoll (eds), *Max Planck Commentaries on World Trade Law* - Vol V (Koninklijke Brill NV, forthcoming 2009).

Andrew Mitchell and **Tania Voon**, 'The TRIPS Waiver as a Recognition of Public Health Concerns in the WTO' in Kim Rubenstein, Thomas Pogge and Matthew Rimmer (eds), *Connecting International and Public Law: Incentives for Global Health - Patent Law and Access to Essential Medicines* (Cambridge: Cambridge University Press, forthcoming 2009).

Anne Orford, 'Critical Intimacies: Reading International Law' in Peter Goodrich, Florian Hoffman, Michel Rosenfeld and Cornelia Vismann (eds), *Derrida and Legal Philosophy* (New York: Palgrave Macmillan, 2008) 115-124.

Anne Orford, 'The Responsibility to Protect as a Theory of the State' in Richard Falk, Ramesh Thakur and Vesselin Popovski (eds), *Legality and Legitimacy in International Order* (Oxford: Oxford University Press, forthcoming 2009).

Anne Orford, 'Von der Humanität der Stärke zur Verantwortung für den Schutz: Die neue internationale Interventionspolitik' in Karin Fischer and Susan Zimmerman (eds), *Internationalismen: Transformation weltweiter Ungleichheit im 19. und 20. Jahrhundert* (Vienna: Promedia Verlag, 2008) [trans by Andrea Kremser].

Anne Orford, 'What Can We Do to Stop People Harming Others? Humanitarian Intervention in Timor-Leste (East Timor)' in Jenny Edkins and Maja Zehfuss (eds), *Global Politics: A New Introduction* (London: Routledge-Cavendish, 2008) 427-453.

Anne Orford, 'The Passions of Protection: Sovereign Authority and Humanitarian War' in Didier Fassin and Mariella Pandolfi (eds), *Contemporary States of Emergency: The Politics of Military and Humanitarian Intervention* (New York: Zone Books, forthcoming 2009).

Bruce Oswald, 'The Treatment of Detainees by Peacekeepers: Applying Principles and Standards at the Point of Detention' in Roberta Arnold (ed), *Law Enforcement within the Framework of Peace Support Operations* (The Hague: Martinus Nijhoff Publishers, 2008).

Dianne Otto, 'Rethinking Emergency Laws Through a Feminist Lens' in Sari Kouvo and Zoe Pearson (eds), *Between Resistance and Compliance? Feminist Perspectives on International Law in an Age of Terror and Anxiety* (Oxford: Hart Publishing, forthcoming 2009).

Dianne Otto, 'The Role of Non-Governmental Organisations' in Mashood Baderin and Manisuli

Ssenyonjo (eds), *International Human Rights Law: 60 Years After the UDHR* (Cambridge: Cambridge University Press, forthcoming 2009).

Dianne Otto, 'The Security Council's Alliance of "Gender Legitimacy": The Symbolic Capital of Resolution 1325' in Hilary Charlesworth and Jean-Marc Coicaud (eds), *Faultlines of International Legitimacy* (Cambridge: Cambridge University Press, forthcoming 2009).

Sundhya Pahuja, 'Beheading the Hydra: Legal Positivism and Development' in Asifa Begum (ed), *Legal Positivism: Conceptual Approaches* (Hyderabad: Icfai University Press, 2008).

Sundhya Pahuja, 'Decolonisation' in Fleur Johns, Richard Joyce and **Sundhya Pahuja** (eds), *Events: The Force of International Law* (London: Routledge-Cavendish, forthcoming 2009).

Sundhya Pahuja, 'Development and Human Rights' in Ruth Buchanan and Peer Zumbansen (eds), *Law in Transition: Human Rights, Development and Restorative Justice* (Oxford: Hart Publishing, forthcoming 2009).

Sundhya Pahuja, 'The Promise of International Law: From the New International Economic Order to the Washington Consensus and Beyond' in Julio Faundez and Celine Tan (eds), *International Law, Economic Globalisation and Developing Countries* (London: Edward Elgar, forthcoming 2009).

Gerry Simpson, 'The Ethics of the New Liberalism' in Christian Reus-Smit and Duncan Snidal (eds), *The Oxford Handbook of International Relations* (Oxford: Oxford University Press, 2008).

Gerry Simpson, 'The Guises of Sovereignty' in Trudy Jacobsen, Charles Sampford and Ramesh Thakur (eds), *Re-envisioning Sovereignty: The End of Westphalia?* (London: Ashgate, 2008).

Amanda Whiting, 'Desecularising Malaysian Law?' in Penelope Nicholson and Sarah Biddulph (eds), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (The Hague: Martinus Nijhoff Publishers, 2008).

Journal Articles

Anna Dorevitch and **Michelle Foster**, 'Obstacles on the Road to Protection: Assessing the Treatment of Sex-Trafficking Victims Under Australia's Migration and Refugee Law' (2008) 9 *The Melbourne Journal of International Law* 1-46.

K.D Ewing and **Joo-Cheong Tham**, 'The Continuing Futility of the Human Rights Act' (2008) Winter *Public Law* 668-693.

Michelle Foster, 'Responsibility Sharing or Shifting? "Safe" Third Countries and International Law' (2008) 25 *Refuge* (forthcoming).

Ann Genovese, 'Poisons and Antidotes: Historicising Feminism and Equality in an Age of Rights Competition' (2008) 27 *Dialogue: Academy of the Social Sciences* 10-22.

Ann Genovese, 'Writing the Past as Politics: Some Reflections on Historiography and Margaret Henderson' (2008) 17 *Lilith* 1-5.

Ann Genovese, 'Worlds Turned Upside Down' (2009) Feminist Review (forthcoming).

Lee Godden, Marcia Langton, Odette Mazel and Maureen Tehan, 'Introduction: Accommodating Interests in Resource Extraction: Indigenous Peoples, Local Communities and the Role of Law in Economic and Social Sustainability' (2008) 26 Journal of Energy and Natural Resources Law (Special Edition: Indigenous and Local Peoples and Resource Development: International Comparisons of Law, Policy and Practice) 1-30.

Anne Kallies and Lee Godden, 'What Price Democracy? Blue Wedges and the Hurdles to Public

Interest Environmental Litigation' (2008) 33 Alternative Law Journal 194-199.

Andrew Mitchell, 'Book Review: Good Faith in the Jurisprudence of the WTO' (2008) 35 *Legal Issues of Economic Integration* (forthcoming).

Andrew Mitchell and Elizabeth Sheargold, 'Global Governance: The WTO's Contribution' (2009) 46(3) *Alberta Law Review* (forthcoming).

Andrew Mitchell and **Tania Voon**, 'Patents and Public Health in the WTO, FTAs and Beyond: Tension and Conflict in International Law' (2009) 43 *Journal of World Trade* (forthcoming).

Andrew Mitchell and **Tania Voon**, 'Operationalizing Special and Differential Treatment: Game Over?' (2009) *Global Governance* (forthcoming).

Anne Orford, 'International Law and the Making of the Modern State: Reflections on a Protestant Project' (2008) 3 *In-Spire: journal of law, politics and societies* 5-11.

Anne Orford, 'Jurisdiction without Territory: From the Holy Roman Empire to the Responsibility to Protect' (2009) 30(3) *Michigan Journal of International Law* (forthcoming).

Anne Orford, 'Review Essay: International Administration and the Legacies of Empire' (2009) *International and Comparative Law Quarterly* (forthcoming).

Bruce Oswald, 'Detention of Civilians on Military Operations: Reasons for and Challenges to Developing a Special Law of Detention' (2008) 32 *Melbourne University Law Review* 524-553.

Dianne Otto, 'The Sexual Tensions of UN Peace Support Operations: A Plea for "Sexual Positivity" (2007) *Finnish Yearbook of International Law* (forthcoming).

Jacqueline Peel, 'Ecologically Sustainable Development: More Than Mere Lip Service?' (2008) 12 *Australasian Journal of Natural Resources Law and Policy* 1-34.

Gerry Simpson, 'Warriors, Humanitarians, Lawyers: The Howard Government and the Use of Force' (2008) 27 *Australian Yearbook of International Law* 143-163.

Other Contributions

Ann Genovese (ed), 'Feminism in the Academy', collection of papers from *Mainstream and Muzzled Conference*, Melbourne University 2007, *Feminist Review* (forthcoming, February 2009).

Lee Godden, Anne Kallies and **Jacqueline Peel**, 'Submission to the Emissions Trading System of the Garnaut Climate Change Review' (March 2008).

Jürgen Kurtz, 'Adjudging the Exceptional at International Law: Security, Public Order and Financial Crisis', *International Law and Justice Working Paper*, Institute for International Law and Justice, New York University School of Law, 2008 (6): 1-56. This paper has also been published as a Jean Monnet Working Paper, New York University School of Law, 2008 (6)

Shaun McVeigh, 'Jurisdiction and Social Discourse' in Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008) 658.

Anne Orford, 'Peacekeeping' in Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008) 879-80.

Sundhya Pahuja, 'International Financial Institutions and Development' in Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008) 610-611.

Peter Rush, 'Law and Aesthetics' in Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008) 676-677.

Gerry Simpson, 'Helsinki Final Act' in Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008) 526-527.

Gerry Simpson, 'Westphalian System' in Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008) 1243-1244.

Selected Lectures and Presentations

Michelle Foster, Social and Economic Rights of Asylum Seekers and Refugees, presented at 'Designing an Asylum System in Israel' Workshop, Tel Aviv University, 6–8 April 2008.

Michelle Foster, *Protection Elsewhere: the Legal Implications of Requiring Refugees to Seek Protection in Another State*, presented at 'Best Practices in Refugee Status Determination' Conference, Monash University and the Université de Montréal, Prato, Italy, 29–30 May 2008.

Michelle Foster, Economic and Social Rights in Complementary Protection: Assessing the New Zealand Immigration Bill in Light of International Law, presented at the 'Human Rights at the Frontier' Conference, Auckland, 12 September 2008.

Michelle Foster, commentary on a paper entitled *Violations of Socio-economic Rights as a Form of Persecution and as an Element of Internal Protection* by Kate Jastram, Anne Mactavish and Penelope Mathew, presented at the International Association of Refugee Law Judges' 8th World Conference, Cape Town, 28–30 January 2009.

Ann Genovese, *The Equality Paradox*, presented at the annual Australian Women's Lawyers Conference, Melbourne, 13 June 2008.

Ann Genovese, *Messy Divorce*, presented at the Australian Historical Studies Conference, The University of Melbourne, 8-10 July 2008.

Ann Genovese, Law, History, Nation: The Impact on Indigenous Claims for Justice, presented at the Interdisciplinary Social Sciences Conference, 22–25 July 2008, Prato, Italy.

Lee Godden, Report on Agreement-making, Indigenous Peoples and Mining in Australia to Indigenous Peoples and Mining Special Interest Group, presented at the International Bar Association Conference, Copenhagen, 7–8 May 2008.

Lee Godden, *Human Rights and Water Law in a Climate Change Era*, presented at a workshop on Climate Change Impacts in the Murray Darling Basin, MLDRIN & CSIRO, Melbourne, 16 May 2008.

Lee Godden, Sovereignty: Mediations between Communal Governance and Individual Title, presented at the New Worlds New Sovereignties Conference, The University of Melbourne, 4–6 June 2008.

Lee Godden, *Agreement-making with Indigenous Peoples and Economic Development*, Native Title Developments Conference, Brisbane, 22 October 2008.

Lee Godden, *World Heritage: People or Places? Partnerships for the Integration of Natural and Cultural Heritage in Australia and South Africa*, presented at the Building a Common Future: Africa and Australasia Conference, Melbourne, 26–28 November 2008.

Sarah Kemeny and **Andrew Mitchell**, *Current Developments in International Trade and Tobacco*, presented at the Australian & New Zealand Society of International Law, 16th Annual Conference, 26–28 June 2008.

Sarah Kemeny and **Andrew Mitchell**, *Take My Breath Away: Free Trade, Public Health and Tobacco Control,* presented at the 2008 International Conference on Illicit Trade in Tobacco Products, Taipei, Taiwan, 1–2 August 2008.

Andrew Mitchell, *Using International Law in WTO Dispute Settlement*, presented at Hanoi Law University, Hanoi, Vietnam, 21 March 2008.

Andrew Mitchell, *Global Administrative Law*, presented at the 2008 National Administrative Law Forum, Melbourne, 7–8 August 2008.

Andrew Mitchell, *Precedent in the World Trade Organization*, presented to the International Arbitration Group, Wilmer Cutler Pickering Hale and Dorr LLP, London, 31 July 2008.

Andrew Mitchell, *Global Governance: The WTO's Contribution*, presented at the Four Societies Symposium: International Law and Democratic Theory, University of Alberta, Edmonton, Canada, 12-13 September 2008.

Andrew Mitchell and Maxi Scherer, *With an Eye to the Past: The Use of Precedent by the New Decision-Makers in International Economic Law*, presented at the Society of International Law, Geneva, 15-17 July 2008.

Andrew Mitchell and **Tania Voon**, *Operationalising Special and Differential Treatment*, presented at The Future of the Multilateral Trade System – Centre for Public Policy Symposium, Melbourne, 7 April 2008.

Andrew Mitchell and **Tania Voon**, *Access to Medicines in the WTO and Beyond*, presented at the 'Incentives for Global Health: Patent Law and Access to Essential Medicines' Workshop, ANU, Canberra, 26-28 May 2008.

Anne Orford, *Limit Conditions: Cosmopolitanism, Commerce and International Law,* presented as a public lecture by invitation at Osgoode Hall Law School, 10 January 2008.

Anne Orford, *The Responsibility to Protect and the Politicisation of International Law,* presented as a keynote address by invitation at a conference on 'Mapping Emergent Terrains, Contesting Rigidified Traditions', University of Toronto, 12 January 2008.

Anne Orford, *The Work of History*, discussant paper responding to presentations by Jeremy Waldron, David Golove, Daniel Hulsebosch, Ileana Porras and Liliana Obregon, presented at a conference on 'A Just Empire? The Roman Origins of Modern International Law', NYU School of Law, 13-15 March 2008.

Anne Orford, *The Tragic Subject of Human Rights*, presented by invitation at the Cornell Law and Humanities Colloquium, 23 April 2008.

Anne Orford, *Roman Law and the Godly Imperium in England's New Worlds*, presented by invitation at a workshop on 'The Theo-Political Renaissance', Department of English, Cornell University, 25 April 2008.

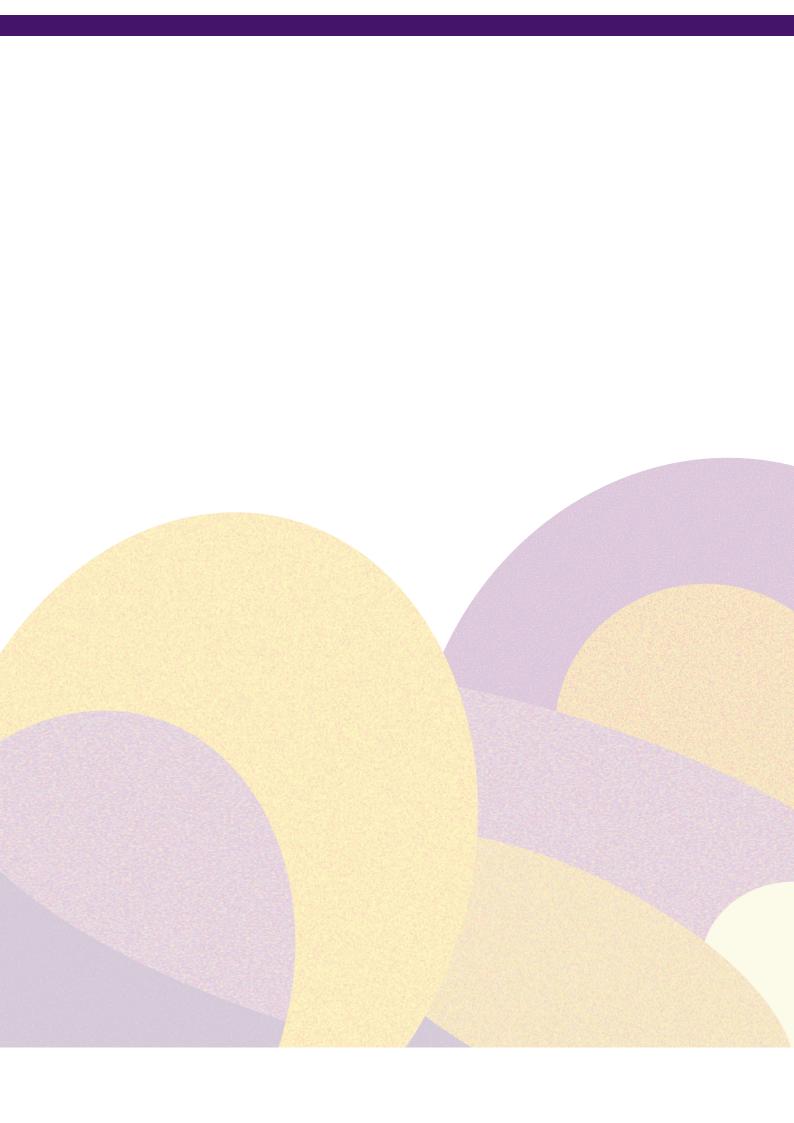
Anne Orford, *Lawful Authority and the Responsibility to Protect*, presented as a plenary paper by invitation at a conference on 'After Empire: Global Governance Today', Brown University, 13-14 June 2008.

Anne Orford, *The Responsibility to Protect from Hobbes to the U.N.*, presented as a public seminar by invitation at the Department of Politics and International Relations, University of Westminster, 8 October 2008.

Anne Orford, *Jurisdiction without Territory: From the Holy Roman Empire to the Responsibility to Protect*, presented as a public lecture by invitation at the London School of Economics and Political Science, 9 October 2008.

Anne Orford, *The Passions of Humanitarian War*, presented as the keynote address to launch the 'Touching War' project, Lancaster University, 15 October 2008.

Anne Orford, *After Humanitarianism: The Responsibility to Protect and Global Governance*, presented at the Centre for International Governance and Justice, ANU, 10 November 2008.



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