

Annual Report 2012



MELBOURNE LAW SCHOOL

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Message from the IILAH Director

After seven successful years as foundation IILAH Director, Professor Anne Orford decided to retire from this position in early 2012 and continue her close association with IILAH as Director Emeritus. The IILAH community will forever be in her debt for the energy and vision that she brought to IILAH as Director. The outstanding achievements of IILAH under Anne's leadership include building an international reputation of excellence for international legal scholarship and research in the Melbourne Law School (MLS). The many successes of IILAH were recognised and commended by the IILAH Review Panel, which reported in March 2012 (see details pp 6-7). I am sure that I speak for everyone who has been associated with IILAH, since its establishment in 2005, when I thank Anne for her unparalleled contribution to nurturing critical, interdisciplinary international legal theory and practice through IILAH.

I assumed the mantle of IILAH Director in February 2012, with the newly completed IILAH Review report under my arm. I am very grateful to the three members of the Review Panel, Professor Jenny Morgan (Chair), Professor Hilary Charlesworth and Professor Kate Darian-Smith. I would like to thank them for their efforts to consult with such a broad range of interlocutors, their glowing endorsement of IILAH's work and their thoughtful recommendations. Their report provides a framework that will guide IILAH's work and development well into the future.

For IILAH, 2012 was another extraordinary year of diverse research activities involving a very wide range of people including, of course, IILAH program directors, members, visitors and PhD students, as well as academics and students from other faculties and schools within the University of Melbourne, including Criminology, Historical and Philosophical Studies, Development Studies, Social and Political Science, Gender Studies, Cultural Studies and Population and Health. Faculty and students from other Australian universities also participated in a number of IILAH events, as did many international visitors from universities in Austria, Canada, Croatia, France, India, Israel, Italy, the Netherlands, New Zealand, Sweden, United Kingdom and the United States of America. Other participants came from international organisations, like the World Trade Organization and UN High Commissioner for Refugees, international law firms, NGOs and activist groups.

Among the international visitors that IILAH welcomed over the course of the year were Samuel Moyné (James Bryce Professor of European Legal History, Columbia University), Tony Anghie (Samuel D Thurman Professor of Law, University of Utah), David L Eng (Richard L Fisher Professor of English, University of Pennsylvania), Karen Engle (Cecil D Redford Professor of Law, University of Texas), Kerry Rittich (Professor of Law, University of Toronto), Didier Fassin (James D Wolfensohn Professor of Social Science, Princeton), Teemu Ruskola (Professor of Law, Emory University) and Matthew Craven (Professor of International Law, School of Oriental and African Studies). Their contributions enormously enriched IILAH's broadly based intellectual community.

In 2012, IILAH provided an umbrella for the work of fourteen MLS academics who, between them, directed eleven IILAH Research Programmes covering diverse fields of public international law, including human rights and refugee law, law and development, indigenous peoples, jurisprudences of the South and international investment and trade law. With the very able assistance of IILAH administrator, Ms Vesna Stefanovski, a total of thirty-five research events were hosted by IILAH in 2012 (see details on pp 38-55). These events included three ground-breaking research symposia. The first, organised by Dr Ann Genovese, commemorated the 30th anniversary of the High Court's decision in the *Kooiwart* case, which marked an important turning point in Australia's legal-political history. Guest speakers included former High Court Judge, the Honorable Michael Kirby, and Professor Marcia Langton, Chair of Australian Indigenous Studies at the University of Melbourne. The second symposium, organised by Associate Professor Tania Voon, focused on the Trans-Pacific Partnership Agreement. Participants included Mr Daniel Moulis, Principal Solicitor of Moulis Legal, and Professor Leon Trakman from the University of NSW. The third, which I organised, brought international and local scholars

together to address the provocative theme of China and the Human: Law, Immigration, Queerness and Other Related Conversations.

Some of IILAH's 2012 events were devoted to supporting and show-casing the exciting work of its doctoral students (see details pp 25-37). Two doctoral roundtables were organised, both hosted by Professor Sundhya Pahuja, where students were invited to present their work to visiting professors, Tony Anghie (Utah) and Matthew Craven (SOAS). I am very grateful for their generous engagement with our students. IILAH was also very pleased to host the completion seminars of four of its PhD students, and to provide support to the 5th Melbourne Doctoral Forum on Legal Theory, on the theme of Grounding Law, organised by higher degree research students. Congratulations to the three IILAH PhD students who completed in 2012: Ms Olivia Barr, Ms Kasia Lach and Ms Cressida Limon.

IILAH's outstanding publishing record continued during 2012, and you will find a very impressive list of books, book chapters, scholarly articles and academic presentations later in this Annual Report. Of special note was the publication of six ground-breaking books by IILAH Programme Directors: Margaret Young (ed), *Regime Interaction in International Law: Facing Fragmentation* (Cambridge University Press, 2012); John Tobin, *The Right to Health in International Law* (Oxford University Press, 2012); Shaunnagh Dorsett and Shaun McVeigh, *Jurisdiction* (Routledge, 2012); Tania Voon, Andrew Mitchell, Jonathan Lieberman and Glyn Ayres, *Public Health and Plain Packaging of Cigarettes: Legal Issues* (Edward Elgar Publishing, 2012); Ruth Buchanan, Stewart Motha and Sundhya Pahuja, *Reading Modern Law: Critical Methodologies and Sovereign Formations* (Routledge, 2012); and Philippe Sands, Jacqueline Peel, Adriana Fabra and Ruth MacKenzie (3rd ed), *Principles of International Environmental Law* (Cambridge University Press, 2012).

The success of IILAH in 2012, as always, is due to the enthusiasm and creativity of all the faculty and students involved with it. I would like to thank my research assistant, Ms Candice Parr, who has the uncanny ability to know exactly what I want from her. And finally, I want to make special mention of the enormous contribution made by Ms Vesna Stefanovski, who continues to fulfill her responsibilities as IILAH administrator with infectious enthusiasm, and remarkable organisational skills combined with immaculate care. She is the glue that holds all the parts of IILAH together.

Professor Dianne Otto

IILAH Director

IILAH Five Year Review

A five-year review of IILAH was undertaken in December 2011, as required by University of Melbourne Research Centre Guidelines. The Review Panel comprised Professor Hilary Charlesworth (ARC Laureate Fellow and Director, Centre for International Governance and Justice, RegNet, ANU), Professor Kate Darian-Smith (Professor of Australian Studies and History and Director, Australia Centre, the University of Melbourne) and Professor Jenny Morgan (MLS), who acted as Chair. The Panel delivered its final report in March 2012.

The Review Panel was required to take the following matters into account:

- whether the purposes and objectives of the Centre have been met;
- whether the Centre is continuing to provide a unique and productive role in the University;
- whether the Centre continues to fit within the basic organisational structure of the University; and
- whether the Centre has a firm financial base.

The Panel received written submissions from a number of key stakeholders involved with IILAH over the past five years, including Professor Tony Anghie (University of Utah), Professor Maria Drakopoulou (Kent Law School), Dr Fleur Johns (Sydney Law School), Professor Martii Koskeniemi (Erik Castrén Institute of International Law and Human Rights, Helsinki University), Sonia Litz (World Bank), Assistant Professor Philip Lorenz (Cornell University), Dr Nesam McMillan (SSPS, University of Melbourne), Professor Gregor Noll (Lund University), Justice Tony North (Federal Court of Australia) and doctoral student Luis Eslava. The Panel met with (then) IILAH Director, Professor Anne Orford, MLS Dean, Professor Carolyn Evans, and most of IILAH programme directors. They also had discussions with others who had been involved with IILAH, including a number of PhD students.

The Panel found that IILAH had achieved its purposes and objectives “with distinction”. They observed that much of the work of IILAH is “genuinely interdisciplinary, drawing insights from humanities scholarship especially in philosophy, history and psychoanalysis”. IILAH’s success in providing an intellectual home for a diverse range of MLS scholars, using a wide range of approaches and methodologies, was noted approvingly. Many of the Panel’s interlocutors spoke of the productive intellectual environment for staff, research students and visitors that has been created by IILAH, and the inestimable value of the community of scholars that has emerged as a result. The Panel considered the outstanding quality and quantity of publications produced by IILAH academics to be testament to its success in facilitating and promoting innovative scholarship and critical thinking. They also found that IILAH had been successful in building bridges between scholars and professionals and activists in international law, and developing networks with scholars in the global South, including through selection of PhD students, hosting visitors (including from India, Ethiopia and Brazil), convening conferences on relevant themes and engagement with NGOs in the region.

In sum, the Review Panel concluded that IILAH had been an “outstanding success” in nurturing critical thinking in international law, thinking that was further enriched through its engagement with the humanities. The Panel testified that some of their interlocutors would place MLS and IILAH among the top ten, if not the top five, centres for international law scholarship in the world. They continued, “IILAH has clearly fulfilled and indeed exceeded its original mission, enhancing the already distinguished reputation of MLS in international law, both in Australia and internationally”.

A number of recommendations were made relating to the need for further resourcing and funding of IILAH, suggesting some possible governance models for addressing workload issues, proposing more regular meetings of the IILAH community to promote better planning and coordination, and recommending that

connections be with other Faculties and Schools within the University of Melbourne be strengthened through research collaborations and joint events. These recommendations have led to lively discussions by those presently involved with IILAH, and implementation of some of them commenced in 2012.

If you would like to receive a copy of the IILAH Review, please contact the IILAH Administrator, Ms Vesna Stefanovski, and she would be delighted to arrange this - vesnas@unimelb.edu.au .

Overview of IILAH

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

Aims and objectives

IILAH supports interdisciplinary scholarship on contemporary international law, relating in particular to the promotion of social and economic justice and giving voice to those who are marginalised by the historical commitments of international law. Many of the significant modes of thought that have framed the way in which international lawyers understand the world have developed in conversation with the humanities. IILAH continues this engagement, through fostering dialogue with scholars working in disciplines such as anthropology, criminology, cultural studies, gender studies, geography, history, linguistics, literature, philosophy, politics and theology.

IILAH encourages the work of younger scholars and those developing new approaches to the field of international law, and facilitates engagement between scholars and the community of professionals and activists working on issues of international law and governance. It has developed networks with scholars from Canada, Colombia, Egypt, Finland, France, India, Italy, New Zealand, South Africa, Sweden, the United Kingdom and the United States. IILAH has a particular interest in developing links with scholars in the global South, in order to explore the shared legal legacies of colonialism.

Activities

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

IILAH Research Programmes

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

Australian Legal Histories

Programme Director: Dr Ann Genovese

Fragmentation and Regime Interaction in International Law

Programme Director: Associate Professor Margaret Young

Global Trade

Programme Directors: Professor Andrew Mitchell and Professor Tania Voon

Indigenous Peoples in International and Comparative Law

Programme Directors: Dr Kirsty Gover and Dr Mark McMillan

International Criminal Justice

Programme Director: Associate Professor Peter Rush

International Environmental Law

Programme Director: Associate Professor Jacqueline Peel

International Human Rights Law

Programme Directors: Professor Dianne Otto and Associate Professor John Tobin

International Investment Law

Programme Director: Associate Professor Jürgen Kurtz

International Refugee Law

Programme Director: Associate Professor Michelle Foster

Jurisprudences of the South

Programme Director: Associate Professor Shaun McVeigh

Law and Development

Programme Director: Professor Sundhya Pahuja

Directors and Staff of IILAH

Director

Professor Dianne Otto

Director of IILAH

Programme Co-Director, International Human Rights Law



Dianne Otto is Director of the Institute for International Law and the Humanities (IILAH) at the Melbourne Law School. She researches in the areas of public international law and human rights law, drawing upon and developing a range of critical legal theories particularly those influenced by feminism, postcolonialism, poststructuralism and queer theory. Her current research focus is on gender and sexuality issues in the context of the UN Security Council, peacekeeping, counter-terror measures and international human rights law. Dianne's scholarship explores how international legal discourse reinforces hierarchies of nation, race, gender and sexuality, and aims to understand how the reproduction of such legal knowledge can be resisted.

Her recent publications include chapters in Margaret Davies and Vanessa Munro (eds), *A Research Companion to Feminist Legal Theory* (Ashgate Companion Series, forthcoming 2013), 'Transnational Homo-Assemblages: Reading "gender" in counter-terrorism discourses' (*Jindal Global Law Review*, 2013) and Sari Kouvo and Zoe Pearson (eds), *Feminist Perspectives on Contemporary International Law: Between Resistance and Compliance?* (Onati/Hart, 2011). She has also edited three volumes on *Gender Issues and Human Rights* (Edward Elgar Publishing, Human Rights Law Series, Series Editor, Sarah Joseph, forthcoming 2013) and prepared a bibliographic chapter, 'Feminist Approaches', in *Oxford Bibliographies Online: International Law*, ed. Tony Carty (New York: Oxford University Press, 2012).

Professor Otto has held visiting positions at Columbia University, the School of Oriental and African Studies, New York University and the University of British Columbia. In 2004 she was the Kate Stoneman Endowed Visiting Professor in Law and Democracy, at Albany Law School in New York. She taught in the Oxford-George Washington University International Human Rights Law Summer School Programme at Oxford University in 2012. She sits on the Advisory Boards of *Third World Legal Studies*, *Melbourne Journal of International Law*, *London Review of International Law*, *The Third World and International Law*, *International Human Rights Law Review* and the *Australian Yearbook of International Law*. She has also been active in a number of human rights NGOs including Women's Rights Action Network Australia (WRANA), Women's Economic Equality Project (WEPP) Canada, International Women's Rights Action Watch Asia Pacific (IWRAP-AP) Malaysia, and International Women's Tribune Centre (IWTC) New York. She helped draft a General Comment on women's equality for the Committee on Economic, Social and Cultural Rights and a General Recommendation on treaty obligations for the Committee on the Elimination of Discrimination Against Women.

Director Emeritus

Professor Anne Orford



Anne Orford is the holder of the Michael D Kirby Chair of International Law and an Australian Research Council Future Fellow at Melbourne Law School. Her publications include *International Authority and the Responsibility to Protect* (CUP, 2011), *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 has been the recipient of two major Australian Research Council fellowships, to undertake projects on *Cosmopolitanism and the Future of International Law* (2007 to 2011) and *From Famine to Food Security: The Role of International Law* (2012 to 2015). She was awarded the degree of Doctor of Laws honoris causa by Lund University in May 2012, and by the University of Gothenburg in October 2012. Anne has been the Torgny Segerstedt Visiting Professor at the University of Gothenburg (2011-12), a Visiting Professor at Lund University (2011, 2007, 2005), and a Senior Emile Noël Research Fellow at NYU (2003). She has lectured in the Helsinki Summer Seminar on International Law (2012, 2004), the Workshop on Global Law and Economic Policy at Harvard Law School (2011), the Cornell Law and Humanities Colloquium (2008), the NYU Institute for International Law and Justice Colloquium (2005), and the Academy of European Law (1998). Anne was the Foundation Director of the Institute for International Law and the Humanities at Melbourne Law School from 2005 to 2012.

Programme Directors

Associate Professor Michelle Foster

Programme Director, International Refugee Law



Dr Michelle Foster is an Associate Professor 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 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 2007 book, *International Refugee Law and Socio-Economic Rights: Refuge from Deprivation*, published by Cambridge University Press, has been widely and favorably reviewed in domestic and international law journals and was awarded the University of Melbourne's Woodward Medal in 2009. Since joining Melbourne Law School in 2005, Michelle has developed a new curriculum in Refugee Law in both the LLB and LLM degrees. Her current research is focused on an ARC Discovery project with Professor James Hathaway entitled *The Law of Refugee Status: A Theoretical and Comparative Analysis*.

Dr Ann Genovese

Programme Director, Australian Legal Histories



Ann Genovese is an interdisciplinary scholar, with both law and history degrees. Ann's research focuses on the history and theory of the relationship between Australian law, the State and political culture in the twentieth century. Ann's PhD (in History), *The Battered Body* (1998) focused on the interrelationships between these disciplines. Her major projects have focused on: history, law and indigenous peoples; history of feminist legal activism and histories of the administrative state.

Ann's publications include *Rights and Redemption: History, Law and Indigenous People* (UNSW Press, 2008) (with Ann Curthoys and Alex Reilly), which has been widely reviewed, and cited by the High Court in *Northern Territory of Australia v Arnhem Land Aboriginal Land Trust* [2008] HCA 29 (30 July 2008); and the forthcoming in 2013 edited collection *Sovereignty: Frontiers of Possibility* (with Julie Evans, Patrick Wolfe and Alexander Reilly).

Julie Evans, Patrick Wolfe and Alexander Reilly).

Ann has an ongoing research project funded by the Australian Research Council fellowship, *Present Tense: The Recent Disruptive History of Feminism and Family Law*, which seeks to explore the tension in our own time between the dominance of legal form and the waning possibilities of minority political critique. Ann was awarded, with Kim Rubenstein (ANU) and Trish Luker (UTS) an ARC Discovery Project from 2013 *The Court as Archive: Rethinking the Institutional Role of Federal Superior Courts of Record*, (administered by Australian National University).

Prior to joining the MLS, Ann worked at the Justice Research Centre, Law Foundation of NSW, conducting interdisciplinary policy research; her work at JRC included the report *Changing Face of Litigation: Unrepresented Litigants in the Family Court of Australia*, (2002) co-authored with Rosemary Hunter, which has been frequently cited, for example, in Senate Committees on reforms of the *Family Law Act*.

Dr Kirsty Gover

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



Dr Kirsty Gover joined Melbourne Law School in 2009. Her research addresses the law, policy and political theory of indigenous rights, institutions and jurisdiction. She is interested in the role played by "indigeneity" in the constitutionalism of settler societies, and in the importance of indigenous concepts of law and politics in settler state political theory and international law. Kirsty is the author of *Tribal Constitutionalism: States, Tribes and the Governance of Membership* (Oxford University Press 2010). She is currently working on a book entitled *When Tribalism meets Liberalism: Political Theory and International Law* (Oxford University Press, forthcoming 2014), examining the ways in which indigenous self-governance influences the development of international law and international legal theory by altering the behaviours of states. Kirsty is a graduate of the New York University (NYU) JSD Doctoral Program, where she was an Institute for International Law and Justice (IILJ) Graduate Scholar and New Zealand Top Achiever Doctoral Fellow. She is co-director (with Dr Mark McMillan) of Melbourne Law School's IILAH *Indigenous Peoples in International and Comparative Law* research program, and Chair of the Staff Equity and Diversity Committee.

and Justice (IILJ) Graduate Scholar and New Zealand Top Achiever Doctoral Fellow. She is co-director (with Dr Mark McMillan) of Melbourne Law School's IILAH *Indigenous Peoples in International and Comparative Law* research program, and Chair of the Staff Equity and Diversity Committee.

Associate Professor Jürgen Kurtz

Programme Director, International Investment Law



Jürgen 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 Noel 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 (2003-2004) and was appointed a research fellow at the Hague Academy of International Law in 2004. 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. Jürgen has also been invited and appointed to teach in the Master of Laws program at the Universidade Católica in Portugal in 2010. He has also been invited by UNCTAD and UNDP to advise on Vietnam's planned accession into the World Trade Organization.

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.

Associate Professor Shaun McVeigh

Programme Director, Jurisprudences of the South



Shaun McVeigh joined Melbourne Law School in 2007. Before coming to Melbourne, Shaun researched and taught at Griffith University in Queensland, Keele and Middlesex Universities in the United Kingdom. He has a long time association with critical legal studies in Australia and the UK. He has been involved in convening a symposium 'Of the South' that developed an account of lawful existence within the South.

Shaun's book *Jurisdiction*, with Shaunnagh Dorsett (Routledge-Cavendish, 2012), provides a critical, and historically grounded, elaboration of the key themes of jurisdiction. It does so by offering students and scholars of law a form of critical engagement with the technologies, devices and forms of jurisdictional ordering. It shows how the common has authorised legal relations and bound persons, places, and events to the body of law.

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.

Dr Mark McMillan

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



Mark McMillan joined the Melbourne Law School in 2011. He is a Wiradjuri man from Trangie, New South Wales. His research interests are in the area of human rights and, in particular, the expression and fulfillment of those rights for Indigenous Australians. He is currently working on an ARC grant relating to Indigenous governance and jurisdiction for native nations. He intends on expanding his research outcomes to include the application of 'constitutionalism' for Indigenous Australians, with a particular emphasis on the use of current constitutional law for the protections envisioned for Indigenous people in the constitutional referendum of 1967.

Mark is the co-director of the 'Indigenous Peoples in International and Comparative Law' research programme, (with Dr Kirsty Gover) at the Institute for International Law and the Humanities. He is a current board member of: the Trangie Local Aboriginal Land Council; Indigenous Law Students and Lawyers Association of Victoria - Tarwirri and a Trustee of the Roberta Sykes Indigenous Education Foundation.

Professor Andrew Mitchell

Programme Co-Director, Global Trade



Professor Mitchell joined Melbourne Law School in 2006, having been a Senior Fellow since 2004. His major area of interest is international economic law, in particular the law of the World Trade Organization (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*. Professor Mitchell 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 (OECD), the Intellectual Property Division of the WTO, and the Legal Department of the International Monetary Fund (IMF).

Professor Mitchell 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, and the 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 Sundhya Pahuja

Programme Director, Law and Development



Sundhya's scholarship explores the changing role of law and legal institutions in the context of globalisation. Her research crosses traditional disciplinary boundaries and challenges distinctions between public and private behaviours and the categories of economic and non-economic in new ways. The various national and trans-national 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-structuralist and feminist theories.

Sundhya's publications include, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press, 2011)

was awarded the 2012 American Society of International Law Certificate of Merit. She has also published two edited collections; *Reading Modern Law: Critical Methodologies and Sovereign Formations* (Routledge, 2012) (co-edited with Ruth Buchanan and Stewart Motha); and *Events: The Force of International Law* (Routledge, 2011) (co-edited with Fleur Johns and Richard Joyce). Sundhya is currently writing a book on International Development as part of the Routledge-Cavendish *Critical Approaches to Law* series.

Sundhya holds a concurrent appointment as Research Professor in Law at SOAS at the University of London. She also holds an appointment as Visiting Professor at Birkbeck, serves as core faculty at the Harvard Law School Institute for Global Policy (IGLP) Workshop, and as Affiliate Faculty of the European Collaborative Doctoral Programme in Globalisation and Legal Theory. Sundhya has been invited to serve as the Director of Studies in Public International Law at the Hague Academy of International Law in 2014.

Associate Professor Jacqueline Peel

Programme Director, International Environmental Law



Jacqueline Peel's research interests are in the areas of environmental law (domestic and international), risk regulation and the role of science, and international trade law. She is the co-author (with Philippe Sands) of the 3rd edition of the seminal international text, *Principles of International Environmental Law* (Cambridge University Press, 2012).

In the last few years Jacqueline has expanded her research to focus on the emerging field of climate change law. She has published articles on climate law and climate litigation in leading Australian and international journals. Most recently she published a new book on the topic of *Australian Climate Law in Global Context* (CUP, 2012), co-authored with Lee Godden and Alexander Zahar. Most recently, Jacqueline was successful in securing Discovery Project funding from the ARC for 2013-2015 for a project examining the regulatory impact of US and

Australian climate change litigation. These projects augment Jacqueline's existing publications and teaching in the fields of environmental and climate change law.

During 2013-2014, Jacqueline is a Visiting Scholar at the Center for Law, Energy and Environment at University of California, Berkeley Law School (where her work focuses on US climate change litigation and its impact) and a Visiting Scholar at Stanford University's Woods Institute for the Environment and its program on Water in the West (where Jacqueline is examining regulatory aspects of the climate-energy-water nexus).

Associate Professor Peter Rush

Programme Director, International Criminal Justice



Peter Rush is an Associate Professor and Director of the *International Criminal Justice* programme at the Institute for International Law and the Humanities. 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 2004-2005, he was the Karl Lowenstein Fellow in Political Science and Jurisprudence at Amherst College. He 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*. He 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 John Tobin

Programme Co-Director, International Human Rights Law



John Tobin is an Associate Professor with the Melbourne Law School. John has designed and taught several subjects in areas of international law, human rights, children's rights and public interest lawyering. He coordinates the legal internship subject across the LLB, JD and Masters programs in the Melbourne Law School. In 2010 he was awarded the Barbara Falk Award for Teaching Excellence by the University of Melbourne and in 2011 he was awarded a national citation for outstanding contribution to student learning in the area of human rights. In 2006 John has been a visiting academic at both the American Academy of Human Rights and Humanitarian Law, Washington College of Law, American University and in the Law School at New York University. In 2011 he was the Senior Scholar in Residence at the Center for Human Rights and Global Justice at NYU.

John has published numerous reports and articles on human rights, including his book *The Right to Health in International Law* (Oxford University Press, 2012).

John is currently working on an ARC Discovery Grant with Professor Philip Alston from NYU, titled *Children's Rights from Theory to Practice*, which will involve an examination of the historical and philosophical foundations of children's rights and the measures required for their implementation. John has provided human rights training and advice as a consultant and on a pro bono basis on numerous occasions to organisations such as UNICEF, Law Reform Commissions, the Victorian Equal Opportunity Commission, NGOs, statutory bodies, Government Departments and community groups. He is an Advisory Board member to the *Melbourne Journal of International Law* and *International Journal of Children's Rights*. He is also a member of several Advisory Committees and working groups for government bodies and NGOs. He is the coordinator the MLS Human Rights Alumni Network and joint coordinator, along with Professors Hilary Charlesworth and Andrew Byrnes, of the Human Rights Teacher's Network. Prior to becoming an academic John worked as a commercial lawyer, legal aid lawyer and legal officer with the Department of Justice.

Associate Professor Tania Voon

Programme Co-Director, Global Trade



Tania Voon is a former Legal Officer of the WTO Appellate Body Secretariat and a graduate of Cambridge University (PhD in Law), Harvard Law School (LLM), and the University of Melbourne (LLB, BSc, Grad Dip Intl L). She has previously practised law with Mallesons Stephen Jaques and the Australian Government Solicitor, and she has taught law in Australia, Canada and the United States (most recently at Georgetown Law). She has published widely in the areas of public international law, preferential trade agreements, WTO dispute settlement, WTO trade remedies, trade-related aspects of intellectual property rights (TRIPS), and trade in services. Tania is the author of *Cultural Products and the World Trade Organization* (Cambridge University Press, 2007), a member of the Editorial Boards of the *Journal of International Economic Law* and the *Indian Journal of International Economic Law*, and a member of the Indicative List of Governmental and Non-

Governmental Panelists for resolving WTO disputes. She is currently Associate Dean (Research) at Melbourne Law School and conducting research in conjunction with the McCabe Centre for Law and Cancer pursuant to major grants from the Australian National Preventive Health Agency and the Australian Research Council.

Associate Professor Margaret Young

Programme Director, Fragmentation and Regime Interaction in International Law



Associate Professor Margaret Young is the author of *Trading Fish, Saving Fish: The Interaction between Regimes in International Law* (Cambridge University Press, 2011), which was awarded the International Union for Conservation of Nature (IUCN) Academy of Environmental Law Junior Scholar Prize in 2012. Her edited collection *Regime Interaction in International Law: Facing Fragmentation* (Cambridge University Press, 2012) includes contributions from leading international, comparative and constitutional law scholars and is based on the conference she convened at the University of Cambridge in 2009 on *Regime Interaction in International Law: Theoretical and Practical Challenges*. Margaret holds a PhD and an LLM from the University of Cambridge and a BA/LLB (Hons) from the University of Melbourne and has been a Visiting Scholar at Columbia Law School. Before joining Melbourne Law School in 2009, Margaret was the William

Charnley Research Fellow in Public International Law at Pembroke College and the Lauterpacht Centre for International Law, University of Cambridge, where she also lectured in Cambridge's LLM course on WTO law. Margaret has worked at the World Trade Organization (Appellate Body Secretariat) and the United Nations International Law Commission and is a former associate to the Chief Justice of the Federal Court of Australia.

Research Assistant

Ms Candice Parr

IILAH Research Assistant



Candice Parr joined the Institute for International Law and the Humanities as a research assistant for Professor Dianne Otto in November 2012. In this capacity Candice has examined the Security Council Resolutions on Women, Peace and Security and the associated scholarly and activist debates about what they make possible. She has also researched the work of 'people's tribunals', particularly those that have sought to draw attention to the hidden or neglected injuries suffered by women during armed conflict, and the role that 'shame' plays in the continuing ostracism and discrimination that many of them endure.

Candice is a JD student at the Melbourne Law School. She holds a Bachelor of Arts with Honours in English from La Trobe University. Candice is one of the 2013 Editors of the *Melbourne Journal of International Law*. Candice's general areas of interest are feminist international legal theory and critical race theory.

Staff

Ms Vesna Stefanovski

Institute Administrator



Vesna joined the University of Melbourne in 2007 as the institute administrator for IILAH. In her role, she manages the planning and implementation of a variety of events from seminars and reading groups to large public lectures, a range of conferences, workshops and symposia. Vesna liaises with numerous Melbourne Law School visitors from leading Australian and international academic, government and non-government institutions and ensures their engagement with academics and the research life of the Law School. Vesna enthusiastically encourages a communal life for all Graduate Research Students who research within international law and the humanities. She works closely with all IILAH research programme directors and members. Vesna is also involved in maintaining the IILAH web page, as well as designing publications and flyers for the institute.

Vesna holds a Bachelor of Arts from Swinburne University, with majors in marketing and media, and a Certificate in Public Relations from RMIT. Before joining IILAH at the Melbourne Law School, Vesna worked in marketing and communications in the transport industry with extensive practical experience in organising major public and staff events, implementing communication strategies, managing community and media relations. She has a reputation for being enthusiastic, providing energy and spark to the team and successfully building a positive corporate culture.

With the support of the Melbourne Law School and the University of Melbourne, Vesna is undertaking a graduate-level Graduate Certificate in University Management with the Centre for the Study of Higher Education, Graduate School of Education with the University of Melbourne.

Ms Nicole Scokley

Institute Administrator Support



Nicole joined IILAH to provide administrative support during 2012 in the daily running of the institute and its research activities from July to December 2012. Nicole has worked in the property and real estate industry with a vast array of knowledge and practical skills in marketing, events and office administration. She holds a Diploma of Business and a Diploma of Management. Nicole provided assistance to the Institute Director and Administrator, as well as to several IILAH Programme Directors. Nicole has supported IILAH with website updates, event coordination, database consolidation and various administrative responsibilities. In addition to her administrative proficiency, Nicole has a bubbly go getter attitude, positive team influence and service orientated approach.

IILAH Members

Dr Jennifer Beard



Dr Jennifer Beard is currently on leave from the Melbourne Law School, she is a sitting member of The Migration Review Tribunal and the Refugee Review Tribunal.

Jennifer's research is on the relationship of law to society, belief systems, historical narrative and ethics. Jennifer has completed a critical history of the cab rank rule and the limits the rule places on legal ethics. In 2009, Jennifer was 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 was a collaboration with Professor Sundhya Pahuja on the application of critical pedagogy in their teaching of a fully on-line, interdisciplinary subject across 5 universities called "Globalisation and the Law". Her publications include, co-edited with Professor Andrew Mitchell, *International Law: In Principle* (Thomson, 2009) and *The Political Economy of Desire: International Law, Development and the Nation State* (Cavendish-Routledge, 2007). Jennifer has been a visiting fellow at the University of British Columbia Law School where she taught a PhD Seminar on Legal Theory and Interdisciplinary Approaches to Law; a teacher of International Law, Trade and Development in the LLM 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.

Associate Professor Alison Duxbury



Alison Duxbury joined the Melbourne Law School in 2001. Her main areas of research are international institutional law, human rights law and international humanitarian law. Alison is an Associate Director of the Asia Pacific Centre for Military Law and a member of the Australian Red Cross International Humanitarian Law Committee (Victorian Division), the International Advisory Commission of the Commonwealth Human Rights Initiative, and the Board of Directors of the International Society for Military Law and the Law of War. Alison has been a Visiting Fellow at the Institute of Commonwealth Studies at the University of London and the Lauterpacht Centre for International Law at the University of Cambridge and has also taught at the Centre for Transnational Legal Studies in London. Alison's book, *The Participation of States in International Organisations: The Role of Human Rights and Democracy* was published by Cambridge University Press in 2011.

Cambridge University Press in 2011.

Alison is currently co-editing a book on military justice (with Associate Professor Matthew Groves) and is a member of the *ASEAN Integration through Law Project*, coordinated through the National University of Singapore (working on ASEAN and human rights with Dr Tan Hsien-Li).

Professor Raymond Gaita



Raimond Gaita is a Professorial Fellow in the Melbourne Law School and the Faculty of Arts at the University of Melbourne and Emeritus Professor of Moral Philosophy at King's College London. He is a Fellow of the Australian Academy of the Humanities.

Gaita's books include *Good and Evil: An Absolute Conception*, the award winning *Romulus, My Father*, nominated by the *New Statesman* as one of the best books of 1999, by the *Australian Financial Review* as one of the best book of the decade and was made into a feature film starring Eric Bana, Frank Potente and Kodi Smit-McPhee; *A Common Humanity: Thinking About Love & Truth & Justice*, which was nominated by *The Economist's* as one of best books of 2000; *The Philosopher's Dog*, short-listed for the New South Wales Premier's Award and The Age Book of the Year, *Breach of Trust: Truth, Morality and Politics* and, as editor and contributor,

Gaza: Morality Law and Politics; *Muslims and Multiculturalism*; and with Alex Miller and Alex Skovron, *Singing for All he's Worth: Essays in honour of J.G. Rosenberg. Who's Afraid of International Law* (edited with Gerry Simpson) and *On Dignity* will be published in 2012.

Gaita began research in the middle of 2012 to write a book, as he describes it, "if anything I wrote could be deserved to be called that, will be my *magnum opus*". Gaita will address it primarily to the discipline, but he hopes that "people outside of it will find it accessible if they are prepared to think hard". More like *Good and Evil* than *A Common Humanity*, Gaita hopes that it will aim to develop a philosophical anthropology that would have at its core an original moral philosophy and that would develop, in one direction via engagement with psychology and evolutionary theory, an original philosophy of the place of human beings in nature, and in the other direction, via political theory and jurisprudence, an original philosophy of politics and law.

Professor Lee Godden



Professor Lee Godden holds a research and teaching position within the Melbourne Law School. As well as her involvement with IILAH, she is the Director of the Centre for Resources, Energy and Environmental Law (CREEL). Accordingly much of her scholarship occurs in areas at the intersection of law and the humanities related to environmental law, indigenous rights and natural resource management. An exploration of the relationship between law and history in the context of native title law formed a theoretical foundation for much early 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.

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, as well as leading Australian law journals. Most recently she published a new book *Australian Climate Law in Global Context* (Cambridge University Press, 2012), co-authored with Jacqueline Peel and Alexander Zahar.

Lee has been awarded ARC Discovery Project and Linkage Project funding, as well as grants from bodies, such as the AIATSIS. Her contribution to environmental conservation and social justice has been recognised by invited membership of leading international and national environmental, and natural resource organisations. Her work continues with engagement in public interest issues such as the impact of climate change on environmental law and water law and economic development for indigenous communities.

Dr Kevin Jon Heller



Kevin Jon Heller is a senior lecturer and teaches international criminal law and criminal law at the Melbourne Law School. He holds a JD with distinction from Stanford Law School, an MA with honours in literature from Duke University, and an MA and BA, both with honours, in sociology from the New School for Social Research. He received his PhD in law from Leiden University in June 2011. Kevin's academic writing has appeared in a variety of leading international journals. His other published material includes *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford University Press, 2011) and an edited book (with Markus Dubber) *The Handbook of Comparative Criminal Law* (Stanford University Press, 2011). Kevin is a permanent member of the international-law blog *Opinio Juris*. He has been involved in the International Criminal Court's negotiations over the crime of aggression, served as Human

Rights Watch's external legal advisor on the trial of Saddam Hussein (whose lawyers cited his academic work in their appeals), and consulted with a number of defendants at the ICTY and ICTR. He served from December 2008 until February 2011 as one of Radovan Karažić's formally-appointed legal associates.

Dr Wendy Larcombe



Wendy Larcombe joined the Law Faculty as a Senior Lecturer in 2006. Her doctoral research in the Law and Literature field was published by the Federation Press in 2005 as *Compelling Engagements: Feminism, Rape Law and Romance Fiction*. Her current research continues to explore issues of gender and sexuality in law and culture, with a particular interest in the construction of subjectivity in legal responses to violence against women and the constitution of reproductive and sexual health rights. Wendy taught literature and cultural studies at the University of Melbourne for a number of years before coming to the Law School where she teaches Violence, Women and the Law and Reproductive and Sexual Health Rights in the LLB; Legal Method and Reason and Legal Theory in the JD. She is a member of the Community Consultative Committee of the Medical Practitioners Board of Victoria and of the Recognition Review Group for Cosmetic Medical

Practice (Australian Medical Council).

Dr Cressida Limon



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

Ms Paula O'Brien



Paula graduated from Melbourne Law School with a first class honours degree in law and in arts. She was awarded a full Commonwealth Scholarship to undertake her Master of Laws degree at the University of Cambridge. She graduated from Cambridge with a class I degree, specialising in international law. From 2003 – 2007, Paula was the Executive Director of the Public Interest Law Clearing House (PILCH) in Victoria. For her work at PILCH, she was awarded the Women Lawyers 'Rising Star' Award in 2007.

Paula's research is in the area of public health law. She is currently undertaking her PhD at Melbourne Law School, in the area of domestic and international legal regulation of the global alcohol industry. Her other area of health law expertise relates to health workers and she had researched and published on questions related to the global shortage of health workers. She has looked closely at the international regulatory environment in which the shortages occur. Paula is also involved in an interdisciplinary project on social justice and temporary migrant work, where the major case study is the Victorian nursing sector. Paula's part in the project relates to the law regulating the international recruitment and registration of health workers.

Associate Professor Bruce Oswald CSC



Ossie's research interests are in the areas of international humanitarian law, peace operations law, international peace and security law, military law, and international criminal law. Ossie teaches a range of post-graduate subjects in the Law School. 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 continues to serve in the Australian Army as a legal officer and has seen active service overseas as a member of the Australian Defense Force. For his service as the Legal Officer for the Australian Contingent serving in Rwanda, Ossie was awarded the Conspicuous Service Cross (CSC). Ossie is a Jennings Randolph Senior Fellow (October 2012 - June 2013) at the United States Institute of Peace in Washington DC, USA.

Professor Gerry Simpson



Gerry Simpson holds the Kenneth Bailey Chair of Law at Melbourne Law School, the University of Melbourne, where he is Director of the Asia Pacific Centre for Military Law. Gerry is also director of studies for 'International Law' and co-director of studies for 'Public and International Law' with the Melbourne Law Masters. He is a Visiting Professor of Public International Law at the London School of Economics (LSE), where he held a Chair until 2009, and is currently an Open Society Fellow (based in Tbilisi, Georgia). He is the author of *Great Powers and Outlaw States* (Cambridge, 2004) and *Law, War and Crime: War Crimes Trials and the Reinvention of International Law* (Polity 2007). His latest book, *The Margins of International Law* (a collection of his essays), will be published by Cameron and May, forthcoming 2013. He is currently working on a book about the literary life of international law.

Associate Professor Joo-Cheong Tham



Joo-Cheong Tham's research focuses on the regulation of non-standard work, anti-terrorism laws and political finance law. He has published over twenty-five book chapters and refereed articles. His research has also been published in print and online media with Joo-Cheong having written more than thirty opinion pieces. He has also given evidence to parliamentary inquiries into terrorism laws and political finance law. In 2007-2008, 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 United Kingdom in relation to the protection of human rights. Joo-Cheong has published *Money and Politics: The Democracy We Can't Afford* (UNSW Press, 2010). In 2011, two books co-edited by Joo-Cheong were published: *The Funding of Political Parties: Where Now?* (Routledge, 2011) (co-edited with Keith Ewing and Jacob Rowbottom) and *Electoral Democracy:*

Australian Prospects (Melbourne University Press, 2011) (co-edited with Brian Costar and Graeme Orr). Together with Associate Professor Graeme Orr, University of Queensland and Professor Brian Costar, he is leading an Australian Research Council project, *Dollars and Democracy: The Dynamics of Australian Political Finance and its Regulation* (2010-2013).

Dr Amanda Whiting



Amanda Whiting is an academic member of the Melbourne Law School. She has been a member of the Asian Law Centre since 1999. She has taught in the LLB courses Land, Race and Law in Southeast Asia, Law and Society in Southeast Asia, Law and Civil Society in Asia, History and Philosophy of Law, Property and Principles of Public Law; and in the Graduate subjects Islamic Law and Politics in Asia and Citizens, Groups and States in Asia. Her research is in the area of human rights institutions and practices in the Asia-Pacific Region, gender and religion, and Malaysian legal history. She is Associate Director (Malaysia) of the Asian Law Centre with the Melbourne Law School. Amanda completed her honours degree in Arts at the University of Melbourne in 1981 and then taught seventeenth and eighteenth century history at the University's History Department over the next decade. She also has a Diploma of Education (1988) and

a Graduate Diploma of Indonesian (1995) which was partly undertaken at Universitas Kristen Satya Wacana, Indonesia. She completed her LL.B. with First Class Honours in 2001. In 2007 she completed her doctorate - a feminist analysis of mid-seventeenth century English legal and political history.

IILAH Graduate Research Students

Completed in 2012

Olivia Barr



Thesis: *A minor jurisprudence of movement*

Supervisors: Peter Rush, Shaun McVeigh and Maureen Tehan

Olivia's thesis addresses the office of the jurist and their responsibilities in relation to Anglo-Australian common law through the creation of a minor jurisprudence of movement. How does common law move? Unnoticed, but through jurisdiction. Noticing, Olivia's thesis carefully engages with two archives, one historical and one contemporary. The historical is a burial party that walked in colonial New South Wales. The contemporary is the struggle to bury the dead in Antarctica. Accounting for the technical and material forms of common law practice, the thesis creates a minor jurisprudence of movement. In doing so, it challenges the jurist to move well; to attend to the responsibilities of office.

Olivia Barr commenced in mid 2012 as a Lecturer in the Faculty of Law at the University of Technology, Sydney and has previously worked in law reform, as a government solicitor, for the United Nations Permanent Forum on Indigenous Issues and as a Senior Fellow in MLS. Olivia graduated from the University of Western Australia with a Bachelor of Laws (Dist) and a Bachelor of Arts (Anthropology) before graduating from the University of British Columbia with a Master of Laws.

Kasia Lach



Thesis: *Sovereignty and the 2004 Eastern enlargement of the European Union; an inquiry into the dynamics of European legal integration*

Supervisors: Anne Orford and Carolyn Evans

On 1 May 2004 a particular challenge was posed by the accession of eight post-communist states of Central Eastern Europe to the European Union (EU), since their legal systems had had to be profoundly reformed in order for these states to become EU members. Kasia's thesis brings together two phenomena: the conceptualisations and interpretations of sovereignty in the new Member States of the European Union and the process of European integration. Her main research question is whether the Central Eastern European accounts of sovereignty and European integration are indeed specific to the new Member States (Poland and Hungary), or whether similar patterns have also been

observable in the old Member States (Germany and France) and thus should be viewed as exemplifications of a universal development intrinsic to the process of European integration rather than as a Central Eastern European idiosyncrasy.

Cressida Limon



Thesis: *Genes, Biotechnologies and legal imaginings: a feminist analysis of intellectual property*

Supervisors: Anne Orford and Lee Godden

Cressida's thesis is concerned with the narratives of invention and reproduction at the intersection of law and technoscience. In her thesis Cressida critically examines the theories of intellectual property to highlight the subjective and cultural basis of invention. This examination exposes the class, gendered and colonial dimensions of the laws of invention. Her analysis focuses on debates about patenting life, assisted reproduction technologies and genetic discrimination. Critical legal theory has shown how patent law assumes a binary opposition between nature/culture; science and technology studies have shown how biotechnologies undo the binary opposition between nature/culture;

feminist theory shows that we should be skeptical about these positions.

Cressida holds a BA (Biological Anthropology) from the Australian National University and an LLB (Hons) from La Trobe University. Cressida has worked in the community legal sector and has taught legal theory, legal research methods and discrimination law at Victoria University, Melbourne and bioethics at the University of California Santa Cruz. Cressida has been a member of the Editorial Board of the *Australian Feminist Law Journal* since 2001. Cressida is a Research Fellow at the Melbourne Law School where she is currently working on a Reference for the Family Law Council on the laws of parentage, surrogacy and reproductive technologies.

Current IILAH Students

Florence Adong



Thesis: *Connecting law, politics and security in Northern Uganda*

Supervisors: Anne Orford and Bruce Oswald

This thesis connects the role of international law and politics in shaping security and protracted war and suffering in Northern Uganda. It discusses how the World Bank and IMF's 'monetary interventions' contributed to crises and suffering, and how these activities relate to the 'culture of protection' and assaults the shift to sovereignty as responsibility. The thesis explores legal explanations for the Northern Uganda conflict, and the international legal framework that protects people against exploitation within a politically and ethnically divided state. It questions the application of principles of international law – sovereignty and territorial integrity; and implies a need to rethink international actions in intrastate armed conflicts where violence is perpetrated by the state.

Florence Adong completed her LLB from Makerere University, a Postgraduate Diploma in Legal Practicen, an LLM in International Law, Human Rights and Criminal Justice from Utrecht University and a Diploma in Intellectual Property Rights from the University of South Africa. Before commencing her PhD, Florence worked as a Legal Analyst with the UN Office of the High Commissioner for Human Rights, country office in Uganda and as a Protection Specialist with UNHCR Representation in Uganda.

Marie Aronsson



Thesis: *The role of covert action in the development of international law*

Supervisors: Anne Orford and Kevin Jon Heller

This thesis examines the influence of covert operations on the development of the law on use of force. It scrutinizes the different methodological approaches to customary law on the use of force in order to see if, and under what circumstances, covert action may constitute state practice and how it works in relation with *opinio juris*, both in the positive and negative sense.

Marie holds an LLB and an LLM from University of Gothenburg. Before commencing her PhD candidature in February 2012, she worked as a research assistant on the Recording of Civilian Casualties of Armed Conflict project of the Oxford Research Group.

Megan Brodie



Thesis: *Agents of change: what power do national human rights institutions have to affect the process of transformative social change?*

Supervisors: Dianne Otto and Brian Burdekin (external)

Megan's PhD investigates national inquiries conducted by the National Human Rights Commissions of Mongolia and India. Her fieldwork was supported by an Endeavour Research Fellowship. As a lawyer, Megan has worked in both the corporate and not-for-profit sectors and currently and has sat on the Board of the Oaktree Foundation. In 2009 Meg took up a Teaching Fellowship at MLS and earlier completed a BA(Hons)/LLB(Hons) at the University of Melbourne.

Peter Chambers



Thesis: *Power in transformation: Christmas Island, border security, governance*

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

In 2012, Christmas Island is best known as a place of immigration detention, a component of Australia's expanding border security apparatus. In the 124 years since it was annexed by the British, Christmas Island has continued to take on changing political forms. In exploring these changes empirically and theoretically, this thesis gives an account of the mutation of political sovereignty, the emergence of globalisation, the installation of governance, and their current co-operation through the practice of border security and immigration detention, as seen from the Island. It considers the way shifts in thinking and ways of imagining problems - as political, as urgent - have provoked and continue to prompt the construction of certain kinds of structures: mines, casinos, and now the immigration detention centre. In accounting for transformations of power on Christmas Island, this thesis also offers an account of the conceptual and intellectual resources necessary to make sense of the power relations to which we are subject: here, now and in the future.

Nicola Charwat



Thesis: *Public interest amicus curiae in WTO dispute settlement: contesting global market governance?*

Supervisor: Dianne Otto

The WTO Appellate Body's acceptance of amicus curiae briefs (ACBs) submitted by public interest actors is accepted as a hard won victory by civil society. As such, the ACB is generally understood as improving WTO governance, which is otherwise characterised as prioritising market interests and excluding public interests. This thesis provides a critical analysis of the potential contribution of public interest actor briefs to challenges to global market governance.

Nicola is a lecturer in the Department of Business Law at Monash University, previously a senior fellow teaching in the MLS Masters programme. Nicola completed an LLB (Hons) and LLM in International Law in the UK before moving to Australia.

Emily Cheesman



Thesis: *Children's rights based approaches to policies, services and programmes for Filipino street children*

Supervisors: John Tobin and Helen Rhoades

Children's rights, particularly as articulated under the UN Convention on the Rights of the Child, have increasingly gained prominence in law and policy making in the Philippines. This has coincided with a shift in focus to a 'rights-based approach to development' or 'child rights programming' by international bodies and the broader development field. However, how are these concepts translated into programmes, services and outcomes for children? Emily's research considers how children's rights based approaches (RBAs) are conceived and applied by non-government organizations (NGOs) to service and design programmes for children colloquially known as 'street children' in Manila, in the Philippines.

The research is framed through a detailed consideration of the legal, political, economic and cultural context within which NGOs operate, and investigates the factors that inhibit and facilitate the design and effective operation of RBAs.

Emily completed a BA (International Studies)/LLB (Hons) at the University of Melbourne and has worked as a researcher and policy advisor for Aboriginal and Torres Strait Islander organizations in native title, agreement-making and child and family welfare.

Madelaine Chiam



Thesis: *'War-talk': international legal discourse in Australia 1914-2003*

Supervisors: Gerry Simpson and Ann Genovese

Madelaine's doctoral thesis examines the role of international law in public debate around war in Australia during three conflicts - the 2003 Iraq War, the Vietnam War and World War I - a phenomenon that she terms 'war-talk'. Madelaine explores a hunch that the 20th century saw the emergence of law, and particularly international law, as central to debates around war and that this reached a high point in the public deliberations about the 2003 Iraq War. Her thesis takes as its starting point the premise that the emergence of law as central to the justifications for war, whether posited by a government or demanded within a populace, is problematic. It is problematic for reasons that include law's limited capacity to

articulate fully questions about right and wrong, morality and humanity; because of the false promise of certainty offered by law in debates that are usually characterized by indeterminacy; and because of the way that law appears to give the general population an idiom through which to challenge government power, but at the same time it can obscure other, perhaps more promising, forms of war-talk.

Madelaine is a sessional lecturer at MLS. Her research interests are in international legal histories, the interaction of international laws with the local and in international human rights law. Madelaine has previously been a Research Fellow and Lecturer at the Australian National University College of Law and in legal practice. Madelaine's publications include *No Country Is an Island: Australian and International Law* (with Hilary Charlesworth, Devika Hovell and George Williams) and articles in the *Public Law Review*, *Sydney Law Review* and the *Adelaide Law Review*. Madelaine is Secretary of the Australian and New Zealand Society of International Law.

Julia Dehm



Thesis: *From REDD+ to green capitalism; law, life, limits and growth in crisis*

Supervisors: Maureen Tehan, Margaret Young and Kirsty Gover

Julia's thesis examines the assumptions made about the management of risk to Indigenous peoples and forest-dependent communities from international carbon trading and carbon offset schemes, particularly Reducing Emissions from Deforestation and forest Degradation (REDD+). Her areas of research interest include: REDD+ (Reducing Emissions from Deforestation and Forest Degradation), climate change law, carbon trading regimes, carbon offset programs, climate justice, human rights, Indigenous peoples' rights, global justice, international financial institutions, critical legal theory, feminist, post-structuralist and post-colonial legal theory.

Julia is also a climate justice activist who has been active in supporting mobilisations against coal in Australia and organising international solidarity against 'false solutions' to climate change. She presents a radio show 'Done By Law' (www.donebylaw.org) on community radio once a month and is involved in providing legal support to activist movements.

Sara Dehm



Thesis: *Ordering international migration: seasonal labour, borders and the promise of legality*

Supervisors: Sundhya Pahuja and Anne Orford

Sara's research employs post-structuralist approaches to law to examine discourses of migration management, migration and development, citizenship and mobility, security and employment within international and regional institutions. Through an exploration of Australia's Seasonal Pacific Worker Pilot Scheme, her thesis attends to the ways in which the promise of formal migrant labour schemes to the international 'development' project has come to be narrated and implemented in the post-WWII period.

Sara Dehm holds Bachelors of Arts and Law and a Diploma of Modern Languages (Arabic Studies) from the University of Melbourne. Sara has research interest in Human Rights Law, Immigration Law, International Law, Law and Development and Legal Theory. She will be a senior fellow and teaching 'Australian Legal Process and Legal Institutions' in 2013 in the Melbourne Law Masters.

Treasa Dunworth



Thesis: *The resurrection of human security in disarmament*

Supervisors: Tania Voon and Tim McCormack

The idea of human security - that people, not just states, should be at the centre of security discourse - has been gaining increasing traction in the last twenty years. Contemporary thinking in this area originated and developed mainly in the human rights area. In recent years, increasing attention is being paid to the way in which ideas about "human security" might inform the disarmament discourse. There are a number of current initiatives to reframe the nuclear weapons disarmament debate in "human security" terms. The recent initiatives by UNIDIR to start a discussion on explosive weapons can also be seen in this light. Treasa's thesis explores the evolution of the idea of "disarmament as human security" and critically assesses its potential and pitfalls. Her working hypothesis is that the claim that disarmament is human security has been drawn too narrowly and timidly. She will aim to show that human security in disarmament is a much more powerful and profound idea than can be encapsulated in an incremental progression through different weapon-types, as currently witnessing. A genuine human security approach, taking human beings at the centre-point of analysis, would consider disarmament generally - all weapons - not only weapons-types. Further, Treasa will argue that this claim is not a new idea, but rather an idea that was strongly articulated in early disarmament efforts (1899 Peace Conference and beyond), but subsequently abandoned.

Treasa is an Associate Professor with the Faculty of Law at the University of Auckland.

Debolina Dutta



Thesis: *Sluts vs Saviours: the 'Political Society' of sex workers in India and the political economy of the global rescue industry*

Supervisors: Shaun McVeigh and Ann Genovese

In her thesis, Debolina will explore how sex workers' collectives in India are resisting the abolitionist brigade of evangelists, governance feminists, international anti-trafficking law and HIV / AIDS funding regulations that harm sex workers in the name of protecting their rights and rescuing them from exploitation.

Debolina has worked as a human rights activist and researcher with CREA, New Delhi, Point of View, Mumbai, the Centre for Communication and Development Studies, Pune and UNICEF India. During 2011 and 2012 she represented CREA at the UN Human Rights Council in Geneva as part of the Sexual Rights Initiative. She also researched and co-authored the 'Count Me In! Research Report on Violence Against Lesbian, Disabled and Sex Working Women in Bangladesh, India and Nepal' (2012). For close to a decade now, she has been closely associated with the Durbar Mahila Samanwaya Committee -- a sex workers' collective in Kolkata. She did her bachelors degree in English Literature from Presidency College, University of Calcutta, obtained her LLB degree from New Law College, Pune and completed the Research Training Programme (MPhil) from the Centre for Studies in Social Sciences, Kolkata where she was also the recipient of the Navajbai Ratan Tata Trust Scholarship. In addition to all her other work Debolina has also co-directed two documentary films.

Maria Elander



University of London.

Thesis: *In the name of the victim: the figure and figuration of the victim in international criminal justice*

Supervisors: Peter Rush and Dianne Otto

This thesis examines the figure and the figuration of the victim in a critical reading of the discourse on international criminal justice. In particular, the thesis asks what victim is figured in international criminal law, how the victim can speak in and through international criminal law, and how to understand the figurations of the victim that now exist in the field. To examine these questions, the research looks at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Maria holds a BA in Arabic and a BSS in Political Science from Uppsala University, and a MA in Human Rights Law from the School of Oriental and African Studies,

Luis Eslava



Thesis: *Local space, global life: the everyday operation of international law and development*

Supervisors: Anne Orford and Shaun McVeigh

In the last three decades, local jurisdictions have become the preferred spaces to promote global ideals of human, economic and environmental development. Through an ethnographic study of Bogotá's recent development experience, in particular the city's changing relation to its illegal neighbourhoods, his thesis interrogates the rationale and exposes some of the contradictions involved in the emergence of localities in development discussions and the international normative scene. In its evaluation of the multiple ways in which international law and the development project are shaping local realities, the thesis argues for closer critical attention to how these intimately related fields percolate through

national and local norms, administrative practices and the everyday life of the Third World.

Luis Eslava completed his undergraduate law degree at Universidad Externado de Colombia and a Master of Law and Development at the MLS. Luis completed his PhD in 2012. Luis works in the areas of International Law, Development and Global Governance. In particular, he focuses on the anthropological and political economic dimensions of today's global order from a jurisprudential perspective.

Bec Goodbourn



Thesis: *Sensing the city: space and subjective life of the laneways*

Supervisors: Peter Rush and Alison Young (Faculty of Arts)

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

Bec Goodbourn completed her BA with honours in Criminology at the University of Melbourne.

Carolyn Graydon



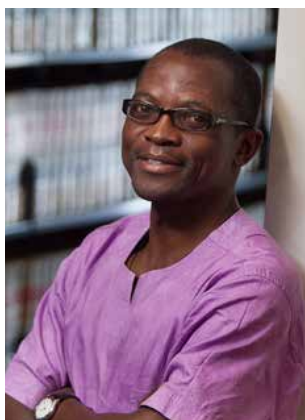
Thesis: *Domestic violence in Timor-Leste: is there a place for indigenous justice systems?*

Supervisors: Tim Lindsey and Dianne Otto

Carolyn worked with the United Nations in Timor-Leste as a human rights officer. This experience triggered her interest in Timorese women's responses to gender violence, more particularly their use of formal and indigenous justice systems. Carolyn's thesis focuses on indigenous processes of developing and protecting human rights, more specifically, justice processes and their potential for long term transformation so that they are better able to deliver the justice and protection sought by Timorese women.

Carolyn was an advocate in the area of refugee and immigration law for many years. In 2006 and 2007 she lectured at Melbourne University in the subject Law and Society in Southeast Asia.

Joseph Kikonyogo



Thesis: *Sub-Saharan Africa and the WTO negotiations on agriculture*

Supervisors: Tania Voon and Pip Nicholson

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

Jonathan Kolieb



Thesis: *Peace, the corporation and global regulation: enhancing the role of the private sector in preventing and resolving armed conflict*

Supervisors: Gerry Simpson and Andrew Mitchell

Corporations have social responsibilities and legal obligations in conflict zones. Moreover, many large trans-national corporations have the capabilities and capacities to positively contribute to the prevention and resolution of armed conflicts around the globe. However, despite a proliferation of legal and regulatory mechanisms to oversee corporate behavior in conflict-affected areas, the potential of corporate peace-building has yet to be fully realized in theory or in practice. This thesis examines the relationship between peace, corporations and regulation, and elaborates the peace-building potential of the private sector, including by examining public policy frameworks and regulatory regimes that

may unlock the potential of corporate peace-building.

Jonathan has been a consultant for the UN Secretary General's Special Representative for Children and Armed Conflict, and authored UN documents detailing the legal protections afforded to children in conflict zones. As a Rotary World Peace Fellow (2004–06), Jonathan completed a Masters of Law and Masters of International and Area Studies at University of California, Berkeley, exploring aspects of international peace processes

and human rights law. Jonathan is a University of Melbourne, Monash University and Hebrew University of Jerusalem graduate. He has worked and volunteered with a range of human rights organizations, community groups and grassroots peace-building organizations around the world.

Eve Lester



Thesis: *Making migration law work in Australia: paradoxes and prospects*

Supervisors: Sundhya Pahuja and Shaun McVeigh

The central question of Eve's thesis asks which historical dynamics have shaped immigration law-making in Australia so as to circumscribe enjoyment of basic social and economic rights, and pivotally the right to work, by people who migrate as part of a survival strategy. To this end, 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.

Liz Macpherson



Thesis: *Indigenous water rights in Chile and Australia: can indigenous water rights be sustainably integrated in water markets?*

Supervisors: Maureen Tehan and Kirsty Gover

Water planning frameworks underlying emerging Australian water markets do not adequately respond to indigenous demands for a water allocation for indigenous cultural and commercial use. In Chile, where there is no recourse to native title, statute law has been used to recognise water property rights for certain indigenous communities. The aim of this thesis is to suggest an improved legal mechanism for recognition of cultural and commercial indigenous water rights in Australia. Liz considers the potential for statutory recognition of indigenous water rights outside of native title, drawing on an analysis of the strengths and weaknesses of statutory indigenous water rights recognition in Chile, against the

backdrop of existing Australian models for statutory recognition in Aboriginal land legislation.

James Munro



Thesis: *The relationship between carbon markets and international trade and investment law*

Supervisors: Andrew Mitchell and Margaret Young

James is researching the relationship between carbon markets and international trade and investment law. In particular, his research focuses on the extent to which measures affecting carbon units and emissions permits fall within the scope of GATT 1994, GATS, the SCM Agreement, TRIMS, preferential trade agreements, and international investment agreements. It also considers whether established and emerging emissions trading schemes in the EU, Australia, California, Quebec and New Zealand are consistent with international trade and investment law, in light of their quantitative and qualitative restrictions on carbon units, discriminatory treatment on service suppliers, and domestic

content requirements in the use of carbon units.

James has worked for a number of years in international trade and investment law as a Legal Officer in the

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Attorney-General's Department. He has provided legal advice in the negotiations for free trade agreements; has worked on WTO disputes including third party submissions; and has provided general advice to government on WTO law and bilateral investment treaties.

Yoriko Otomo



Thesis: *Unconditional life: the time and technics of international law*

Supervisors: Anne Orford and Shaun McVeigh

Yoriko's 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.

Yoriko currently works as a lecturer in law, with SOAS, having previously been a lecturer in law at Keele University, and Birkbeck College, University of London, the International Center for Legal Studies and MLS. Most recently she has also worked at the Grantham Research Institute on Climate Change and the Environment, London School of Economics, for the Danish Institute for Human Rights, and for the United Nations University's Institute of Advanced Studies.

James Parker



Thesis: *Acoustic jurisprudence*

Supervisors: Andrew Kenyon and Shaun McVeigh

James' thesis argues for a specifically acoustic jurisprudence: one attentive, that is, to the acoustic dimensions of law and justice. It does so by means of a case study. Between September 2006 and December 2008, Simon Bikindi stood trial at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. Though the details of the case against him were complex, its essence was simple. In the early 1990s Bikindi was one of Rwanda's most well known musicians and popular figures: a bona fide celebrity, 'probably the most talented artist of his generation,' 'Rwanda's Michael Jackson'. And by the end of 1994 his songs had quite literally soundtracked a genocide. At root Bikindi stood accused of inciting genocide with his songs.

In 2012 James was a Senior Fellow, and will in June 2013 take up a lectureship with MLS. He completed his undergraduate degree in jurisprudence at Oxford and his LLM by research at the University of McGill.

Connal Parsley



Thesis: *Jurisprudence without law: Giorgio Agamben and the juridical tradition*

Supervisors: Peter Rush and Shaun McVeigh

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

Connal has undergraduate degrees in law and linguistics, his work addresses intersections between legal, aesthetic and linguistic theory, and his publications have explored their interaction in particular Australian political contexts. Connal took up a position as Lecturer in Law at Kent University in 2013.

Laura Petersen



Thesis: *Law and aesthetics after the Holocaust: gestures of justice and restitution*

Supervisors: Peter Rush and Shaun McVeigh

Laura's interdisciplinary research moves across visual art, fictional texts and jurisprudential memory to explore concepts of restitution. Basing her analysis in Germany after World War II, her project examines the legal, memorial and aesthetic processes involved in coming to terms with atrocity.

Laura completed her Master of Arts in Comparative Literature at Freie Universität Berlin, supported by a DAAD scholarship. Her thesis (in German) considered the role of metafictional narratives in Holocaust memory, examining texts by W.G. Sebald, Vladimir Sorokin and Jonathan Safran Foer.

Rheny Pulungan



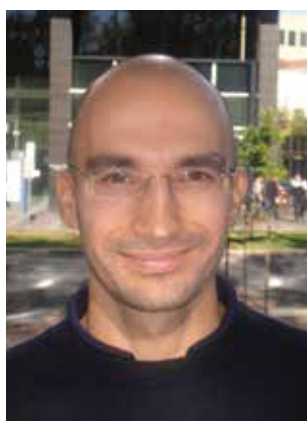
Thesis: *The shortcomings of the international law on piracy and maritime terrorism: options for strengthening maritime security in the Malacca Straits*

Supervisors: Tim Lindsey and Andrew Mitchell

Thousands of ships sail over the sea to transport goods around the world. However, these ships constantly face the risk of attacks by pirates. There have been attempts to combat sea piracy and maritime terrorism, such as the UNCLOS, SUA Convention and ReCAAP. These efforts have contributed to suppressing sea piracy, even so, piracy in the Straits remains a serious concern. Rheny's research thesis investigates the limitations of the international law of the sea in combating piracy and maritime terrorism in the Malacca Straits. She will also examine what steps have been taken and what other steps are envisioned by littoral and user states to strengthen maritime security in the Malacca Straits.

Rheny graduated LLB in 2003 from Gadjah Mada University, Indonesia, where she received the university medal; and LLM in 2007 from MLS. Rheny has worked as a journalist in Tempo Newspaper in Jakarta and taught international law at a university in Sumatra, Indonesia.

Walter Rech



Thesis: *Vattel and the 'Ennemis du Genre Humain'*

Supervisors: Anne Orford and Sundhya Pahuja

Walter started his PhD in law at the Max Planck Institute for European Legal History in Frankfurt in 2007 and is continuing the same at MLS. It focuses on the Swiss international lawyer Emer de Vattel (1714-1767), traditionally regarded by commentators as the theorist of the 'guerre en forme'. The aim is to complicate this interpretation by analysing the notion of an 'ennemi du genre humain'.

Walter graduated in philosophy from the University of Trento (Italy), and has since undertaken research in Germany at Humboldt University, Free University of Berlin and at the University of Freiburg.

Robin Robinson



Thesis: *A question of jurisdiction: the recognition at common law of Australian Indigenous peoples' intra-group rights and interests under communal native title*

Supervisors: Maureen Tehan, Mark McMillan and Kirsty Gover

Robin's thesis considers the proposition that intra-group native title rights and interests are vulnerable for want of legal and institutional safeguards. Further, that their vulnerability is compounded by particular judicial methodology relating to the principle of communal native title and the strict interpretation of the doctrine of continuity. It investigates reforms to the jurisdictional arrangements between the Australian State and the community of native title holders regarding the resolution of intra-group disputes, drawing on jurisprudence from other common law countries and international human rights law, as a means to safeguard intra-group native title rights and interests. Her inquiry focuses on identifying vulnerable intra-group rights and interests under communal native title and explores how best to protect the native title rights and interests held by individual native title holders with multi-affiliations as members of sub-groups, the wider native title holding group and as citizens of the State.

As a barrister, Robyn worked in the areas of native title, administrative law and mediation.

Dudi Rulliadi



Thesis: *Indonesian Public-Private Partnerships (PPPs): a legal study of private sector participation in infrastructure development*

Supervisors: Anne Orford and Andrew Mitchell

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

Dudi completed his undergraduate degree at the Gadjah Mada University (1998) in Indonesia and also completed an LLM at MLS (2005).

Mickaël Ho Foui Sang



Thesis: *The functions of law in the protection of historical truth*

Supervisors: Anne Orford and Olivier Cayla (Paris X)

Mickaël Ho Foui Sang is undertaking a PhD by cotutelle at MLS and University of Paris X (Nanterre La Défense, France). The focus is on the interaction of legal systems, especially on ways to rethink French private law in the context of European integration. Mickaël is particularly interested in the tension between the State, collective memory and history in contemporary France and Australia. His research thesis explores the place and function of law in the process of reconciliation and the recognition of historical truth.

Mickaël holds a Masters degree in Theory and Analysis of the Law and a degree in European Law from the University of Paris X (Nanterre, France).

Marc Trabsky



Thesis: *Voices of the dead: law, aesthetics and mortality*

Supervisors: Peter Rush and Shaun McVeigh

Marc's doctoral research offers an institutional account of the dead in law. It questions how the dead dwell in the office of the coroner, but also what the significance is of thinking through law by means of the institutions of the dead. His case studies include the local history of the office of the coroner and the legal form of the death mask.

Marc completed a BA/LLB (Hons) at The University of Melbourne and an MPhil in the Department of Gender and Cultural Studies at The University of Sydney.

Oishik Sircar



Thesis: *Assemblages of affect: law, image, precarity in the memorialisation of Gujarat 2002*

Supervisors: Dianne Otto and Sundhya Pahuja

In the thesis, Oishik aims to understand how law, testimony and visual culture memorialises the many histories of the Hindu right-wing orchestrated anti-Muslim pogrom that took place in the state of Gujarat in India and the contested/conflicting futures of justice and secularism that such memorialisation unfolds.

Oishik is an Honorary Research Fellow at the Collaborative Research Programme on Law, Postcoloniality and Culture at the Jindal Global Law School, India. He obtained his LLB degree from the University of Pune, India and his LLM from the University of Toronto, where he was awarded the Ford Foundation

Scholarship in Sexual and Reproductive Rights. Previously, he was Research Fellow, Centre for Human Rights and Citizenship Studies, West Bengal National University of Juridical Sciences, Kolkata and taught at the Women's Studies Centre, University of Pune. Oishik researches and writes in the areas of visual culture, affect studies, queer theory, feminist theory, law and humanities and cultures of human rights. He has co-directed two documentary films, and has recently co-edited two special issues of the Jindal Global Law Review on 'Law, Culture and Queer Politics in Neoliberal Times', which will soon be published as a book volume.

Deborah Whitehall



Thesis: *Hannah Arendt, beginnings and female subjectivity in international law*

Supervisors: Anne Orford and Ann Genovese

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

Deborah has studied and taught law in Australia and the United Kingdom, and has experience in law reform, and as a solicitor in the public and private sectors.

IILAH 2012 Events

Symposia

11 May 2012: Symposium, Turning Points: Remembering 'Koowarta v Bjelke-Petersen' (1982) 153 CLR 16

Convenor: Dr Ann Genovese

IILAH, the Centre for Comparative Constitutional Studies (CCCS) and the Centre for Resources Energy & Environmental Law (CREEL) jointly hosted the first *Turning Points* symposium to commemorate the 30th anniversary of the Australian High Court decision in the '*Koowarta v Bjelke-Petersen*' case. The case represents a turning point in Australia's legal-political history: a shift to a different form of political engagement on complex questions about race, and the environment; and a shift in what those engagements could signify, nationally, and internationally.

The aim of the Symposium was to review and reflect upon the judgment, its context, and its interpretations; with insights from legal, political, historical, and autobiographical perspectives. Symposium speakers explored a series of overlapping themes. For example, from a legal perspective, the judgment raises clear themes about the interaction of constitutional and international law, the growth of federal power, constitutional meaning and constitutional change and the impact of those considerations on indigenous Australians. The symposium also explored dimensions of themes from other perspectives, such as how questions about race and the environment operate in relation to each other; the nature of political activism in Australia and transnationally, in the 1970s and 1980s; how and to what extent that activism turned political questions into legal questions; and how the local context of Queensland, with its specific and different cultural and political history of state authority and race interrupts the historical and legal narratives of what *Koowarta* is thought to signify.

The second symposium, *Turning Points: Remembering 'Commonwealth vs Tasmania' (1983)*, planned for 2013, will place the two cases into conversation with each other for the first time, and as such open new ways of approaching and writing about law's authority and narratives as constitutive of an evolving Australian national identity into the 21st century.



Left to right: Hilary Charlesworth (ANU), Marcia Langton (Melbourne), Anne Orford, MLS



Hon Michael Kirby AC CMG, Marcia Langton (Melbourne), Anne Orford, MLS



Ian Anderson (Melbourne), Carolyn Evans (MLS)

PROGRAMME

Welcome

Carolyn Evans (MLS) and Ian Anderson (Murrumbidgee, Melbourne)

Remembering *Koowarta*

Chair: Anne Orford (MLS)

Marcia Langton (Melbourne) '*Koowarta*' and his heroic struggle for his rights

Hilary Charlesworth (ANU) Internal and external affairs: the '*Koowarta*' case in context

Reconsidering *Koowarta*

Chair: Julie Evans (Melbourne)

Alexander Reilly (Adelaide) Queensland, the Commonwealth and the Aboriginal Land Fund Commission: the foundations of '*Koowarta*'

Nicole Watson (UTS) Litigation or grass roots political activism?

Reviewing *Koowarta*

Chair: Shaun McVeigh (MLS)

Maureen Tehan (MLS) Practising law and politics in 1980s Australia: the liberating effect of '*Koowarta v Bjelke-Petersen*'

Mark McMillan (MLS) Because International Law matters

Megan Davis & Sean Brennan (UNSW) '*Koowarta*': Constitutional Landmark, transition point or missed opportunity?

Reflections

The Hon Michael Kirby AC CMG with Cheryl Saunders AO, MLS

Closing

Ann Genovese (MLS)

17 August 2012: IILAH Symposium, *The Trans-Pacific Partnership Agreement: Issues and Implications*

Convenor: Associate Professor Tania Voon

This symposium was part of the IILAH Global Trade research programme. Participants from government, NGOs, industry and academia discussed several key legal and public policy issues arising from the TPPA.

The Trans-Pacific Partnership Agreement (TPPA) is a broad-ranging preferential trade agreement currently being negotiated by nine Pacific nations. Its implications for Pacific regional trade, as well as for public policy across a range of areas, are likely to be far-reaching. The TPPA will establish a free trade area with a population of 500 million and a GDP of USD \$17 trillion. It will significantly change the landscape of international economic law, with impacts that will be felt on a global scale.

PROGRAMME

Session 1 Chair: Peter Gallagher

Daniel Moulis (Principal, Moulis Legal) *The TPPA in a WTO world – signpost or roadblock*

Meredith Lewis (Victoria University of Wellington) *Development and the TPPA*

Session 2 Chair: Tania Voon

Kimberlee Weatherall (Sydney Law School) *Intellectual Property in the TPPA*

Paula O'Brien (MLS), **Jonathan Liberman** (Cancer Council Victoria) and **Nicholas Coxon** (McCabe Centre for Law and Cancer) *Public Health and the TPPA*

Session 3 (Chair: Daniel Moulis)

Peter Gallagher (Trade and public policy consultant) *Agriculture in the TPPA*

Tania Voon (MLS) and **Danny Kotlowitz** (Telstra) *Services in the TPPA – A Case Study of Telecommunications*

Session 4 (Chair: Meredith Lewis)

Andrew Mitchell (MLS) *Dispute settlement in the TPPA*

Leon Trakman (University of New South Wales) *Investment and the TPPA*



Tania Voon (MLS)



Meredith Lewis (Wellington)



IILAH Symposium attendees.

5 December 2012: IILAH Symposium, *China and the Human: Law, Immigration, Queerness and Other Related Conversation with Professors David L Eng and Teemu Ruskola*

Convenor: Professor Dianne Otto

Inspired by the Social Text special issues on “*China and the Human*” (2011/2012) edited by David L. Eng, Teemu Ruskola and Shuang Shen, this symposium explored problems of the human and humanity through the work of six critical scholars, located in the disciplines of law and humanities. Several threads of conversation including, but not limited to, China, law, immigration, and queerness were discussed and rethought. Following brief presentations, participants and audience engaged in a wide-ranging collective discussion.

PROGRAMME

Welcome and Introductions

Dianne Otto (Director of IILAH, Professor of Law, MLS)

Panel 1: Chair: David L. Eng

Teemu Ruskola (Emory University Law School)

Legal Orientalism: China, the United States, and Modern Law

Oishik Sircar (Honorary Research Fellow, Collaborative Research Programme on Law, Postcoloniality and Culture, Jindal Global Law School and PhD student, MLS)

Two Histories of Desire: Who Speaks For 'Indian' Sexualities?

Wayne Morgan (College of Law, Australian National University)

The “Human” in Human Rights Litigation

Panel 2 - Chair: Teemu Ruskola

David L. Eng (Comparative Literature, and Asian American Studies, University of Pennsylvania)

'Psychic Nowhere': Asian Immigration and the Politics of Race

Fran Martin (Cultural Studies, School of Culture and Communication, Faculty of Arts, University of Melbourne)

Transnational dream, transnational practice: Articulations of gendered personhood by Chinese women students in Australia

Audrey Yue (Cultural Studies, School of Culture and Communication, Faculty of Arts, the University of Melbourne)

Queer Asian Migrations in Australia: A conceptual overview



Left to right: Audrey Yue (Melbourne), Fran Martin (Melbourne), David L. Eng (University of Pennsylvania), Teemu Ruskola (Emory University Law School)

Expert Workshop

19 - 22 September 2012: IILAH Workshop, *The Law of Refugee Status*

Convenor: Associate Professor Michelle Foster

This workshop was the second in a series connected to an ARC project jointly conducted by Associate Professor Michelle Foster, Director of IILAH's International Refugee Law research programme, and Professor James Hathaway, Programme Director of Refugee and Asylum Law at the University of Michigan.

The project aims to undertake a critical theoretical and comparative study of the refugee definition in order to test the hypothesis that despite profound challenges, the Refugee Convention has a remarkable capacity to expand, in a principled and coherent manner, to produce an evolutionary rights protective approach which is capable of application to contemporary refugee flows. A crucial component of the project is a deep comparative study of approaches to interpretation of the definition of 'refugee' across a wide range of common law and civil law countries. To test the methodology and core arguments of the project, an expert panel comprising six international refugee law scholars was invited to participate in the two workshops over two years during which the core ideas of the project were tested, debated and discussed.



The participants (pictured above) - Catherine Dauvergne (UBC), Marjoleine Zieck (Amsterdam); Rodger Haines (Auckland); Pene Mathew (ANU); Constantin Hruschka (UNHCR Geneva) and Jason Pobjoy (Cambridge) - generously agreed to read drafts of the manuscript of a forthcoming book in advance and arrive prepared to engage in deep reflection and discussion about the core ideas in the manuscript.

The second workshop, considered the role of failure of state protection in the refugee definition, the nexus clause and the highly controversial exclusion clause. The complexity of the issues gave rise to very lively and dynamic discussion, and the diverse perspectives of participants from different legal systems and different institutional perspectives challenged all participants in key ways. The workshop provided a rare opportunity for sustained engagement with a small group of expert scholars and was a highly successful event.

The key output, a book co-authored by Professor James Hathaway and Associate Professor Michelle Foster, will be published by Cambridge University Press in 2013.

Public Lectures

14 August 2012: Public Lecture, *The Universal Declaration of Human Rights of 1948 in the History of Cosmopolitanism*, presented by Professor Sam Moyné (Columbia University)

Convenors: Associate Professor Alison Duxbury and Dr Barbara Keys (History)

This Public Lecture was jointly hosted by IILAH and the School of Historical and Philosophical Studies (SHAPS) and kindly supported by Macgeorge Bequest.

Professor Samuel Moyné gave a thought-provoking and lively lecture in which he offered a revisionist account of the relationship between the Universal Declaration of Human Rights and various political universalisms of the 20th century. Author of *The Last Utopia: Human Rights in History* (Harvard University Press, 2010), described as 'the most important work on the history of human rights yet to have been written' (Paul Kahn, Yale University). In his book, Moyné argues that the Universal Declaration had little public resonance at the time it was written, and that the era of decolonization that followed did not draw significantly on the language or law of human rights. Only when colonialism ended, and in the wake of disillusionment with revolutionary idealisms after 1968, did human rights become a global rallying cry. In the lecture, Professor Moyné explored the rise of human rights in the 1970s, when they emerged 'seemingly from nowhere,' as an element of the rise and fall of cosmopolitan political visions. He provocatively suggested that human rights advocates have yet to fully grapple with the weight of the political burdens human rights advocates have taken on as the discourse has expanded into nearly every aspect of life.

6 December 2012: IILAH Public Keynote, *Image and Methodology in Legal Thinking: Scopic Regimes of Sovereignty in the Photography of War*, presented by Professor Desmond Manderson (Australian National University)

Convenors: Ms Julia Dehm, Mr Marc Trabsky and Mr Timothy Neale

The keynote was jointly hosted by IILAH and the Graduate Researchers Association of MLS's Doctoral Forum on Legal Theory.

Professor Manderson discussed how popular culture is saturated by images of war and conflict. It leads every news bulletin; the distant puff of gunfire is a backdrop to our daily lives. Visual culture is subject to the influence of 'scopic regimes' (Metz 1975, 2002) which, at different times and places, govern how we read and make sense of images. These regimes relate not only to iconography and iconology (Panofsky 1955), but constitute a phenomenal relationship to visual media as such - influencing not just what we see but how we see it and how we relate to it. He argued that since the US Civil War, photography has played a pivotal role in constructing the popular culture of conflict and has become a crucial site for the formulation of principles of international law and sovereignty. But the relationship between image, spectator, and subject has changed significantly over that time. Tracing these changes over time, tracing the rise and fall of the punctum (Barthes 1980) or aura (Benjamin 1936) of the photograph allows us to understand the implications of changing scopic regimes for our relationship to conflict and sovereignty. Leading popular genres of fiction and non-fiction are alike embedded in a shared, distinctive, and powerful scopic regime.

Research Seminars

25 January 2012: IILAH Seminar, *Tobacco plain packaging legislation, international investment law, and protecting public health: An assessment of the Philip Morris vs Australia claim*, presented by Ms Caroline Henckels (University of Cambridge)

Convenors: Professor Andrew Mitchell, Associate Professor Tania Voon and Dr Jonathan Liberman (McCabe Centre for Law and Cancer)

This seminar was co-hosted by IILAH and the Cancer Council Victoria.

Tribunals hearing international investment law claims may be required to rule on the legality of domestic laws and policies in sensitive public policy areas such as public health. The claim lodged by Philip Morris against Australia in relation to the tobacco plain packaging legislation exemplifies the tension between investment protection and the sovereign right of countries to legislate in the public interest. The tribunal hearing the claim will be required to balance these competing imperatives in determining whether Australia's legislation violates its international obligations with respect to the protection of foreign investment. While some tribunals have held that laws enacted in the public interest do not breach international investment law obligations, others have held that such laws breach these obligations and have awarded significant damages. Ms Henckels discussed whether Australia can successfully defend the claim which will depend in part on the approach the tribunal takes to these issues.

15 February 2012: IILAH Seminar, *The WTO and International Investment Law: From Separation to Engagement*, presented by Dr Tomer Broude (Hebrew University of Jerusalem) and Professor Giorgio Sacerdoti (Bocconi University)

Convenor: Associate Professor Jürgen Kurtz

Professor Andrew Mitchell of MLS acted as a commentator to the two presentations.

Modern international law protections for foreign trade and investment were born of roughly the same period. Yet the post-Second World War inception of these sub-disciplines of international economic law was grounded in distinct strategic imperatives. Their evolution too has been marked by institutional divergence and often, at least among certain commentators and even within separate government departments, a perception of the other as irrelevant (at best) or deep distrust (at worst). In recent years however, there has been a growing engagement between the World Trade Organization and bilateral/regional investment treaties rooted in a series of complex political, economic and sociological phenomena. This seminar aimed to assess these shifts and trace doctrinal and normative trajectories.

23 February 2012: IILAH Seminar, *Transnational Judicial Conversations on the Privileges and Immunities of International Organisations*, presented by Professor August Reinisch (University of Vienna)

Convenor: Associate Professor Jürgen Kurtz

Most constituent instruments of international organizations provide that they shall enjoy those privileges and immunities which are necessary for the fulfillment of their purposes or functions. Because separate multilateral privileges and immunities agreements often provide for unqualified 'immunity from legal process' international organizations usually enjoy *de facto* absolute immunity from suit. In its 1999 landmark judgment *Waite and Kennedy vs. Germany* (and *Beer and Regan vs. Germany*), the European Court of Human Rights held that the right of access to court under Article 6 of the European Convention on Human Rights might be restricted for legitimate purposes, such as protecting the independent functioning of an international organization. However, such limitations were only legitimate and permissible if they were proportionate.

This presentation aimed to portray whether, how and to what extent national courts take into account the decisions of other national courts or international courts or tribunals using the example of privileges and immunities accorded to international organizations.

29 February 2012: IILAH Seminar, *Governor Arthur's Proclamation: Art, Power, and the Rule of Law*, presented by Professor Desmond Manderson (Australian National University)

Convenor: Associate Professor Shaun McVeigh

How do you picture law? The rule of law is a key issue in global and national governance but is a concept and practice that makes little sense without an understanding of its history, evolution and current challenges. In



this seminar Professor Manderson investigated and deepened a troubling double-think that ties the rule of law to the government of colonised peoples. The argument unfolds with the aid of two distinct perspectives. The first is historical: in order to place the current understanding of the rule of law in context, and more importantly to try and understand the way in which the rule of law has been both expressed and sidelined at particular times, Professor Manderson returns to a much earlier instance of the abandonment of the rule of law in Australia. The historical comparison will help us see just how it is that governments and law-makers continue to hold simultaneously in their heads these two contradictory facts - the rule of law on the one hand, and the treatment of Aboriginal people on the other - without, apparently, exploding at the irony of it. The second, related to the first, is aesthetic: in trying to comprehend what it means to talk about the rule of law in relation to colonized peoples, this paper focuses on the visual art of the rule of law. These images afford a remarkably complex, revealing and relevant representation of the rule of law.

15 March 2012: IILAH Seminar, *Political sovereignty and the dual character of law: Juridification through the lens of Foucault's analysis of arts of government*, presented by Dr Leila Brännström (University of Lund)

Convenor: Professor Anne Orford

This seminar offered a perspective on juridification by way of approaching it through the prism of Michel Foucault's analysis of forms of government, which map and conceptualize the historical changes that the exercise of political sovereignty has undergone historically. Dr Brännström analysed Foucault's account of the role of law in the exercise of political sovereignty. Whether Foucault's accentuation of the role of law in the contemporary exercise of political power in the lecture course that he delivered at Collège de France in 1979, revised his earlier, notorious, argument from 1976 about the diminishing significance of law in modernity, or if it rather suggested that the tendency towards law's decline was itself reversed by the end of the twentieth century. It was argued that if we keep in mind the dual character of law as an instrument for the exercise of political sovereignty as well as a limitation thereof, we will see that the differing ways in which Foucault has described law's relation to the exercise of political sovereignty captures actual historical shifts in this relationship.

21 March 2012: IILAH Seminar, *International Human Rights Law and Women's Empowerment: Recent Developments on Violence against Women and Domestic Violence in Europe*, presented by Dr Adriana Di Stefano (University of Catania)

Convenor: Professor Dianne Otto

Dr Adriana di Stefano in this seminar focused on the general understanding of 'women's empowerment'



Dianne Otto (MLS) and Adriana di Stefano (Catania, Italy)

strategies as part of the feminist narratives on international law and human rights in Europe. She analysed and contextualised this concept within the relevant European regional practice on gendered violence issues and international legal standards. She critically reviewed the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence, read through its drafting history and a comprehensive evaluation of the legal responses of international human rights institutions to violence against women.

2 April 2012: IILAH/IPRIA Seminar, *TRIPS on the Web: An Analogue Treaty in a Digital Age, or the First Trade 2.0 Agreement?*, presented by Mr Antony Taubman (World Trade Organization)

Convenor: Associate Professor Tania Voon

Co-hosted by IILAH and the Intellectual Property Research Institute of Australia (IPRIA).

The Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS') and the World Wide Web were elaborated in close proximity in Geneva in the early 1990s; both would subsequently transform the landscape of intellectual property (IP), albeit in dramatically different ways – one by reinforcing borders, for instance, and the other by effectively abolishing them. Despite their cheek-by-jowl development, Mr Taubman considered whether TRIPS and the Web are inherently at odds with one another – separated at birth – or whether the TRIPS Agreement was readymade – providentially forward compatible – for the digital environment; indeed, in presaging an evolution in what is considered 'trade', he asks whether it was the first Trade 2.0 agreement. In addressing these questions, this seminar explored the evolving character of intangible international trade against the continuing conceptual quandary of locating IP rules within a system of international trade law.

23 April 2012: IILAH Twilight Seminar, *The Elusive Promise of Ethnodevelopment*, presented by Professor Karen Engle (University of Texas)

Convenors: Dr Kirsty Gover and Professor Dianne Otto

Dr Kirsty Gover and Dr Mark McMillan acted as commentators to Professor Engle's paper.

As part of a radical critique of state and international development policy, indigenous rights advocates in the 1970s often argued for what they termed "ethnodevelopment." In the 1980s and 90s, the promotion of ethnodevelopment transformed into a less radical critique of (and sometimes an acquiescent bystander to) neoliberal reforms. Today, it at times appears to be a sympathetic supplement to (and beneficiary of) the post-Washington consensus efforts of states to protect indigenous peoples (among others) from the excesses of neoliberalism by taking into account "the social" and expanding the notion of property. Professor Engle's paper considered this trajectory, and contended that by asserting static, essentialised notions of indigenous culture in their promotion of development, indigenous rights advocates have often made concessions that threaten to exclude many claimants, force others into norms of cultural cohesion, and limit indigenous economic, political, and territorial autonomy. Moreover, it demonstrates that indigenous peoples often have more autonomy over development when their claims for it are separated from cultural identity.

30 May 2012: IILAH/APCML Twilight Seminar, *'Two States for Two Peoples': Self-determination, Population Transfer and the Palestine Papers*, presented by Dr Catriona Drew (SOAS, University of London)

Convenors: Professor Dianne Otto and Professor Gerry Simpson

Co-hosted by Asia Pacific Centre for Military Law (APCML) and IILAH.

'Our idea is to refer to two states for two peoples. Or two nation states. Palestine and Israel living side by side in peace and security with each state constituting the homeland for its people and the fulfillment of their national aspirations and self-determination ... I would like to emphasize that the meaning of "its people" is the Jewish people' (*Tzipi Lipni, 8th Negotiation Team Meeting, Tuesday 13 November 2007, The Palestine Papers 2011*).

In this seminar Dr Drew explored the implications of the Israeli understanding of self-determination in the Israeli-Palestinian peace negotiations against the background of the twentieth-century relationship between the principle of self-determination and policies and practice of population transfer.

12 June 2012: IILAH Seminar, *Islamic Law, Scripture, and Women's Rights*, presented by Professor Asma Barlas (Ithaca College, New York)

Convenor: Professor Raymond Gaita

Professor Barlas discussed how Muslims have read the Qur'an historically and defined its relationship to other texts and practices, including Muslim law. She argued that slippages between law and scripture are inimical to women and she explored some of the disjunctures and tensions between these different sources of religious authority and how these generate patriarchal interpretations of Islam.

28 June 2012: IILAH Seminar, *Reflections on Rio +20: what role for 'green growth' and 'earth summitry' in environmental justice?*, presented by Mr Jeremy Baskin (La Trobe University)

Convenor: Ms Julia Dehm, PhD Candidate, IILAH

It is twenty years since the first 'Earth Summit' held in Rio de Janeiro in 1992 and, since then, the causes of environmental, economic and social deterioration have accelerated further and the key treaties adopted at Rio (United Nations Convention on Climate Change and Convention to Fight Desertification) are struggling to achieve their objectives. A key theme of the Rio +20 United Nations Conference on the Environment and Development (20-22 June 2012) was the promotion of a 'green economy' or so-called 'green growth'. This emerging meta-norm of international environmental law and politics seeks to make economic growth and global markets compatible with sustainable development. Mr Baskin presented reflections on the Rio +20 summit, focussing on the agenda, discussions and outcomes of the Rio +20 summit; the role, limitations and future of Earth Summitry; and the implications of 'green growth' replacing 'sustainable development' as a meta-norm of international environmental governance.

9 July 2012: IILAH Seminar, *The WTO Dispute Settlement System – What Does the Future Hold?*, presented by Ms Valerie Hughes (Legal Affairs Division, WTO Secretariat)

Convenor: Associate Professor Tania Voon

The WTO dispute settlement system, created in 1995, has been described as one of the most, if not THE most, successful international adjudicative system in history. This seminar explored that claim and addressed whether the stellar reputation is deserved. It considered what the future has in store for WTO dispute settlements. Will WTO Members continue to bring their disputes to the WTO for resolution? Or will they turn instead to the numerous regional dispute settlement systems that have been created? Will the inability of WTO Members to move forward on the DDA trade negotiations undermine the legitimacy of the WTO dispute settlement

system? Is the WTO dispute settlement system up to the challenge of resolving disputes on sensitive policy issues like United States labeling for dolphin-safe tuna or Australia's tobacco plain packaging law?

4 September 2012: CELRL/IILAH Seminar, *Precarious Work and the Fragmentation of International Labour Law*, presented by Professor Kerry Rittich (University of Toronto)

Convenor: Professor Dianne Otto

Four characteristics of the contemporary discourse and practice of human rights bedevil efforts to address the global rise of precarious work: a focus on extreme wrongs and harms to workers as opposed to 'normal' work; a preoccupation with the formal status of human rights norms; an undeveloped account of the relationship between normative change, institutional form and social transformation; and finally, neglect of competing labour market governance projects now in transnational circulation. The paradigm of fragmentation provides a useful lens through which to analyze the complex normative landscape of labour market governance. The varied and competing roles that human rights might play in both advancing and impeding workers' claims and interests are visible in four different styles or approaches to transnational governance: workers' rights as human rights; labour market flexibility; new governance; and empowerment through formalisation.

6 September 2012: Public Forum, *War Crimes, Human Rights, Media Freedom & International Responsibility*

Convenor: Associate Professor John Tobin

Co-hosted by the Human Rights Law Centre, Medical Associations for the Prevention of War, the Australian Tamil Congress and IILAH.

Forum attendees viewed award winning documentary 'Silenced Voices: Tales of Sri Lankan Journalist in Exile' produced by Beate Arnestead (Norwegian journalist and director), which premiered at the Human Rights Watch Film Festival in Geneva and New York. The film tells the story of the civil war in Sri Lanka based on the stories of journalists living in exile. Human Rights Watch has documented allegations of war crimes and crimes against humanity in Sri Lanka for more than two decades and has called for an independent international investigation into allegations of abuses by all sides. Civil society is traumatised into silence and the media is forced to self-censor. It is in this climate that a few brave people, such as those profiled in the film, continue to campaign for the truth. A discussion with Beate Arnestead followed the screening.

"The World has an obligation to expose the slaughter of civilians in large numbers for political reasons by Governments. We have a responsibility to pressure such governments to stop such behaviour" - Beate Arnestead.

14 November 2012: IILAH Seminar, *Rethinking Croatian Rape Laws: Force, Consent and the 'Contribution of the Victim'*, presented by Dr Ivana Radačić (Ivo Pilar Institute of Social Sciences in Zagreb, Croatia)

Convenor: Professor Dianne Otto

Dr Radačić offered a critical analysis of Croatian rape laws drawing on recent examples from the case-law of the County Court in Zagreb. Using feminist theory, her analysis focused on the definition of rape and the reliance on gender stereotypes and rape myths in the criminal proceedings. Her aim was to identify the problems in Croatian rape laws and practice from the perspective of international human rights standards. She proposed reforms that would re-conceptualise rape





Ivana Radačić (Zagreb, Croatia) and Dianne Otto (MLS)

as a non-consensual sexual act rather than focussing on the use of force. The element of (non)consent would be based on communication between the parties, and responsibility would be established for unreasonable mistake about consent. She also argued for procedural changes and the need to include topics relating to human rights (of women), feminism and violence against women in the curricula of the training academies for judges, prosecutors and attorneys-at-law, as well as in law schools in Croatia.

14 November 2012: IILAH Twilight Seminar, *Policing the Projects: An Ethnography of State Violence*, presented by Professor Didier Fassin (Princeton and Ecole des Hautes Etudes en Sciences Sociales, Paris)

Convenor: Professor Anne Orford

Most incidents of urban unrest over the past decades in Western countries have followed lethal interactions between the youth and the police in disadvantaged neighborhoods generally composed of working-class families of immigrant origin or belonging to minorities. But beyond these tragic events, abundantly covered by the media, little is known about the everyday of urban policing. Over the course of fifteen months, at the time of the 2005 riots in France, Didier Fassin conducted an ethnographic study, the first of its kind, in one of the largest precincts in the Paris region, sharing the life of a police station and cruising with the patrols, in particular the dreaded anti-crime squads. Far from the imagination nourishing television series and action movies, his study reveals the inactivity and boredom of eventless days and nights where minor infractions give rise to spectacular displays of force, uncovers invisible expressions of violence and unrecognized forms of discrimination against minority youngsters, undocumented immigrants and Roma people, and explores the social conditions that make them possible and tolerable, notably decades of policies of urban segregation, racial stigmatization and economic marginalization, with security issues being increasingly used as a political instrument for the conquest of power.



Left to right: Michael Crommelin (MLS), Dianne Otto (MLS), Didier Fassin (Princeton and Paris), Anne Orford (MLS), Alison Young (Social and Political Science, Melbourne) and Peter Rush (MLS)



Didier Fassin (Princeton and Paris), Anne Orford (MLS)

11 December 2012: IILAH Seminar, *Theater of International Justice*, presented by Professor Jessie Allen (Law, University of Pittsburgh)

Convenor: Associate Professor Peter Rush

The focus on the theatricality of international tribunals may seem to validate the view that these courts produce only a “show” of justice as opposed to the real justice of domestic courts. In the seminar Professor Allen responded to the critique of international human rights tribunals as not “real” courts (with sovereign force behind them) by looking at what these courts do as a kind of theatre. Professor Allen concluded by contrasting the audience effects of two public presentations describing governments’ use of lethal force to make individuals disappear. One is an example of international human rights adjudication: a video of a public hearing at the Inter American Court of Human Rights in the case of *Masacres de El Mozote y Lugares Aledanos vs El Salvador*. The other is the media coverage of the Obama Administration’s killing of Osama Bin Laden. One might expect that President Obama’s straightforward acknowledgment that Bin Laden was targeted for death and violently dispatched in retaliation for his previous aggression against US citizens would at least have the advantage of transparency. Professor Allen’s analysis suggested that the US government’s presentation of the Bin Laden killing was as much a public performance as a formal sitting of the Inter - American Court.

Conversations

7 November 2012: IILAH, ‘In Conversation’ with Professor Megan Davis (University of New South Wales). Dr Mark McMillan (IILAH Program Co-Director, Indigenous Peoples in International and Comparative Law), Mr Darren Parker (PhD candidate, MLS) and Ms Robin Robinson (PhD candidate, MLS) were participants in the conversation with Professor Davis

Convenors: Professor Dianne Otto and Associate Professor John Tobin

Jointly supported and organised by IILAH, the Melbourne Social Equity Institute and the Murrup Barak, Melbourne Institute for Indigenous Development.

Professor Megan Davis is Director of the Indigenous Law Centre, at the Faculty of Law, University of New South Wales. Megan is an expert member of the United Nations Permanent Forum on Indigenous Peoples (ECOSOC states elected) and holds the portfolios of Administration of Justice, Gender and Women and Intellectual Property and Indigenous Knowledge. In 2012 Megan was the Rapporteur of the UNPFII Expert Group Meeting on Violence Against Indigenous Women in New York. In 2011, Megan was appointed by the



Marcia Langton (Melbourne) and Megan Davis (University of New South Wales)



Dianne Otto (MLS) and Megan Davis (University of New South Wales)



Darren Parker (PhD Candidate, MLS)



Mark McMillan (MLS) and Robin Robinson (PhD Candidate, MLS)

Federal Government to the Expert Panel on the Recognition of Aboriginal and Torres Strait Islander Peoples in the Constitution.

Themes for discussion in this Conversation included: the UN Permanent Forum on Indigenous Issues – prospects and challenges; addressing violence against indigenous women; issues of Aboriginal self-government in Australia, with particular reference to women’s participation and leadership; and reflections on the now delayed constitutional referendum.



Left to right: John Tobin (MLS), Dianne Otto (MLS), Megan Davis (University of New South Wales), Darren Parker (PhD Candidate, MLS), Mark McMillan (MLS) and Robin Robinson (PhD Candidate, MLS)

Melbourne Doctoral Forum

6 – 8 December 2012: *'Grounding Law'*, Melbourne Doctoral Forum on Legal Theory, MLS

Convenors: Ms Julia Dehm, Mr Marc Trabsky and Mr Timothy Neale

The fifth annual Melbourne Doctoral Forum on Legal Theory, held at the MLS was organised by the Graduate Researchers Association and supported by IILAH, the Centre for Resources, Energy and Environmental Law (CREEL), MLS and the Graduate School of Humanities and Social Science. It brought together higher research students and early career researchers who, in different disciplines and across diverse fields of scholarship, engage with law and its theoretical and methodological questions.

The Forum explored how the challenge of 'grounding' law could offer a critical and political engagement with and responsibility for law. The Forum asked participants to reflect on questions including: What are the challenges of a 'grounded' jurisprudence? How can law be reflexively constituted by the demands of contingency or its context?

To ground, as a verb, could mean to connect something to the ground – to the surface of the Earth, the terrain, the humus. Some elaborations of Australian Indigenous jurisprudence, for example, speak of a form of law which needs to be contextualised rather than decreed: law is less a force that compels and more something that needs to be actualised, rebalanced and re-patterned into the land. It could mean to connect to the immediacy of the present moment through affect and the senses. Grounding law may be a process of finding law in, and making law more responsive to, the question of particularity and immediacy, to the imperatives of being and dwelling.

Doctoral Roundtables

23 March 2012: IILAH Doctoral Roundtable with Professor Matthew Craven (SOAS)

Convenor: Professor Sundhya Pahuja

Professor Matthew Craven participated in an IILAH doctoral roundtable where doctoral students presented their work-in-progress and received feedback from Professor Craven and other participants at the roundtable.

Professor Craven is Dean of the Faculty of Law and Social Sciences and Professor of International Law at the School of Oriental and African Studies, University of London. His research interests lie in the field of international legal history and legal theory focusing in particular upon the themes of imperialism, colonialism and decolonisation. He has published extensively including articles on a wide range of topics like statehood and self-determination, the law of treaties and human rights.

16 August 2012: IILAH and APCML Master Class, presented by Professor Tony Anghie (University of Utah)

Convenor: Professor Sundhya Pahuja

Professor Tony Anghie participated in an IILAH doctoral roundtable which gave doctoral students the opportunity to engage in a dialogue with Professor Anghie about their work and issues that interest them.

Professor Anghie teaches in the School of Law at the University of Utah and researches in the areas of public and private international law; human rights; globalisation, development issues and international law; terrorism and the use of force; international business transactions and international economic law; colonialism and the history of public international law; and third world approaches to international law.



James Parker (PhD Candidate, MLS)



Left to right: Leila Brännström (Lund), Cressida Limon (MLS) and Adriana Di Stefano (Catania, Italy)



Gerry Simpson (MLS)

Doctoral Research Seminars

22 February 2012: PhD Completion Seminar, *Public Interest Amicus Curiae in WTO Dispute Settlement: Contesting Global Market Governance?*, presented by Ms Nicola Charwat

Supervisor: Professor Dianne Otto

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

23 March 2012: PhD Completion Seminar, *Local Space, Global Life: The Everyday Operation of International Law and Development*, presented by Mr Luis Eslava

Supervisors: Professor Anne Orford and Associate Professor Shaun McVeigh

This thesis engages with the ground-level operation of international law and the development project by discussing the current international attention to local jurisdictions. In the last three decades, local jurisdictions have become the preferred spaces to promote global ideals of human, economic and environmental development. Through an ethnographic study of Bogotá's recent development experience, in particular the city's changing relation to its illegal neighborhoods, this thesis interrogates the rationale and exposes some of



the contradictions involved in the emergence of localities in development discussions and the international normative scene.

In its evaluation of the multiple ways in which international law and the development project are shaping local realities, the thesis argues for closer critical attention to how these intimately related fields percolate through national and local norms, administrative practices and the everyday life of the Third World.

4 May 2012: PhD Completion Seminar, *Power in Transformation: Christmas Island, Border Security, Governance*, presented by Mr Peter Chambers

Supervisors: Associate Professor Peter Rush and Professor Nikos Papastergiadis

Where in the world is Christmas Island? What in the world has Australia's quest for sovereignty through border security done to it? What do its follies and ruins, past and present, tell us about the world in which we live, its politics, its contradictions, its obsessions, manias and fears? From the perspective of power in transformation, this seminar explores how the construction of a medium-security prison in a crab-infested jungle on a tiny island in the middle of the Indian Ocean came to be to be the urgent concern of the Commonwealth government of Australia. It tells the story of the historical conditions that made such a political problem possible in the first place. And it offers an analysis of the emergence of Australian border security and its relations to governance, sovereignty, and globalisation. In doing so, this seminar also offers an account of the conceptual and intellectual resources necessary to make sense of the power relations to which we are subject: not just on far-flung islands and in the Antipodes, but as part of our shared present and common future.

5 December 2012: PhD Completion Seminar, *Acoustic Jurisprudence*, presented by Mr James Parker

Supervisors: Professor Andrew Kenyon and Associate Professor Shaun McVeigh

Sound, it seems, is a fact of life. But it is not a fact which contemporary legal scholarship has made any particular efforts to acknowledge, let alone to interrogate in any depth. Even as jurisprudence has become increasingly sensitive to the aesthetic, material and technical dimensions of legal thought, practice and experience, where sound is concerned it has remained all too quiet. As a community of jurists we have become deaf to law and to the problem of the acoustic. This thesis argues therefore for a specifically acoustic jurisprudence. It does so by means of a case study. Between September 2006 and December 2008, Simon Bikindi stood trial at the International Criminal Tribunal for Rwanda (the ICTR) in Arusha, Tanzania. Though the details of the case against him were complex, its essence was simple. In the early 1990s Bikindi was one of Rwanda's most well known musicians and popular figures: a bona fide celebrity, 'probably the most talented artist of his generation,' 'Rwanda's Michael Jackson'. And by the end of 1994 his songs had quite literally soundtracked a genocide. At root Bikindi stood accused of inciting genocide with his songs.

Book Launches

11 January 2012: IILAH/CREEL Book Launch, *Trading Fish, Saving Fish: The Interaction between Regimes in International Law* by Associate Professor Margaret Young

Convenors: Professor Anne Orford and Professor Lee Godden

The book was launched by Professor James Crawford, Whewell Professor of International Law, University of Cambridge.

Addressing the problem of institutional fragmentation in the international legal order, this book focuses on fisheries-management issues in relation to three interacting global regimes: the Food and Agricultural Organisation (FAO), the World Trade Organization (WTO) and the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES).

1 March 2012: International Conversations Series

Professor Gerry Simpson in conversation with Professor Sundhya Pahuja about her new book, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press, 2011)



Gerry Simpson (MLS) and Sundhya Pahuja (MLS)

Decolonising International Law: Development, Economic Growth and the Politics of Universality (Cambridge University Press, 2011) was awarded the 2012 American Society of International Law Certificate of Merit.

The first in the series, 'International Conversations', organised jointly by IILAH, the Global Justice Studio of the MLS and the Carlton Readings bookstore.

Linking international law, postcolonial theory and global political economy, Professor Pahuja seeks to understand the efforts of the Global South to engage with international law in the name of global justice, and what has happened to those attempts.

10 May 2012: International Conversations Series

Professor Gerry Simpson in conversation with Associate Professor Margaret Young about her new book, *Regime Interaction in International Law: Facing Fragmentation* (Cambridge University Press, 2012)

Professor Cheryl Saunders (MLS), launched the book at the Carlton Readings book store.

International law develops in a fragmented way, with legal 'regimes' of treaties and institutions addressing separate areas such as trade law and human rights, risking isolation and conflict between norms. This collection of essays from leading scholars of global renown asks how such regimes interact. The range of perspectives represented in the book, which include legal pluralist, constitutionalist, doctrinal and critical, have much to contribute to international legal theory and practice.

18 July 2012: International Conversations Series

Associate Professor Jacqueline Peel, co-author of *Principles of International Environmental Law* (third edition, Cambridge University Press, 2012)

Jacqueline Peel was in conversation with Cheryl Saunders AO (MLS) together with a panel of distinguished international environmental experts and practitioners, Sam Johnston (United Nations University), Fergus Green (Chairman of Centre for Sustainability Leadership), Alice Palmer (Senior Fellow with the Melbourne Law Masters and Law Institute of Victoria) and David Morgan (Department of Foreign Affairs and Trade (DFAT)) on current issues and challenges in international environmental law.

6 December 2012: IILAH/CREEL, Book Launch, *Kangaroo Courts and the Rule of Law - The Legacy of Modernism* (Routledge, 2012), by Desmond Manderson, launched by Associate Professor Peter Rush

Convenors: Ms Julia Dehm, Mr Marc Trabsky and Mr Timothy Neale

Jointly hosted by IILAH and the Graduate Researchers Association, as part of the Melbourne Doctoral Forum on Legal Theory.

Kangaroo Courts and the Rule of Law - The Legacy of Modernism addresses the legacy of contemporary critiques of language for the concept of the rule of law. Between those who care about the rule of law and those who are interested in contemporary legal theory, there has been a dialogue of the deaf, which cannot continue. Starting from the position that contemporary critiques of linguistic meaning and legal certainty are too important to be dismissed, Professor Manderson takes up the political and intellectual challenges they pose. He asks whether the rule of law can be re-configured in light of the critical turn of the past several years in legal theory, rather than being steadfastly opposed to it.

Publications and Presentations 2012

Books

Shaunnagh Dorsett and **Shaun McVeigh**, *Jurisdiction* (Routledge, United Kingdom, 2012)

Tania Voon, **Andrew Mitchell**, Jonathan Liberman and Glyn Ayres, *Public Health and Plain Packaging of Cigarettes: Legal Issues* (Edward Elgar Publishing, 2012)

Ruth Buchanan, Stewart Motha and **Sundhya Pahuja**, *Reading Modern Law: Critical Methodologies and Sovereign Formations* (Routledge, 2012)

Philippe Sands, **Jacqueline Peel**, Adriana Fabra and Ruth MacKenzie (3rd ed), *Principles of International Environmental Law* (Cambridge University Press, 2012)

John Tobin, *The Right to Health in International Law* (Oxford University Press, 2012)

Margaret Young, *Regime Interaction in International Law: Facing Fragmentation* (Cambridge University Press, 2012)

Book Chapters

Alison Duxbury, 'International Organizations', in Anthony Carty (ed), *Oxford Bibliographies Online: International Law* (Oxford University Press, 2012)

Ann Genovese, 'How to Write Feminist Legal History? Some Notes on Genealogical Method, Family Law and the Politics of the Present' in Diane Kirkby (ed), *Past Law, Present Histories* (ANU E Press, 2012) 139-152

Lee Godden, 'Climate Change: Limits Discourses at the Interface of International Law and Environmental Law' in Brad Jessup and Kim Rubenstein (eds), *Environmental Discourses in Public and International Law* (Cambridge University Press, 2012) 263-285

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Mark McMillan, *Because International Law and Politics Matter*, paper presented at the 'Turning Points: Remembering *Koowarta v Bjelke-Petersen* (1982) 153 CLR 16', symposium hosted by IILAH; Centre for Comparative Constitutional Studies and the Centre for Resources, Energy and Environmental Law at the Melbourne Law School, Melbourne, 11 May 2012

Mark McMillan, *Recognition of Indigenous Sovereignty in Australia*, (written with Miriam Jorgensen and Alison Vivian), paper presented at the 'Indigenous Peoples and Governance in Contemporary Post Colonial Society Session' the 2012 International Conference on Law and Society - Law and Society Association, Hawaii, 8 June 2012

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Mark McMillan, *The 5th Anniversary of the Declaration of the Rights of Indigenous Peoples*, paper presented at the Australian Government Solicitor Reconciliation Working Group Network Event, Melbourne, 13 September 2012

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Mark McMillan, *Changing the Conversation - Reclaiming Indigenous Government*, paper presented as a Native Title Representative Bodies/Native Title Service Providers Chief Executive Officers and Senior Professional Officers Forum, Melbourne, 26 September 2012

Mark McMillan, *How do we form our Indigenous identity?*, paper presented as a Keynote Dinner Speaker at the 'Indigenous Allied Health Australia', National Conference, Brisbane Convention Centre, 22 November 2012

Mark McMillan, *Indigenous Right in Health – A Changing Landscape*, paper presented as a panelist with Mark Wenitong and Riripeti Haretuka at the 'Indigenous Allied Health Australia', National Conference, Brisbane Convention Centre, 23 November 2012

Mark McMillan, *What makes us Black? Leadership and Identity: Is this the "struggle" of our generation?*, paper presented at a keynote address 'LeadershipPlus Forum' at the Australian Indigenous Leadership Centre, Canberra, 27 November 2012

Anne Orford, *The Arab Spring and the Responsibility to Protect*, paper presented at the International Institutions workshop, Department of International Relations, London School of Economics, 17 January 2012

Anne Orford, *International Law and the State*, paper presented at the 'Cambridge Companion to International Law' launch, at the Lauterpacht Centre for International Law, University of Cambridge, 26 January 2012

Anne Orford, *Challenges in Research on the Politics of International Law*, paper presented at the 'International Law is Political: So What?' workshop at the Lauterpacht Centre for International Law, University of Cambridge, 26-27 January 2012

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Anne Orford, *Europe Reconstructed*, paper presented at a public seminar at the Swedish Collegium for Advanced Study, in collaboration with the Dag Hammarskjöld Foundation, 7 February 2012

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Anne Orford, *Practices of Protection: The Role of the UN in the Decolonised World*, paper presented at a public lecture at the Willy Brandt School of Public Policy, University of Erfurt, 27 April 2012

Anne Orford, *The Role of the State in Reconstruction and Development*, paper presented as a keynote presentation at the Pufendorf Research Seminar on 'The Political Demography of International Law', Lund University, 22 May 2012

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Anne Orford, *The Political Economy of Reconstruction and Development*, paper presented at seminar series at the Helsinki Summer Seminar on International Law, 28-30 August 2012

Anne Orford, *The Responsibility to Protect after Libya*, paper presented at a seminar hosted for the Finnish Ministry for Foreign Affairs, 29 August 2012

Anne Orford, *Moral Internationalism and the Question of Democracy*, paper presented at the Moral Internationalism Symposium, Melbourne Law School, 17-18 September 2012

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Anne Orford, *Transmitting Obligations: The Past as Law or History?*, paper presented as a keynote at the opening panel of the 31st Annual Conference of the Australia New Zealand Law and History Society, University of Technology, Sydney, 10-12 December 2012

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