



20TH ANNUAL ANZSIL CONFERENCE
INTERNATIONAL LAW IN THE NEXT
TWO DECADES: FORM OR SUBSTANCE?

VICTORIA UNIVERSITY OF WELLINGTON, NEW ZEALAND
THURSDAY 5 JULY – SATURDAY 7 JULY

Welcome to the 20th Annual Conference
of the Australian and New Zealand
Society of International Law.

The New Zealand Centre for
Public Law, Victoria University of
Wellington, is delighted to again host
this conference.

CONFERENCE SPONSORS AND SUPPORTERS

ANZSIL gratefully acknowledges the financial and other support for the 20th Annual Conference and the ANZSIL Postgraduate Workshop provided by:

- > The New Zealand Law Foundation
- > The New Zealand Ministry of Foreign Affairs and Trade
- > The Australian Attorney-General's Department (in particular through the Grants to Australian Organisations Program)
- > The Australian Department of Foreign Affairs and Trade
- > The New Zealand Centre for Public Law, Victoria University of Wellington

ANZSIL also gratefully acknowledges the generous financial and other support from the following publishers: Intersentia, Hart Publishing, Ashgate-Gower Asia Pacific, Edward Elgar, and Springer.

ABOUT THE CONFERENCE

This Conference is the Society's twentieth annual conference, and provides an opportunity to reflect on the last twenty years in the development of international law, but equally important to look ahead to the emerging issues and to speculate on what the next twenty years will bring for international law and its practice and teaching. The relentless progression of climate change, the political revolutions and uprisings in the Middle East, the relationship between the growing economic and political power of countries outside Europe and North America and their approach to international law and diplomacy, the sharpening of debates over food security, the inability of the United Nations to reform its institutional arrangements relating to international peace and security, the fragility of the international financial system and popular movements challenging its morality and legitimacy, the resurgence of fundamentalisms, and the continuing disgrace of widespread poverty, among many others.

CONFERENCE FEATURED SPEAKERS

- > **Professor Jan Klabbers**, Professor of International Law, University of Helsinki
- > **Professor Richard Fentiman**, Professor of Private International Law, University of Cambridge
- > **Ms Valerie Hughes**, Director, Legal Affairs Division of the World Trade Organization Secretariat, Geneva
- > **Professor Ivan Shearer**, Adjunct Professor in the School of Law, University of South Australia and Emeritus Professor of Law at the University of Sydney

2012 ANZSIL CONFERENCE ORGANISING COMMITTEE

- > Joanna Mossop — Victoria University of Wellington
- > Penelope Ridings — Ministry of Foreign Affairs and Trade
- > Neil Boister — University of Canterbury
- > Andrew Byrnes — ANZSIL President, University of New South Wales
- > Holly Cullen — University of Western Australia
- > Erin Duncan — Ministry of Foreign Affairs and Trade
- > Alison Duxbury — University of Melbourne
- > Caroline Foster — University of Auckland
- > Sarah Heathcote — The Australian National University
- > Thomas John — Attorney-General's Department
- > Adam McBeth — Monash University
- > Christopher Michaelsen — University of New South Wales
- > Richard Rowe — Department of Foreign Affairs and Trade
- > Lachlan Scully — Attorney-General's Department
- > Tania Voon — University of Melbourne
- > Anna Howard — New Zealand Centre for Public Law, Victoria University of Wellington
- > Wendy Mohring — ANZSIL Secretariat, ANU College of Law

POSTGRADUATE WORKSHOP CONVENERS

- > Anthony Cassimatis — University of Queensland
- > Alberto Costi — Victoria University of Wellington

ANZSIL MEMBERSHIP

ANZSIL was established in 1992 with the aims of:

- > Developing and promoting the discipline of international law
- > Supporting the teaching of international law
- > Providing a forum for academics, government lawyers, NGO's, students and practitioners of international law to discuss research and issues of practice in international law
- > Increasing public awareness and understanding of international law
- > Liaising with other bodies in promoting any of these objects
- > New members are always welcome. The annual membership fee for 2012 is \$A60, payable on a calendar year basis. For a new membership form please visit <http://law.anu.edu.au/anzsil/membership.html>. Forms will also be available at the conference Registration Desk.

GENERAL INFORMATION

Venue Locations

Maps of the venue will be available at the registration desk.

Registration Desk

Conference Registration will take place in the foyer space adjacent to Lecture Theatres 1 & 2. Victoria University of Wellington staff will be present at the registration desk for the duration of the conference. If you have any questions or need any assistance, please feel free to ask them.

Catering

Morning and afternoon teas, and lunch (Thursday and Friday) are included in your registration fee and will be served in the Student Common Room

Conference Dinner

The conference dinner will be held at the **Museum of New Zealand Te Papa Tongarewa**. You must have registered for the dinner in addition to your registration for the conference.

OVERVIEW OF SESSIONS

Time	Session	Location
	DAY 1: Thursday, 5 July 2012	
9.00-9.15 am	Conference opening	Lecture Theatre 1
9.15-10.15 am	Plenary: Jan Klabbers	Lecture Theatre 1
10.45 am-12.30 pm	Panel 1: General issues in public international law	Lecture Theatre 1
10.45 am-12.30 pm	Panel 2: Business and Human Rights	Lecture Theatre 2
10.45 am-12.30 pm	Panel 3: International Humanitarian Law	Lecture Theatre 3
12.45-1.30 pm	International Economic Law Interest Group meeting	Lecture Theatre 1
1.30-3.30 pm	Private International Law Afternoon - Panel 4: Fentiman Keynote	Lecture Theatre 1
1.30-3.30 pm	Panel 5: International humanitarian law	Lecture Theatre 2
4.00-5.30 pm	Panel 6: Private international law	Lecture Theatre 1
4.00-5.30 pm	Panel 7: Use of Force	Lecture Theatre 2
4.00-5.30 pm	Panel 8: International Law and Domestic Courts	Lecture Theatre 3
5.30-6.15 pm	Plenary: Presentation on the United Nations Audiovisual Library of International Law	Lecture Theatre 1
	Day 2: Friday, 6 July 2012	
9.00-10.15 am	Plenary: Shearer Keynote	Lecture Theatre 1
10.45 am-12.15 pm	Panel 9: Criminal law	Lecture Theatre 1
10.45 am-12.15 pm	Panel 10: Law of the Sea:	Lecture Theatre 2
12.30-1.30 pm	ANZSIL Annual General Meeting	Lecture Theatre 2
1.30-3.30 pm	International trade and investment Law: Hughes Keynote and Panel 11	Lecture Theatre 1
1.30-3.30 pm	Panel 12: Climate change	Lecture Theatre 2
4.00-5.30 pm	Panel 13: Investment	Lecture Theatre 1
4.00-5.30 pm	Panel 14: Responsibility and Accountability in Armed Conflict	Lecture Theatre 2
	DAY 3: Saturday, 7 July 2012	
9.15-10.45 am	Panel 15: International Economic Law	Lecture Theatre 1
9.15-10.45 am	Panel 16: Arms Control and Disarmament	Lecture Theatre 2
11.15 am- 1.00 pm	President's Plenary: Year in Review	Lecture Theatre 1
1.00-1.15 pm	Closing	Lecture Theatre 1

2012 ANZSIL CONFERENCE PROGRAMME

Program and speakers are subject to change without notice

THURSDAY 5 July 2012			
8.30am	REGISTRATION AND TEA/COFFEE		
9am	<p>CONFERENCE OPENING <i>Location: Lecture Theatre 1</i></p> <p>A T H Smith, Pro Vice-Chancellor and Dean, Faculty of Law, and Director, New Zealand Centre for Public Law, Victoria University of Wellington</p> <p>Andrew Byrnes, ANZSIL President</p>		
9.15am	<p>KEYNOTE ADDRESS <i>Location: Lecture Theatre 1</i></p> <p><i>Chair:</i> Andrew Byrnes, ANZSIL President (University of New South Wales)</p> <p>Jan Klabbers, Professor of International Law, University of Helsinki <i>Law, Ethics, and Global Governance: Accountability in Perspective</i></p>		
10.15-10.45am	MORNING TEA		
10.45-12.30pm	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>PANEL 1: General Issues in Public International Law <i>Location: Lecture Theatre 1</i></p> <p><i>Chair:</i> Alison Duxbury, University of Melbourne</p> <p>Natalia Szablewska, Southern Cross University <i>What can we learn about international law from the practitioners of international affairs? An empirical study of international law and international politics</i></p> <p>Marina Lostal Becerril, European University Institute, Florence <i>The Role of Specific Discipline Principles in International Law</i></p> <p>Duncan French, University of Lincoln, and Karen Scott, University of Canterbury <i>Governing Diversity: Is the Law of Treaties Fit for Purpose?</i></p> <p>Jure Vidmar, University of Oxford <i>How Democratic is post-Cold War International Law?</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>PANEL 2: Business and Human Rights <i>Location: Lecture Theatre 2</i></p> <p><i>Chair:</i> Adam McBeth, Monash University</p> <p>Tony Denholder, Partner, Ashurst <i>Securing land access with Indigenous People in developing countries – the emerging framework of international instruments and expectations</i></p> <p>Alexandra Harrington, Albany Law School, New York <i>The Expansion of Transnational Corporations and Extraterritorial Jurisdiction Over Acts of Corruption: Solving the Paradox through Corporate Social Responsibility</i></p> <p>Holly Cullen, University of Western Australia <i>Giving Normative Content to the Obligation of Business to Respect Human Rights: The Next Twenty Years of the Post-Ruggie World</i></p> </td> </tr> </table>	<p>PANEL 1: General Issues in Public International Law <i>Location: Lecture Theatre 1</i></p> <p><i>Chair:</i> Alison Duxbury, University of Melbourne</p> <p>Natalia Szablewska, Southern Cross University <i>What can we learn about international law from the practitioners of international affairs? An empirical study of international law and international politics</i></p> <p>Marina Lostal Becerril, European University Institute, Florence <i>The Role of Specific Discipline Principles in International Law</i></p> <p>Duncan French, University of Lincoln, and Karen Scott, University of Canterbury <i>Governing Diversity: Is the Law of Treaties Fit for Purpose?</i></p> <p>Jure Vidmar, University of Oxford <i>How Democratic is post-Cold War International Law?</i></p>	<p>PANEL 2: Business and Human Rights <i>Location: Lecture Theatre 2</i></p> <p><i>Chair:</i> Adam McBeth, Monash University</p> <p>Tony Denholder, Partner, Ashurst <i>Securing land access with Indigenous People in developing countries – the emerging framework of international instruments and expectations</i></p> <p>Alexandra Harrington, Albany Law School, New York <i>The Expansion of Transnational Corporations and Extraterritorial Jurisdiction Over Acts of Corruption: Solving the Paradox through Corporate Social Responsibility</i></p> <p>Holly Cullen, University of Western Australia <i>Giving Normative Content to the Obligation of Business to Respect Human Rights: The Next Twenty Years of the Post-Ruggie World</i></p>
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	<p>PANEL 3: International Humanitarian Law <i>Location: Lecture Theatre 3</i> <i>Chair: Richard Rowe</i>, ANZSIL Vice-President, Department of Foreign Affairs and Trade Emily Crawford, University of Sydney <i>Virtual Battlegrounds: Distinction targeting and computer based Warfare in the 21st Century</i> Monica Silverwood, International Committee of the Red Cross <i>ICRC's project on Strengthening Legal Protection for Victims of Armed Conflicts</i> Alberto Costi, Victoria University of Wellington <i>"Civilianisation" of Modern Armed Conflicts: Trends, Challenges and Implications</i></p>	
12.30pm	<p>LUNCH: MEETING OF INTERNATIONAL ECONOMIC LAW INTEREST GROUP <i>Location: Lecture Theatre 1</i></p>	
1.30–3.30pm	<p>PRIVATE INTERNATIONAL LAW AFTERNOON – I PANEL 4 Keynote speaker (1.30-2.30 p.m.) <i>Location: Lecture Theatre 1</i> <i>Chair: Campbell McLachlan</i>, Victoria University of Wellington Richard Fentiman, Professor of Private International Law, University of Cambridge <i>The Scope of Transnational Injunctions</i></p>	<p>PANEL 5: International humanitarian law <i>Location: Lecture Theatre 2</i> <i>Chair: Damien van der Toorn</i>, Attorney-General's Department Hitoshi Nasu, Australian National University <i>Nanotechnology and Challenges to International Humanitarian Law</i> Geoff Skillen, Australian Red Cross <i>A Triumph of Substance over form in International Law: the Prohibition of Nuclear Weapons</i> Amichai Cohen, Ono Academic College <i>Putting an Iron Cap on the Rule of Proportionality</i></p>
3.30 pm	<p>AFTERNOON TEA</p>	
4–5.30pm	<p>PRIVATE INTERNATIONAL LAW AFTERNOON - II PANEL 6: Private International Law <i>Location: Lecture Theatre 1</i> <i>Chair: Tony Angelo</i>, Victoria University of Wellington Mary Keyes, Griffith University <i>Changing Australian Private International Law</i> Mhd Anowar Zahid and Hasani Mohd Ali <i>Shari'ah as the Applicable Law in an International Commercial Contract: A Review of the Approaches to Settlement of Disputes</i> Thomas John, Attorney General's Department <i>Ideal Conflicts: Recent Developments and Prospective Changes in Private International Law.</i></p>	<p>PANEL 7: Use of Force <i>Location: Lecture Theatre 2</i> <i>Chair: Greg Manning</i>, Attorney-General's Department Susannah Leslie, Ministry of Foreign Affairs and Trade <i>The use of force in Self-defence against non-state actors</i> Jadranka Petrovic, Monash University <i>What further for endangered cultural treasures: "responsibility to protect" for cultural property protection purposes?</i> Christopher Michaelsen, University of New South Wales <i>Revisiting R2P at the Beginning of the Arab Autumn</i></p>

	<p>PANEL 8: International Law and Domestic Courts</p> <p><i>Location: Lecture Theatre 3</i></p> <p><i>Chair: Kim Rubenstein, Australian National University</i></p> <p>Julie Cassidy, Auckland University of Technology <i>Judicial Anxiety: Customary International Law's Protection of Human Rights in the Domestic Arena</i></p> <p>Kerstin Braun, University of Queensland <i>The role of victims in criminal procedure in light of the UN Declaration on basic principles of justice for victims of crime and abuse of power - Germany & South Australia - A Comparison</i></p> <p>Ricky J Lee and Umie Kong, Schweizer Kobras <i>Sovereign Immunity: the Often Neglected Risk Factor in Multinational Business Transactions</i></p>	
5.30-6.15 pm	<p>PLENARY: Presentation on the United Nations Audiovisual Library of International Law</p> <p><i>Location: Lecture Theatre 1</i></p> <p>Virginia Morris, Secretary of the Advisory Committee on the United Nations Programme of Assistance on the Teaching, Study, Dissemination and Wider Appreciation of International Law</p>	
6.30 p.m.	<p>Reception – Great Hall, Parliament House</p>	

FRIDAY 6 July 2012

9.00-10.15am	<p>KEYNOTE ADDRESS:</p> <p><i>Location: Lecture Theatre 1</i></p> <p><i>Chair: Karen Scott, ANZSIL Vice-President (University of Canterbury)</i></p> <p>Ivan Shearer, Adjunct Professor in the School of Law, University of South Australia and Emeritus Professor of Law at the University of Sydney <i>An International Lawyer's Odyssey: from Natural Law to Empiricism</i></p>	
10.15am	<p>MORNING TEA</p>	
10.45–12.15pm	<p>PANEL 9: Criminal Law</p> <p><i>Location: Lecture Theatre 1</i></p> <p><i>Chair: Holly Cullen, University of Western Australia</i></p> <p>Bridget Dunne, University of Tasmania <i>Need for Caution: The International Criminal Court, the Jurisprudence of Hybrid Tribunals and Judicial Independence</i></p> <p>Rain Liivoja, University of Melbourne <i>The Principle of Precaution in Armed Conflict and Responsibility for Its Violation</i></p> <p>Neil Boister, University of Canterbury <i>Transnational Criminal Law!</i></p>	<p>PANEL 10: Law of the Sea</p> <p><i>Location: Lecture Theatre 2</i></p> <p><i>Chair: William Mansfield, Barrister, consultant to the Ministry of Foreign Affairs and Trade</i></p> <p>Erika Techera, University of Western Australia <i>Marine Protected Areas Reconceived: Challenges and Opportunities</i></p> <p>Rosemary Rayfuse, University of New South Wales <i>Protecting the Deep: Conceptions of Risk and the Regulation of Uncertainty in Protecting Marine Biodiversity in Areas beyond National Jurisdiction</i></p> <p>Donald R Rothwell, Australian National University <i>Japanese Whaling and the Law of the Sea</i></p>

12.15-1.30 pm	LUNCH: Annual General Meeting of ANZSIL <i>Location: Lecture Theatre 1</i>	
1.30-3:30pm	<p>INTERNATIONAL TRADE AND INVESTMENT AFTERNOON - I <i>Location: Lecture Theatre 1</i> <i>Chair: Penelope Ridings</i>, Ministry of Foreign Affairs and Trade</p> <p>Keynote speaker (1.30-2.30) Valerie Hughes, Director, Legal Affairs Division of the World Trade Organization Secretariat, Geneva <i>WTO Dispute Settlement: Coming of Age at 17</i></p> <p>PANEL 11 (2.30-3.30 pm) <i>Chair: Penelope Ridings</i>, Ministry of Foreign Affairs and Trade</p> <p>Nicola Charwat, Monash University <i>Public Interest Actors in WTO Dispute Settlement: What's the Point?</i></p> <p>Gillian Moon, University of New South Wales <i>Assaying the Ark: Can the Covenant 's 'right to work' be employed at the WTO?</i></p>	<p>PANEL 12: Climate Change, and Perspectives on the Development of International Law in the Last Century Location: Lecture Theatre 2 <i>Chair: John Reid</i>, Attorney-General's Department</p> <p>David Leary, University of Technology, Sydney <i>New life, new challenges but same old problem? Synthetic biology and the fragmentation of international law</i></p> <p>Teresa Thorp, Utrecht University <i>Giving Meaning and Application to the Normative Principles of International Climate Law to Improve Water Governance in Times of Natural Disasters</i></p> <p>George Barrie, University of Johannesburg <i>From Limiting Armaments at the Hague (1899) to Stabilizing Greenhouse Gases at Kyoto (1997): A Bird's Eye View of the Lessons of International Law in the 20th Century</i></p>
3.30-4.00pm	Afternoon tea	
4.00-5.30 pm	<p>PANEL 13: International Investment Law <i>Location: Lecture Theatre 1</i> <i>Chair: Caroline Foster</i>, University of Auckland</p> <p>Daniel Kalderimis, Chapman Tripp Wellington <i>International investment law and customary international law: some reflections</i></p> <p>James Fry, University of Hong Kong <i>Towards an Agreement on Investment in Mercosur: Complementarity and Conflict between International Investment Law and International Trade-in-Services Law</i></p> <p>Micah Burch and Luke Nottage, University of Sydney <i>Novel Treaty-Based Approaches to Resolving International Investment and Tax Disputes in the Asia-Pacific Region</i></p>	<p>PANEL 14: Responsibility and Accountability in Armed Conflict <i>Location: Lecture Theatre 2</i> <i>Chair: Neil Boister</i>, University of Canterbury</p> <p>Amelia Telec, Attorney-General's Department <i>The Human Rights Council and its potential to fill the accountability gap for serious violations of international humanitarian and criminal law</i></p> <p>Damien van der Toorn, Attorney-General's Department <i>Responsibility for assisting violations of international law during multi-national operations: scope, risk and mitigations</i></p> <p>Samaneh Hassanli, University of Adelaide <i>The Form, Friction and Facilitation of Legal Regimes within the Battlespace</i></p>
7.30pm	CONFERENCE DINNER (separate registration required) <i>Museum of New Zealand Te Papa Tongarewa, Cable St, Wellington</i>	

SATURDAY 7 July 2012		
9.15am	<p>PANEL 15: International Economic Law <i>Location: Lecture Theatre 1</i> <i>Chair: Joanna Mossop, Victoria University of Wellington</i></p> <p>Monique Egli Costi, Victoria University of Wellington (Law School Visitors Program) <i>The International Organization of Securities Commissions (IOSCO): A New Strategic Direction Post Crisis</i></p> <p>Wu Chien-Huei, Academia Sinica, Taipei <i>Trade and Food Security: the Role of the WTO and Bretton Woods Institutions</i></p> <p>Caroline Foster, University of Auckland <i>Judicial Alchemy and the Transformation of Adjudication into Review: the Precautionary Principle as Catalyst?</i></p>	<p>PANEL 16: Arms Control and Disarmament <i>Location: Lecture Theatre 2</i> <i>Chair: Alberto Costi, Victoria University of Wellington</i></p> <p>Hiroaki Nakanishi, Kyoto University <i>Towards a Nuclear-Weapon-Free World: How Can the World Resolve the Disharmony between the UNGA and UNSC</i></p> <p>Anthony Cassimatis, University of Queensland <i>The Arms Trade and International Law - Legal Challenges Confronting States in Negotiating an Arms Trade Treaty</i></p> <p>Kevin Riordan, New Zealand Defence Force</p>
10.45 am	MORNING TEA	
11.15–1pm	<p>PRESIDENT'S PLENARY: YEAR IN REVIEW <i>Location: Lecture Theatre 1</i> <i>Chair: Andrew Byrnes, ANZSIL President</i></p> <ul style="list-style-type: none"> > Richard Rowe, Department of Foreign Affairs and Trade > Greg Manning, Attorney-General's Department > Penelope Ridings, Ministry of Foreign Affairs and Trade > Ben Keith, Crown Law Office > Holly Cullen, University of Western Australia > Campbell McLachlan, Victoria University of Wellington 	
1–1.15pm	CLOSE	

SPEAKER BIOGRAPHIES

George Barrie

University of Johannesburg

George Barrie (BA, LLB, LLD) studied at the universities of Pretoria, South Africa and London. He is the retired Dean of the law faculty of the University of Johannesburg and at the present Special Professor at that faculty. Prior to embarking on an academic career he was the Senior Law Adviser of the South African Department of Foreign Affairs. In that capacity he represented South Africa at various international law conferences and as law adviser to the South African Mission to the United Nations. He has published widely in books and articles mainly in international law but also in constitutional and administrative law.

He is a Visiting Professor to the Free University of Brussels and has been a member of the South African delegation to the International Bar Association. He is on the Editorial Board of the *South African Yearbook of International Law* and *Southern African Public Law*.

Marina Lostal-Becerril

University of Queensland/European
University Institute

Marina Lostal-Becerril is a Spanish lawyer and researcher currently visiting the University of Queensland-TC Beirne School of Law. She holds a *Licenciatura en Derecho* from the University of Zaragoza, an LLM from the University of Cambridge, and a Master of Research in International, European and Comparative Law from the European University Institute. She is pursuing a PhD in Law at the European University Institute where she is also the coordinator of the Cultural Heritage Working Group. Her project seeks a theoretical reconstruction of the normative grounds for protection of cultural heritage in armed conflict.

Neil Boister

University of Canterbury

Professor Neil Boister (BA, LLB, LLM (Natal), PhD (Nottingham)) teaches Criminal Law, International Criminal Law, Transnational Criminal Law and International Humanitarian Law at the University of Canterbury, Christchurch, New Zealand. While his early research work was in the area of international humanitarian law, his principal

research interest for the last fifteen years has been the suppression of transnational crime through international law.

His PhD from the University of Nottingham under the supervision of Professor David Harris was on the international drug conventions and resulted in the publication of *Penal Aspects of the UN Drug Conventions* (The Hague: Kluwer Law International, 2001). Since then he has broadened his interest to all forms of transnational crime. He has written numerous pieces including 'Transnational Criminal Law?' (2003) 14(5) *European Journal of International Law* 953-976, 'Treaty Crimes, International Criminal Court?' (2009) 12(3) *New Criminal Law Review* 341-365 and 'The (Un-) Systematic Nature of the UN Criminal Justice System: The (Non) Relationship Between The Draft Illicit Tobacco Trade Protocol and The UN Convention Against Transnational Organised Crime' (2010) 21 *Criminal Law Forum* 361-397 and 'Punishing Japan's "Opium War-making" in China: The Relationship between Transnational Crime and Aggression at the Tokyo Tribunal' in Yuri Tanaka, Tim McCormack and Gerry Simpson (eds), *Beyond Victor's Justice? The Tokyo War Crimes Trial Revisited* (Leiden and Boston: Nijhoff, 2011). He works as a consultant for NGOs in the area of the legal regulation of transnational crime and is currently involved in the development of a Protocol on the Illicit Trade in Tobacco.

Finally, he is also the author of a number of pieces in international criminal law strict sensu, including *The Tokyo International Military Tribunal, A Reappraisal* (Oxford: OUP, 2008) (together with Professor Cryer). He is currently completing a book entitled *An Introduction to Transnational Criminal Law* for OUP, which will be published in September 2012.

Kerstin Braun

University of Queensland

Kerstin Braun (LLM, UQ) is a PhD candidate at the TC Beirne School of Law at the University of Queensland, Brisbane, Australia since 2011. Kerstin has received two University scholarships to undertake PhD research focusing on the role of victims in national criminal procedure (Germany/Australia) in light of the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Before commencing her PhD research Kerstin completed her Master of Laws on a Rotary Ambassadorial Scholarship in the field of foreign and international law at the University of

Queensland and practiced as an attorney at the Berlin office of Baker & McKenzie Germany.

Kerstin has published in German on subjects at the interface of national and international law such as the situation of piracy in the Gulf of Aden and the involvement of the German Federal Navy. Kerstin has lectured in constitutional history at the University of Reggio Calabria in Italy (2006) and has been a tutor at the University of Queensland since 2011, where she tutors in criminal law and procedure, criminology and criminal justice. Kerstin is also a Member of the World Society of Victimology.

Julie Cassidy

Auckland University of Technology

Julie Cassidy (LLB (Hons) (Adel), PhD (Bond)) is Professor of Law at Auckland University of Technology. Prior to joining AUT, Julie Cassidy was an Associate-Professor in the School of Law at Deakin University. She both teaches and researches in corporations law and taxation, but in addition is passionate about human rights. She has an extensive research record of publications in the latter area, particularly in regard to Indigenous rights. She has published in A and A* ranked (or equivalent) journals such as *Australian Tax Forum*, *Ottawa Law Journal*, *South African Law Journal*, *American Journal of Comparative and International Law*, *Griffith Law Review* and *New Zealand Law Review* and other leading international journals, such as *Oxford Journal of Legal History*, *International Legal Perspectives Journal* and *Indiana International and Comparative Law Review*. A number of these publications stem from her doctoral thesis in which she contended that customary international law recognises and protects aboriginal title. One of the areas in which she is actively researching is the courts' approaches to the reception of international law, particularly human rights norms, in New Zealand, Australia and South Africa.

Anthony Cassimatis

University of Queensland

Anthony E Cassimatis (BA LLB (Hons)(Qld) LLM (Cantab) PhD (Qld)) is an Associate Professor (Reader) at the TC Beirne School of Law, University of Queensland. Anthony teaches public international law and administrative law and has published in both fields. His doctoral thesis, which examined human rights related trade measures under international law, was published by Martinus Nijhoff in 2007. He is a fellow of the Centre for Public, International and Comparative Law at the University of Queensland and is the chairperson of the International Humanitarian Law Committee of the Australian Red Cross Queensland. Anthony was a Visiting Fellow at the Lauterpacht Centre for International Law at Cambridge

University in 2007. He has coached teams representing the University of Queensland in the Philip C Jessup International Law Moot Court Competition over many years.

Nicola Charwat

Monash University

Nicola Charwat is a Lecturer in the Business Law and Taxation Department at Monash University. She holds the degrees of LLB (Hons)(Staffordshire University, UK) and LLM (University of Nottingham). She is completing a PhD thesis examining the potential impact of non-state actors in the WTO dispute settlement system. Her major research interests lie in WTO governance, international dispute settlement and the role of non-state actors in global economic governance.

Amichai Cohen

Ono Academic College

Dr Amichai Cohen is the Vice Dean and Professor of international law at the Ono Academic College – Faculty of Law, Israel, and is a research fellow at the Israel Democracy Institute. He is a graduate of the Hebrew University of Jerusalem (LLB), and of the Yale Law School (LLM, JSD). His main areas of interest include international humanitarian law, the interaction between international law and domestic law and institutions, and Israel's National Security Law.

Among his recent publications are: *Israel's National Security Law: Political Dynamics and Historical Development* (Routledge, 2012, with Stuart A. Cohen); *Rethinking the Law of Armed Conflict in an Age of Terrorism* (Edited volume, with Christopher Ford, Lexington Books, 2012); "Legal Operational Advice in the Israeli Defense Forces: The International Law Department and the changing Nature of International Humanitarian Law *Connecticut Journal of International Law* (2011); and "Beyond the Grave Breaches Regime: The Duty to Investigate Alleged Violations of International Law Governing Armed Conflicts *Forthcoming in: Yearbook of International Humanitarian Law* (2012) with Yuval Shany.

Alberto Costi

Victoria University of Wellington

Alberto Costi is an Associate Professor of Law at Victoria University of Wellington. He holds degrees in law from the Université de Montréal in Canada, the College of Europe in Bruges (Belgium) and Harvard Law School in the USA. His research and teaching interests relate to public international law and comparative law, including the law of armed conflict, international criminal law, counter-terrorism as well

as international environmental law and EU institutions. He has published extensively, spoken at numerous international conferences and commented in the media and before parliamentary committees in those areas and provided legal advice to a number of governments and other bodies on international law and EU law issues. He currently sits on the editorial boards of six legal periodicals, including *Environmental Policy and Governance* and the *Revue Québécoise de Droit International*. He serves as Secretary-General of the International Law Association (ILA) New Zealand Branch and Vice-President of the New Zealand Association for Comparative Law and he is a member of the New Zealand International Humanitarian Law Committee and of the ILA Committee on Nuclear Weapons, Non-Proliferation & Contemporary International Law.

Monique Egli Costi

Victoria University of Wellington

Monique Egli Costi is currently participating in the Visitors Program of the Victoria University of Wellington School of Law and writing a reference monograph on the International Organization of Securities Commissions (IOSCO) for Kluwer Law International. In her previous role as Head of International Affairs at the New Zealand Securities Commission and its successor Financial Markets Authority until the end of June 2011, Monique was managing the regulator's international relations. This included the regulator's active participation in IOSCO as well as working on Trans-Tasman issues with its counterpart Australian Securities and Investments Commission (ASIC). Monique graduated in Political Science and Public Administration from the Université Libre de Bruxelles. She holds an MPhil in International Relations from the University of Cambridge and a postgraduate degree in Management from the Vrije Universiteit Brussel.

Emily Crawford

University of Sydney

Dr Emily Crawford is a post-doctoral fellow and associate at the Sydney Centre for International Law (SCIL). Previously at the Law Faculty at the University of New South Wales, Emily completed her Arts and Law degrees before working as a researcher at the Australian Broadcasting Corporation, before returning to UNSW to undertake her PhD. Her doctoral thesis on the disparate treatment of participants in armed conflicts was published by Oxford University Press in 2010 as *The Treatment of Combatants and Insurgents under the Law of Armed Conflict*.

Emily has taught international law and international humanitarian law, and has delivered lectures both locally and overseas on international humanitarian law issues,

including the training of military personnel on behalf of the Red Cross in Australia. A member of the International Law Association's Committee on Non-State Actors, as well as the NSW Red Cross IHL Committee, Emily's current research project is looking at major developments in the conduct of armed conflicts in the 21st century, such as cyber warfare and targeted assassinations, and the implications for both domestic and international law.

Holly Cullen

University of Western Australia

Holly Cullen is a Winthrop Professor of Law at the University of Western Australia, where she teaches international law and legal theory. Prior to joining UWA in 2010, she was Reader in Law at Durham University in the United Kingdom. From 1998 to 2006, she was also Deputy Director of the Durham European Law Institute, and was its Acting Director in 2004-2005. She is the author of *The Role of International Law in the Elimination of Child Labor* (Leiden: Brill, 2007), which explores, amongst other issues, the role of corporate social responsibility regimes in implementing international child labour norms. She is a member of the International Law Association's research committee on Non-State Actors in International Law, and a participant in the Arts and Humanities Research Council (UK) funded project on the definition of slavery, where her role is researching the use of international law norms on slavery by international and national courts.

Tony Denholder

Ashurst

Tony Denholder is the head of the Resources & Infrastructure Group of Ashurst (formerly Blake Dawson) in Queensland, a leading international law firm with offices in 24 countries. Tony is recognised as one of Australia's leading native title practitioners, having negotiated some of the landmark agreements between mining companies and Aboriginal communities pursuant to the Commonwealth of Australia's Native Title Act. He has been a strategic adviser to both Rio Tinto and Santos on native title rights in Australia for over a decade. Tony is a graduate of the Queensland University of Technology (LLB) and the University of Oxford (BCL). He is ranked as a leading individual in Chambers, 2007-2012, and as one of Australia's leading lawyers in the 2009 to 2012 editions of Best Lawyers Australia. Tony is a member of the board of Ashurst Australia and recently completed a term as a director of Cape York Partnerships, an organisation chaired by well-known Australian indigenous leader, Noel Pearson, which delivers welfare reform and services for Aboriginal communities in the Cape York region of Queensland.

Bridget Dunne

University of Tasmania

Bridget Dunne is a lecturer and tutor in law at the University of Tasmania and also works for the Australian Red Cross as an International Humanitarian Law Officer. She graduated with a BA-LLB with First Class Honours in 2011 and was awarded a University Medal. Bridget has been the recipient of a range of academic prizes from the University of Tasmania, including the Bruce Piggott Prize for International Law, the WA Finlay Prize in Law, the Justices Association Prize, the Sir Herbert Nicholls Common Law Prize and the Australian Institute of International Affairs Youth Initiative Award. She was a finalist in the Jessup International Law Moot, a grand finalist in the Red Cross International Humanitarian Law Moot and has been an editor of the *University of Tasmania Law Review*.

Treasa Dunworth

University of Auckland

Treasa Dunworth is an Associate Professor in Law with the University of Auckland, where she teaches public international law, international criminal law and related subjects. Treasa is one of the New Zealand reporters for the *Oxford Reports on International Law*, the Contributing Editor on International Law for the New Zealand Law Review, in which she provides on-going commentary on the reception of international law into New Zealand law. She also writes the annual updates on International Humanitarian Law and International Criminal Law for the *New Zealand Yearbook of International Law* as well as being the New Zealand reporter for the *Yearbook of International Humanitarian Law* (CUP). She has written extensively on New Zealand's domestic implementation of international law. Her research also covers issues of arms control and disarmament, including particularly questions of accountability of international organisations.

Richard Fentiman

University of Cambridge

Richard Fentiman is Professor of Private International Law at the University of Cambridge. He is the author of *International Commercial Litigation* (2010) and *Foreign Law in English Courts* (1998), both published by Oxford University Press, and of numerous articles on private international law and international commercial litigation. He was elected to the International Academy of Comparative Law in 2004, and to the American Law Institute in 2007. He has held the Walter Ganshof van der Meersch Chair at the Université Libre de Bruxelles (2001-2002), and has been a visiting professor at Cornell Law School (1992), and at the Institute of Comparative Law, Tokyo (1989).

Professor Fentiman has been extensively involved in law reform in the areas of private international and international civil procedure. He has given evidence to several UK Parliamentary committees, was an adviser to the American Law Institute's project on 'Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes' (2001-2008), and was a member of the working groups of the Bank of England's Financial Markets Law Committee, and co-author of a number of its reports. He represented the UK Government in negotiations relating to the private international law aspects of the UNCITRAL Convention on Receivables Financing, Vienna (1997) and has been an adviser to the European Commission. He is a member of the Editorial Board of the *Law and Financial Markets Review*, and of the *Journal of Private International Law*.

Caroline Foster

University of Auckland

Dr Caroline Foster holds an LLM (first) and a PhD from the University of Cambridge, where she was awarded the Whewell Scholarship. From 1992 to 1999 Caroline was employed by the New Zealand Ministry of Foreign Affairs and Trade. Caroline has been a visiting fellow at the Lauterpacht Research Centre for International Law in Cambridge and has done work for the British Institute of International and Comparative Law. Caroline teaches Public International Law and the Law of the Sea and Antarctica at the University of Auckland. She has a particular interest in international risk regulation and has published widely on this and other international law topics in well-regarded journals. Publications also include her monograph, *Science and the Precautionary Principle in International Courts and Tribunals: Expert Evidence, Burden of Proof and Finality* (Cambridge University Press, 2011), cited in the International Court of Justice by Judges Simma and Al-Khasawneh in the *Pulp Mills* case, 2010. Caroline speaks French and Spanish as second languages.

Duncan French

University of Lincoln

Professor Duncan French is Head of the University of Lincoln Law School and Professor of International Law, having previously been Professor of International Law at the University of Sheffield. Professor French is co-rapporteur of the International Law Association (ILA)'s Committee on International Law on Sustainable Development and is a Senior Research Fellow of the Centre for International Sustainable Development Law. He is also an Adjunct Professor at the University of South Australia.

Recent publications include (co-)edited collections on global justice and sustainable development, international dispute settlement, and criminological and legal consequences of climate change. Published papers range widely, including recent work on Antarctica, governance of the deep seabed, EU/Caribbean arrangements on foreign direct investment, environmental crimes, and complaint and grievance mechanisms in international law. Professor French has recently submitted an edited volume of papers on statehood and self-determination, to be published by Cambridge University Press in Spring 2013.

James Fry University of Hong Kong

James Fry (B.A. BYU, M.I.A. Columbia, J.D. Georgetown, LL.M. Leiden, Ph.D. University of Geneva IHEID) is Assistant Professor of Law, Director of the LLM programme and Deputy Director of the Japan and Korea programme at the University of Hong Kong. Prior to joining HKU in 2008, he was a member of the teaching and research faculty at the Graduate Institute of International and Development Studies, University of Geneva. He previously has worked with the U.S. Department of State's Office of the Legal Adviser, the International Litigation and Arbitration Group of the law firm Skadden, Arps, Slate, Meagher & Flom in New York and the Chief Judge of the New York Court of Appeals, and also has served as a legal consultant and researcher for various international organizations. His research and teaching focuses on international dispute settlement, the law of international organizations, international humanitarian law, international investment law, international human rights law and the law of arms control and disarmament, among other areas.

Alexandra Harrington Albany Law School

Alexandra Harrington is a Visiting Assistant Professor of Law at Albany Law School, where she teaches courses relating to international law, including international environmental law and public international law. Her publications address a variety of fields relating to international law, including environmental law, legal issues relating to climate change, natural resources regulation, international organizations, human rights law, international child's rights, corporate social responsibility, and criminal law, as well as domestic fields such as constitutional law and military law. Her most recent articles have been published by the *Duke Journal of Comparative and International Law* and the *Temple International and Comparative Law Journal*. In addition, she is a Doctor of Civil Law Candidate at the

McGill University Faculty of Law and is affiliated with the Center for International Sustainable Development Law at McGill University. She has also served as a professor at the University of Montreal Centre d'Etudes et de Recherches Internationales summer programs and as a Consultant to the Commission for Environmental Cooperation of the North American Agreement on Environmental Cooperation.

Samaneh Hassanli University of Adelaide

Samaneh Hassanli is a PhD candidate in international law at the University of Adelaide. She was awarded a Masters degree in comparative law from the universities of Adelaide and Mannheim in 2009. She completed her Bachelors degree at Shiraz University, Iran. Having the opportunity to study law in different countries with different legal systems, has given her the ability to compare and analyze various legal systems in order to build her research skills. Her PhD thesis is on "the extraterritorial application of human rights norms in armed conflict". She has been awarded several scholarships and awards including the Australian Post Graduate Scholarship and the award of International Kharazmi Research Competition (awarded by President Khatami, Iran). Her main research interests are international humanitarian law and human rights law.

Valerie Hughes World Trade Organization

Valerie Hughes is Director of the Legal Affairs Division of the World Trade Organization (WTO), where she provides legal advice to the Director-General of the WTO and assists dispute settlement panels in deciding trade disputes between WTO Members. Previously, Ms. Hughes served for five years as Director of the Appellate Body Secretariat of the WTO, where she assisted the WTO Appellate Body in deciding appeals of trade cases. Ms Hughes spent 22 years with the Government of Canada, during which time she held various positions, including Assistant Deputy Minister at the Department of Finance, General Counsel of the Trade Law Division at Foreign Affairs, and Senior Counsel in the International Law Division of the Department of Justice. Ms Hughes has also served as counsel for Canada before numerous international courts and tribunals on trade, fisheries and law of the sea matters.

Thomas John

Attorney-General's Department, Canberra

Thomas John currently heads the Commonwealth Attorney-General Department's Private International Law Section. He holds law degrees from the University of Konstanz, Germany, and the University of Queensland and is admitted to practice as a barrister in Australia. His previous and current roles at the Attorney-General's Department, the Australian Government Solicitor, the Federal Parliament's Research Services and Queensland's Crown Law, equipped Thomas with a particular expertise in conflict of law, legal cooperation, ADR, constitutional and comparative law. Thomas currently teaches private international law at UNE and he is an Associate Member of the Chartered Institute of Arbitrators as well as the Chair of the Law Council of Australia's European Focus Group.

Daniel Kalderimis

Chapman Tripp

Daniel Kalderimis is a partner at Chapman Tripp, and leads the firm's international arbitration and trade law practice which focuses on the Asia-Pacific region. He is admitted in New Zealand, New York and England and Wales (where he is a solicitor-advocate for civil matters). He is identified as one of the world's leading commercial arbitration specialists in *The International Who's Who of Commercial Arbitration*, and is presently the only lawyer from a full-service New Zealand law firm to be included. He is also New Zealand's reporter to UNCITRAL on the New York Convention and the UNCITRAL Model Law on International Commercial Arbitration.

Daniel is widely published on international law and cross-border dispute resolution issues. He has previously taught international law at Columbia Law School and at Victoria University Law School. He is a contributing author to the New Zealand textbook *Williams & Kawharu on Arbitration* and the co-author of several other works, including a guide to the ICSID Convention and Arbitration Rules.

Ben Keith

Crown Law Office, New Zealand

Ben Keith is a Crown Counsel in the New Zealand Crown Law Office with particular responsibility for advice and litigation involving public international law. He has appeared regularly before the New Zealand courts on a range of matters, including administrative, criminal, human rights and international law, including appearances in the Supreme Court and the Privy Council, and has also acted for the

New Zealand government in matters before United Nations human rights bodies.

Mary Keyes

Griffith University

Mary Keyes is Professor at Griffith Law School, where she teaches and researches in international litigation, international commercial arbitration and contract. Her main research area is private international law, particularly focusing on jurisdiction, multistate tort and international family litigation. She is widely published in that area and with Reid Mortensen and Richard Garnett is co-author of *Private International Law in Australia* (2nd ed, 2011). She is currently working on a book which critically analyses the conception and application of party choice in private international law.

Jan Klabbers

University of Helsinki

Jan Klabbers is Professor of International Law at the University of Helsinki, where until recently he was also of International Organisations Law and Director of the Centre of Excellence in Global Governance Research. He is also Deputy Director of the Erik Castrén Institute of International Law and Human Rights. He previously held positions at the University of Amsterdam. His many publications include *The Concept of Treaty in International Law* (The Hague: Kluwer, 1996), *An Introduction to International Institutional Law* (Cambridge University Press, 2002, second edition 2009), *Treaty Conflict and the European Union* (Cambridge University Press, 2009) and (with Anne Peters and Geir Ulfstein) *The Constitutionalization of International Law* (OUP 2009).

Professor Klabbers has also held visiting professorships/fellowships at a number of institutions, Hofstra University School of Law (2007), the Graduate Institute for International Studies and Development, Geneva (2008), the Straus Institute for the Advanced Study of Law and Justice, New York University Law School (2009-10), and the University of Paris Panthéon-Assas (Paris II; 2011).

David Leary

University of Technology, Sydney

Dr David Leary is a Senior Lecturer in the Faculty of Law at the University of Technology, Sydney, Australia and a Solicitor of the Supreme Court of New South Wales and the High Court of Australia. He has published widely in relation to the Law of the Sea and international and domestic environmental

law, and legal issues surrounding renewable energy, climate change, marine biodiversity, biotechnology, and the Arctic and Antarctica. He is a member of the International Scientific Advisory Board of the Arctic Centre (Finland), a Visiting Research Fellow at the United Nations University-Institute of Advanced Studies (Japan), and a member of the IUCN Commission on Environmental Law.

Susannah Leslie

Ministry of Foreign Affairs and Trade, Wellington

Susannah Leslie (LLB (Hons) BA (Politics)) is an international legal advisor with New Zealand's Ministry of Foreign Affairs and Trade, in the General International Law team. Susannah has advised the Government on a range of legal issues including United Nations sanctions enforcement; New Zealand's export controls regime; international human rights law; recognition of states; and United Nations organisations and practice. Susannah joined the Ministry in late 2010 having worked previously in private practice at Bell Gully.

Rain Liivoja

University of Melbourne

Rain Liivoja is a Research Fellow at Melbourne Law School and Project Director for the Law of Armed Conflict at the Asia Pacific Centre for Military Law. He is also an Affiliated Research Fellow of the Erik Castrén Institute of International Law and Human Rights, University of Helsinki, where he was based prior to taking up a position at the University of Melbourne. Rain has published on the law of armed conflict, international criminal law, the law of treaties, criminal jurisdiction and the regulation of private military contractors. He has taught international law at the Universities of Melbourne, Helsinki and Tartu, as well as the Estonian National Defence College and the Riga Graduate School of Law. Rain is the book review editor of the *Finnish Yearbook of International Law* and a member of the Board of Directors of the International Society for Military Law and the Law of War. He has an undergraduate degree in law from the University of Tartu, and postgraduate degrees, including a Doctor of Laws, from the University of Helsinki.

Campbell McLachlan

Victoria University of Wellington

Campbell McLachlan (LL B (Hons) (Well), Ph D (Lond), Dip (c I) (Hag Acad Int'l Law)) is Professor of Law at Victoria University of Wellington, teaching public and private international law and international arbitration. His book *International Investment Arbitration: Substantive Principles* (OUP, 2007) was the first modern treatise on investment

treaty law as applied by arbitral tribunals, and won the J F Northey Book Prize in 2008. His lectures at The Hague Academy of International Law, on *Lis Pendens in International Litigation* were published in 2009. He was appointed 2010 New Zealand Law Foundation International Research Fellow and a Visiting Fellow at All Souls College Oxford in 2011 in order to work on a major research project for a book on *Foreign Relations Law* (Cambridge UP, pub. forthcoming 2013). Campbell was President of ANZSIL from 2006-2009 and Co-Chair of the ILA Study Group on the Practice and Procedure of International Courts and Tribunals from 2002-2010. He is joint Editor-in-Chief of *ICSID Review-Foreign Investment Law Journal* and one of the Specialist Editors of *Dicey, Morris and Collins on the Conflict of Laws*. He is a member of the ICSID Panel of Arbitrators and has been appointed as President or member of a number of ICSID and PCA investment arbitration tribunals.

Greg Manning

Attorney-General's Department, Canberra

Greg Manning is First Assistant Secretary of the International Law and Human Rights Division of the Australian Attorney-General's Department. In this role he heads the Office of International Law, which advises the Australian Government on all aspects of international law and its implementation by Australia. Greg has worked in the Office of International Law for eight years, advising on human rights and security issues in particular, among a wide range of other issues.

Prior to working in the Office of International Law, Greg worked for a range of Federal and State government agencies, primarily in the fields of human rights and social policy, and was a solicitor in private practice.

Christopher Michaelsen

University of New South Wales

Christopher Michaelsen is a Senior Lecturer at the Faculty of Law of the University of New South Wales and a member of the Australian Human Rights Centre. He teaches and specialises in public international law, human rights and international security. Prior to joining UNSW, he served as a Human Rights Officer (Anti-Terrorism) at the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) in Warsaw, Poland. Chris holds law degrees from Hamburg University and the University of Queensland as well as a PhD from the Australian National University.

Gillian Moon

University of New South Wales

Gillian Moon is a Visiting Fellow in the School of Law, University of New South Wales, and at the Australian Human Rights Centre, UNSW. Previously a Senior Lecturer for ten years at the Law School, she specialises in the intersections between human rights law, international economic law and development policy, her particular interest being the impact of international trade law and foreign investment rules on human rights, equality and development. Her area of current research involves economic human rights, state obligations and WTO law. For many years a solicitor practising in consumer financial services, bankruptcy and social security law, she has extensive experience in policy formulation, law reform and development strategy.

Hiroaki Nakanishi

Kyoto University

Hiroaki Nakanishi is a PhD candidate at the Graduate School of Asian and African Area Studies, Kyoto University, Japan. He was awarded MA in 2009 by the School of International Studies at Jawaharlal Nehru University, India. He has been researching on international law, and nuclear policies. He has published several articles in Japanese and English, including "Rethinking the 123 Agreement: A Trade-off Between India's Right to a Nuclear Test and Civilian Nuclear Cooperation," *Indian Journal of International Law*, vol.51, no.2, pp.124-145, 2011. He can be reached at n_hiroaki@hotmail.co.jp.

Hitoshi Nasu

Australian National University

Dr Hitoshi Nasu is a senior lecturer in law at the Australian National University, teaching international law, international security law, international humanitarian law, military operations law, and migration law. He holds Bachelor and Masters degrees in political science from Aoyama Gakuin University and a Masters degree and a PhD in law from the University of Sydney. He is the author of *International Law on Peacekeeping: A Study of Article 40 of the UN Charter* (Martinus Nijhoff, 2009) and a co-editor of *Human Rights in the Asia-Pacific Region: Towards Institution Building* (Routledge, 2011). He is currently the lead investigator on an Australian Research Council Discovery Grant for the project titled *Developing Australia's Legal Response to Military and Security Applications of Nanotechnology*, with Professor Tom Faunce and Dr Margaret Kosal.

Luke Nottage

University of Sydney

Dr Luke Nottage specialises in comparative and transnational business law (especially contract law, consumer product safety law and arbitration), with a particular interest in Japan and the Asia-Pacific. He is Professor of Comparative and Transnational Business Law at Sydney Law School, founding Co-Director of the Australian Network for Japanese Law, Associate Director of the Centre for Asian and Pacific Law at the University of Sydney, and Comparative and Global Law Program coordinator for the Sydney Centre for International Law. He is also a Director of Japanese Law Links Pty Ltd (www.japaneselawlinks.com).

Luke studied at Kyoto University (LLM) and Victoria University of Wellington (BCA, LLB, PhD), and first taught at the latter and then Kyushu University Law Faculty, before arriving at the University of Sydney in 2001. He has held fellowships at other leading institutions in Japan and Australia as well as Germany, Italy and Canada. Luke's publications include *Product Safety and Liability Law in Japan* (Routledge, 2004), *Corporate Governance in the 21st Century: Japan's Gradual Transformation* (Elgar, 2008, lead-edited with Leon Wolff and Kent Anderson), *International Arbitration in Australia* (Federation Press, 2010; lead-edited with Richard Garnett), *Foreign Investment and Dispute Resolution in Asia* (Routledge, 2011; edited with Vivienne Bath), four other books (with four more in preparation) and over a hundred chapters and refereed or other articles, mainly in English and Japanese. He has executive roles in the Australia-Japan Society (NSW), the Law Council of Australia's International Legal Section, the Australian Centre for International Commercial Arbitration, and the Australasian Forum for International Arbitration. Luke contributes to several looseleaf commentaries; has consulted for law firms world-wide, the EC, the OECD, the UNDP and the Japanese government; and has made numerous public Submissions to the Australian government on arbitration and consumer law reform.

Jadranka Petrovic

Monash University

Dr Jadranka Petrovic is an Assistant Lecturer at the Department of Business Law and Taxation, Faculty of Business and Economics, Monash University, Caulfield Campus. She holds a Bachelor of Laws from the University of Mostar and a Master of Laws from The University of Melbourne. She also has a Doctorate of Juridical Science from The University of Melbourne. In addition to her degrees, Jadranka has completed a number of non-degree-based courses at The University of Melbourne and elsewhere,

including Postgraduate Diploma in International Law and Postgraduate Certificate in Australian Law: Legal Process and Institutions.

Before joining academia, Jadranka first worked in judiciary and then in corporate sector and in private practice. Her teaching has mainly been in the areas of International Law and Business Law. She teaches at both undergraduate and postgraduate level.

Jadranka's major research interests include protection of civilians and civilian objects in armed conflict, human rights, dispute resolution mechanisms, international institutions, contracts and business entities. Her book on the adequacy of the International Humanitarian Law regime relating to the targeting and destruction of cultural property in armed conflict will be published in the International Humanitarian Law Series, Martinus Nijhoff Publishers, Brill, and her book chapter concerning the relationship between a monument, identity and nationhood will be published by Cambridge University Press.

Rosemary Rayfuse

University of New South Wales

Rosemary Rayfuse (LLB Queen's, LLM Cambridge, PhD Utrecht) is a Professor of International Law in the Faculty of Law at the University of New South Wales and holds a conjoint appointment as Professor of International Environmental Law in the Faculty of Law at Lund University in Sweden. She has been a consultant to numerous governments as well as inter-governmental and non-governmental organisations, particularly on law of the sea matters. Professor Rayfuse is the author of *Non-Flag State Enforcement in High Seas Fisheries* (Martinus Nijhoff, 2004), co-editor, with Shirley Scott, of *International Law in the Era of Climate Change* (Edward Elgar, 2012) and, with Nicole Weisfelt, of *The Challenge of Food Security: International Policy and Regulatory Frameworks* (Edward Elgar 2012), and has published widely on a range of international legal issues including, in particular, on issues relating to the law of the sea and oceans governance. She is also the founding editor of the *ICSID Reports* and the *Australian Indigenous Law Reporter*, and is on the editorial and advisory boards of a number of international law journals. Her current research focuses on precaution and the protection of the marine environment, the effects of sea level rise on sovereignty and statehood, and the normative effects of climate change adaptation and mitigation responses on international law. She is on the Management Committee of the pan-European COST Action on *International Law between Constitutionalisation and Fragmentation*, and is a member of a number of international research networks including the Australia Canada Oceans Research Network and the Nordic Environmental Law Network. She is a member of the IUCN Commission on Environmental Law where she is Co-

chair of its Specialist Group on High Seas Governance and a member of the Arctic Task Force. Formerly of the Bar of British Columbia, Canada, Professor Rayfuse is currently a member of the Law Society of England and Wales.

Penelope Ridings

Ministry of Foreign Affairs and Trade, Wellington

Dr Penelope Ridings is the International Legal Adviser and Director of the Legal Division at the New Zealand Ministry of Foreign Affairs and Trade. She comes from a background in international law, having previously worked in the Legal Division of MFAT, including as Head of the Trade Law Unit, and as Deputy Director responsible for Oceans, Environment and Pacific issues. She has held several diplomatic postings, most recently as New Zealand Ambassador to Poland and previously New Zealand High Commissioner to Samoa. In addition to her legal qualifications, she holds a doctorate in political science from the University of Hawaii.

Donald R Rothwell

Australian National University

Donald R Rothwell is Professor of International Law, and Assistant Head of School at the ANU College of Law, Australian National University where he has taught since July 2006. In 2012 Rothwell was also appointed an inaugural ANU Public Policy Fellow by the ANU Vice-Chancellor, Professor Ian Young. He was previously Challis Professor of International Law and Director of the Sydney Centre for International and Global Law, University of Sydney (2004-2006), where he had taught since 1988. His research has a specific focus on law of the sea, law of the polar regions, and implementation of international law within Australia as reflected in over 160 articles, book chapters and notes in international and Australian publications. Rothwell has authored, co-authored or edited 16 books including most recently *Antarctic Security in the Twenty-First Century: Legal and Policy Perspectives* with Alan Hemmings and Karen Scott (Routledge, 2012); *Australian Coastal and Marine Law* (Federation, 2011) with Rachel Baird, and the acclaimed *The International Law of the Sea* (Hart, 2010) with Tim Stephens. He is presently working on projects assessing the polar regions and the law of the sea, and international legal practice in Australia, and is Co-Editor of the *Australian Year Book of International Law*. He has taught a range of courses including Law of the Sea, International Dispute Resolution, International Law and Use of Armed Force, International Humanitarian Law, Military Operations Law, and Public International Law.

Rothwell has acted as a consultant or been a member of expert groups for UNEP, UNDP, IUCN, the Australian Government, and acted as advisor to the International Fund

for Animal Welfare (IFAW). In November 2006 he chaired the Report of the Sydney Panel of Independent International Legal Experts on *Japan's Special Permit ("Scientific") Whaling Under International Law*, and in November 2008 chaired the Canberra Panel addressing the same issue. He was also a member of the Paris Panel of Independent Legal Experts on *Special Permit "Scientific" Whaling Under International Law* (May 2006). He is a regular media commentator on international law issues and has written opinion columns for all of the major daily newspapers in Australia and is a regular guest on ABC TV 7.30, ABC Radio 'AM', ABC Radio National, and been interviewed on Al Jazeera (TV), BBC World (TV), and the Voice of America,

Richard Rowe

Department of Foreign Affairs and Trade

Richard Rowe is a senior career officer with the Australian Department of Foreign Affairs and Trade and is currently the Department's Senior Legal Adviser. Prior to this appointment, he was First Assistant Secretary of the Pacific Division. Mr Rowe has been Ambassador to Sweden with accreditation also as Ambassador to Finland, Estonia, Latvia and Lithuania. He has also served as Minister and Deputy Permanent Representative in the Australian Permanent Mission to the United Nations, New York; Consul-General in New Caledonia; Counsellor and Deputy Head of the Australian Delegation to the Conference on Disarmament in the Australian Mission to the United Nations in Geneva; as well as in the Australian High Commission in London and the Australian Embassy in Hanoi. Mr Rowe has been the Head of the Australian Delegation to many international conferences, including the International Criminal Court Statute negotiations and the ICC Review Conference and Antarctic Treaty Consultative Meetings. He was Chair of the ATCM held in Hobart in June 2012.

Karen Scott

University of Canterbury

Karen Scott is an Associate Professor in law at the University of Canterbury, NZ, having formally lectured at the University of Nottingham in the UK. She researches and teaches in the areas of public international law, international environmental law and the law of the sea. She has published widely in these areas in journals such as the *Michigan Journal of International Law*, the *International and Comparative Law Quarterly*, the *Yearbook of International Environmental Law* and the *Melbourne Journal of International Law*. She is the co-editor (with Alan D Hemmings and Donald R Rothwell) of *Antarctic Security in the Twenty-first Century: Legal and Policy Perspectives* (Routledge, 2012). Recent and current research projects comprise: science and security in Antarctica; maritime safety in the Southern Ocean;

the fragmentation of international environmental law; the regulation of geo-engineering; marine protected areas on the high seas; and justice and legitimacy within the Antarctic Treaty System. Karen is also engaged in a major research project on oceans governance in New Zealand, funded by the New Zealand Law Foundation. Karen is the Editor of the *New Zealand Yearbook of International Law*, a member of the Advisory Board for Gateway Antarctica (based at the University of Canterbury) and Vice-President of the Australian and New Zealand Society of International Law (ANZSIL).

Ivan Shearer

University of South Australia

Ivan Shearer is Emeritus Professor of Law at the University of Sydney, having retired from the Challis Chair of International Law of that University in 2003. He is currently an Adjunct Professor in the School of Law, University of South Australia. He previously taught at the University of New South Wales (1975-1993) and the University of Adelaide (1965-1972). He has held visiting positions at the Australian National University, the University of Melbourne, Indiana University, Bloomington, the United States Naval War College, Newport, and All Souls College, Oxford. His many publications include *Starke's International Law* (11th ed. 1994), *Extradition in International Law*, Manchester University Press (1977), and *The International Law of the Sea* (2 vols, 1982, 1984).

Professor Shearer is a member of the Bars of New South Wales, Victoria and South Australia, and has appeared in cases before the higher Australian courts including the High Court of Australia. He served as a Senior Member of the Australian Administrative Appeals Tribunal from 2004 to 2008. He is a member of the Panel of Arbitrators of the Permanent Court of Arbitration, The Hague. He has served in two recent international arbitrations and in two cases before the International Tribunal for the Law of the Sea, Hamburg. Professor Shearer served as an elected member of the United Nations Human Rights Committee from 2001-2008, including serving as a Vice-Chair of the Committee for a period. In 1995 he was appointed a Member of the Order of Australia (AM).

Monica Silverwood

International Committee of the Red Cross

Monica Silverwood is the Legal Adviser for the International Committee of the Red Cross Regional Delegation in the Pacific. In this role, Monica engages with governments, defence forces and academic communities in Australia, New Zealand and Pacific Islands on aspects of IHL, particularly regarding ratification and domestic implementation. Previously Monica was an Associate Crown Counsel in the Human Rights Team at Crown Law in Wellington, New

Zealand, and a Reserve Legal Officer in the New Zealand Army. She has also held internships at the International Centre for Transitional Justice in New York and with the Office of the Ombudsperson of the Security Council's 1267 Committee. Monica graduated from Canterbury University with a B.A. and LL.B (Hons) in 2006 and in 2011 with a Masters of Law from Columbia Law School.

Geoffrey Skillen Australian Red Cross

Geoff Skillen served as a legal officer in the Australian Defence Force from 1975 to 1998. From 1995 to 1998, he occupied the position of Director-General of Defence Force Legal Services, holding the rank of Air Commodore. From 1998 to 2010, he served as a legal officer in the Attorney-General's Department. From 2003 to 2010, he was the Principal Legal Officer in the Office of International Law, International Human Rights section. He is a longstanding member of the Red Cross movement, serving on a number of Australian Red Cross committees since 1995. He was a member of the ICRC's group of Academic and Governmental Experts who contributed to the ICRC's customary study on IHL, and attended a number of meetings of the group in Geneva in 1999. He was awarded Australian Red Cross's Distinguished Service Medal in 2009. Since July 2010 he has been the Chair of Australian Red Cross's national committee on International Humanitarian Law.

Natalia Szablewska Southern Cross University

Dr Natalia Szablewska, PhD DiplHL BSc(Econ)Hons, has over nine years of professional experience in research and public policy which spans across the public sector, governmental organisations, NGOs and academia. Currently she is a lecturer in law at Southern Cross University (SCU) School of Law and Justice and a visiting lecturer at Mekong University (Cambodia). Her prior academic experience includes working at Griffith Law School (Australia), University College London (UK), Bangor Law School (UK) and Aberystwyth University (UK) where she taught and convened numerous courses at undergraduate and postgraduate level. Natalia's professional experience includes working in an Human Rights NGO (Russian Justice Initiative) in Moscow, the Solicitors Regulation Authority, the Welsh Assembly Government, the British House of Commons, the Welsh Centre for International Affairs, the United Nations Association Wales and the David Davies Memorial Institute of International Studies. Among her other commitments she is a member of the Research Centre for Tourism, Leisure and Work (SCU) and she is also on the Editorial Board of Journal

of International Humanitarian Legal Studies (JIHLS). Natalia's research interests lie in public international law, international humanitarian law and international human rights, and she specialises in Russian and North Caucasus affairs.

Erika Techera University of Western Australia

Erika J Techera (LLB (Hons), M Env Law, LLM, PhD) is a Professor in the Faculty of Law, University of Western Australia. Dr Techera teaches and researches in environmental law including international and comparative marine environmental governance and cultural heritage law. She is the author of *Marine Environmental Governance: from International Law to Local Practice* (Routledge, 2011). She has been a Visiting Scholar at the University of Hawai'i, was formerly Director of the Centre for International & Environmental Law at Macquarie University and has practised as a barrister. She is a member of the IUCN Commission on Environmental Law and World Commission on Protected Areas.

Amelia Telec Attorney-General's Department, Canberra

Amelia Telec is a Senior Legal Officer in the Office of International Law at the Australian Attorney-General's Department. In that role, Amelia has advised on a range of international law issues, including international human rights law, humanitarian law, refugee law and the law on the use of force. She completed her LLM specialising in international law at the Australian National University in 2010 and her LLB (Hons) and BA (Hons - Political Science) at the University of Sydney. In 2011 Amelia completed an internship in the Middle East and North Africa Section of the United Nations Office of the High Commissioner for Human Rights.

Teresa Thorp Utrecht University

Jurist by profession, Teresa is also a researcher in environmental law at Utrecht University (Institute for Constitutional and Administrative Law: Centre for Environmental Law and Policy/Netherlands Institute for the Law of the Sea). She is a Director of the NGO InsightInt, which predominantly offers services in trade, environmental law and sustainable development to the ACP Group. Teresa has worked in international trade and development for more than 20 years and has been a legal advisor within the EAC, COMESA and SADC Secretariats and Chief Technical Advisor to the Government of Zanzibar. In the private sector, Teresa has led corporate finance transaction teams and chaired

a number of executive committees, including, corporate social responsibility committees. She has been Manager of Strategy (Vodafone), Head of Global Programmes (BT) and a Vice President and Worldwide Manager of UNISYS. Teresa has degrees in engineering (telecommunications), business (executive MBA, Duke), economics and law (New Zealand, London and Paris). She is a member of the International Bar Association, International Law Association, Honourable Society of Gray's Inn and Amnesty.

Damien van der Toorn

Attorney-General's Department, Canberra

Damien van der Toorn is a Principal Legal Officer in the Office of International Law at the Attorney-General's Department in Canberra. Since 2005, Damien has advised on a range of international law issues, particularly in relation to Iraq and Afghanistan, arms control, counter-proliferation, counter-terrorism, and maritime and aviation security. His principal areas of legal interest are use of force, international humanitarian law, international criminal law, international human rights law and law of the sea.

Damien received a Bachelor of Arts (International Relations) from University of Queensland in 1997 and a Bachelor of Laws (Honours) from the University of Queensland in 1999. He was also awarded a Master of Laws (Public International Law) from the University of London in 2004. In 2000, Damien was Associate to Justice Chesterman in the Supreme Court of Queensland. Between 2001 and 2005, he worked as a lawyer at Allens Arthur Robinson in Brisbane and at law firms in London. Damien was admitted as a Solicitor of the Supreme Court of Queensland and High Court of Australia in 2001.

Jure Vidmar

University of Oxford

Dr Jure Vidmar is Research Fellow at the Faculty of Law, University of Oxford, where he teaches public international law and human rights. In October 2012, he will take up the post of a Leverhulme Fellow at the University of Oxford. He was recently also a visiting fellow at the Institute for International and Comparative Law in Africa, University of Pretoria. Jure's publications have mainly addressed the issues of statehood, self-determination, international delimitation, democratic theory, political participation, and norm conflicts in international law. He recently co-edited (with Erika de Wet) the book entitled *Hierarchy in International Law: The Place of Human Rights* (Oxford University Press, 2012). Jure is also an editor of the *Hague Yearbook of International Law*.

Wu Chien-Huei

Academia Sinica

Dr Wu Chien-Huei is Assistant Research Fellow in Institute of European and American Studies, Academia Sinica, Taipei. He obtained his PhD in Law in European University Institute in Florence in 2009. His book, based on his doctoral thesis, *WTO and the Greater China: Economic Integration and Dispute Resolution* has been published by Martinus Nijhoff in 2012. His research interests cover international economic law and European Union law. He has also published some journal articles and book chapters in these fields, the latest being a forthcoming book chapter entitled *Accessed to Raw Materials: the EU's Pursuit of Trade Disciplines on Export Restrictions* to be published by Oxford University Press. He can be reached via the following email address: wch@sinica.edu.tw

Anowar Zahid

Universiti Kebangsaan Malaysia

Dr Zahid is a Senior Lecturer in Law at *Universiti Kebangsaan Malaysia* (National University of Malaysia). He received his PhD and LLM from the University of Manchester and Dalhousie University, Canada, in international and comparative financial law respectively. Earlier, he got an LLB with honours from the University of Dhaka. He has, to his credit, a good number of publications in internationally acclaimed journals like *Suffolk University Law Review*, *European Business Law Review*, *Journal of East Asia and International Law*, *International Journal of Civil Society Law*, *Pertanika Journal of Social Science and Humanities*, *International and Comparative Corporate Law Journal*, and *US-China Law Review*. Dr Zahid's teaching and research interests include international law, business law and Islamic law. He is an advisor to the Focal Research Consultants Limited, Halifax, Canada, and a member of ANZSIL.

CONTACT US

ANZSIL Secretariat
ANU College of Law
The Australian National University
Canberra ACT 0200 AUSTRALIA

E anzsil@law.anu.edu.au



Australian and New Zealand
Society of International Law