



Australian and New Zealand
Society of International Law

anzsil newsletter

Welcome to the
January edition of the
ANZSIL newsletter.

In this edition

- [From the Editors](#)
- [From the President](#)
- [2012 Annual Conference](#)
- [2012 Post-Graduate Research Students Workshop](#)
- [Recent Australian Practice in International Law](#)
- [Recent New Zealand Practice in International Law](#)
- [Upcoming Events](#)
- [Research Opportunities](#)
- [Personalia](#)
- [Internship Reports](#)

News in brief

The January 2012
ANZSIL Newsletter.

From the Editors

2011 was a significant year for international law, bookended by achievements (including the invocation by the Security Council in February of the Responsibility to Protect doctrine in relation to the situation in Libya) but also disappointments (including the continued failure to agree upon a successor to the Kyoto Protocol in Durban in December).

In truth, of course, there has never been an insignificant year in international law and ANZSIL members continue to be at the forefront in giving international law life and meaning, both in practice and in scholarly reflection.

In this first Newsletter for 2012 we bring you the always valuable summary of Australian and New Zealand practice in international law (with thanks to the Australian Attorney-General's Department and Department of Foreign Affairs and Trade, and the New Zealand Ministry of Foreign and Affairs). We also bring you information about the 2012 Annual Conference and other events.

We wish you a very happy New Year!

[Sarah McCosker](#) and [Tim Stephens](#)

Editors

From the President

Welcome to 2012! This year looks like being a very busy one for ANZSIL. The following events are coming up and I look forward to seeing many members at these events:

International Law in the Next Two Decades: Form or Substance? 20TH ANZSIL Conference in Wellington (Thursday, 5 July 2012 to Saturday, 7 July 2012)

This year's conference will be held in Wellington, hosted by the New Zealand Centre for Public Law, Faculty of Law, Victoria University of Wellington. The call for papers has been issued, and the deadline for submission of abstracts is 14 February 2012. The ANZSIL Postgraduate Workshop will also take place just before the conference, on Wednesday, 4 July 2012. The call for papers for the Workshop is [here](#); proposals due by 24 February 2012.

2012 ANZSIL International Economic Law Interest Group Research Symposium (Friday, 2 March 2012)

Organised by the ANZSIL International Law Economic Law Interest Group and the Sydney Centre for International Law at the Faculty of Law, University of Sydney, this is the second research symposium jointly organized by SCIL and ANZSIL. The draft program and registration form are available.

Joint Conference of ANZSIL and the Asian Society of International Law (October 2012)

Dates are being finalized for this 1-2 day conference, which will take place in Sydney, probably in the week of 23 October 2012. Final dates to follow shortly, and a call for papers will be issued in the next couple of months.

Four Societies Conference

This year will see the fourth Four Societies Conference, an event which brings together early career scholars from ANZSIL the American and Japanese Societies of International Law and the Canadian Council of International Law for a high-level conference organised around a theme of contemporary importance to international law and international lawyers. The 2012 conference will be hosted by the American Society of International Law, at the University of California, Berkeley, probably in late September 2012; further details and a call for papers will be circulated in the coming months.

Other coming events coming up

Justice for All? The International Criminal Court - A Conference: A Ten Year Review

Don't miss the conference on the International Criminal Court being held on 14 and 15 February 2012 at the University of New South Wales. Organised by the Australian Human Rights Centre and the Faculties of Law and Arts at Social Sciences at UNSW, the conference features ICC President, Judge Sang-Hyun Song, ICC Registrar Silvana Arbia, ICC Deputy Prosecutor Fatou Bensouda, Christian Wenaweser former President, ASP, and a number of renowned academic, government and civil society experts on the Court. The two key objectives of the Conference are to examine the role and success of the ICC in achieving gender justice, and to analyse the participation of the Asia Pacific region in the ICC regime.

Details of program and registration are available on the conference website.

Eve Ensler at the Sydney Theatre Co (12 February 2012)

As part of the lead up to the conference, on Sunday, 12 February 2012, at 6 pm at the Sydney Theatre at Walsh Bay, the Australian Human Rights Centre Annual Lecture will be delivered by Eve Ensler, Tony Award winning American playwright, performer, feminist and activist, best known for her play *The Vagina Monologues* and as a writer and activist focusing on violence against women in situations of conflict. The lecture will explore theatre as a mechanism for giving visibility to human rights violations and as a vehicle for human rights promotion and redress. Details and booking available [here](#).

Recent events

On 14 November 2011, the Commonwealth Attorney-General's Department convened the organised Inaugural Attorney-General's Department International Law Colloquium *Looking Ahead: Cross-cutting Issues in International Law*.

Modelled on the annual Beeby Colloquium held in New Zealand, the workshop brought together international lawyers from government, academia and practice in order to explore current and emerging international law issues and to explore way of enhancing collaboration between the various parts of the international law community. Results of the Colloquium are likely to include the establishment of working group to follow up on the ideas put forward at the meeting, as well as a number of small workshops or roundtables to be organised around specific themes. In addition to the fruitful discussions, a highlight of the meeting was the display of historical photographs of international law personalities and important international legal events in Australian history.

On 26 November 2011 the New Zealand Centre for Public Law, with the financial support of ANZSIL, held a very successful Symposium under the leadership of former ANZSIL President, Campbell McLachlan. The Symposium was entitled *Innovative Models in International Commercial Dispute Resolution*, and brought together a range of leading speakers from Australasia and further afield.

Membership drive

As you can see, members of ANZSIL have been extremely busy (and these are just some of the activities in which they have been involved). We continue also to support the Jessup Moot competition and to offer support for four internships each year. We are keen to increase the number of members of ANZSIL to help support and expand these activities, so please renew your subscription when the call comes around, and encourage your colleagues and friends interested in international law to join.

With best wishes for a productive and happy 2012.

Andrew Byrnes

2012 Annual Conference

20th ANNUAL CONFERENCE WELLINGTON, 5-7 JULY 2012

INTERNATIONAL LAW IN THE NEXT TWO DECADES: FORM OR SUBSTANCE?

The 20th Annual Conference will take place from Thursday, 5 July 2012 to Saturday, 7 July 2012 hosted by the New Zealand Centre for Public Law, Faculty of Law, Victoria University of Wellington.

The Conference Organising Committee now invites proposals for papers to be presented at the Conference.

Call for Papers – Deadline 14 February 2012

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, are just some of the issues with which papers might engage.

The Committee would welcome papers exploring significant conceptual or practical shifts in the development, substantive content, implementation, teaching or practice of international law. Among the themes the Committee is keen to see addressed are:

- the harmonisation of operational and normative activities of international institutions, and the extent to which have efforts to produce system wide coherence been successful
 - conceptions of risk, the regulation of uncertainty and the clash of precautions in international law
 - the "new" wave of democratisation and the role of international law and institutions two decades after the end of the Cold War
 - new international legal geographies
 - the changing relationship of the key pillars and institutions of international economic law: trade, investment and finance
 - the expanding role of non-State actors including political movements, transnational corporations and other actors
- challenges posed by the "civilianisation" of armed conflict and the regulation of means and methods of warfare in an era of increasing technological developments.

The Committee particularly invites papers that address these themes from the perspective of private international law, as well as from public international law perspectives. The Committee also welcomes proposals for papers on other aspects of international law.

Those proposing papers for presentation at the Conference should submit a one-page abstract and brief one-page curriculum vitae by email to the Conference Organising Committee [anzsil@law.anu.edu.au] no later than Tuesday, 14 February 2012. Please include the heading on your email message 'ANZSIL Conference 2011 Paper Proposal: [Your Name]'. The Conference Organising Committee will inform applicants of the outcome of their proposals by mid-March 2012. Further information about the Conference, including program and registration details, will be available on the [ANZSIL website](#).

Postgraduate students undertaking higher research degrees in international law who wish to present their projects and the results of their research are encouraged to submit their proposals (marked 'PG Workshop') for presentation at the Postgraduate Workshop (to be held on Wednesday, 4 July 2012. For further details and call for papers, see the [ANZSIL website](#). The closing date for applications to the Postgraduate

Workshop is 24 February 2012, and will also be the subject of a separate call for papers. Successful applicants for the postgraduate workshop will be offered free registration at the Conference.

2012 Post-Graduate Research Students Workshop

**POST-GRADUATE RESEARCH STUDENTS WORKSHOP
WELLINGTON, WEDNESDAY 4 JULY 2012**

Call for Papers - Deadline: 24 February 2012

The Australian and New Zealand Society of International Law Postgraduate Research Students Workshop will be held on Wednesday, 4 July 2012, from 9.30am until 5.00 pm. The Workshop will take place at the Victoria University of Wellington. The aims of the Workshop are to provide postgraduate degree research students with an opportunity to present their research to their peers, to discuss their experiences of postgraduate research and to make academic and professional connections. There is no registration fee. Morning tea, lunch, and afternoon tea will be provided.

The Workshop will be followed by the 20th ANZSIL Annual Conference, which will take place from Thursday 5 July 2012 to Saturday 7 July 2012. Participants who presented at the Workshop will also be given an opportunity to present their research through a poster display at the Annual Conference. ANZSIL will waive the conference registration fee (including the cost of the Conference dinner) for all participants at the ANZSIL Postgraduate Workshop who wish to attend the main Conference. (Workshop participants are still required to complete the conference and dinner registration form.) Participants attending the main ANZSIL Conference may be asked to provide a short report on individual ANZSIL Conference sessions for the ANZSIL Newsletter.

Postgraduate research students wishing to present their work on an international law topic are encouraged to submit their proposals for presentation at the Workshop. Applicants must be enrolled in a higher degree research program (PhD, SJD, or Research Masters) at an Australian or New Zealand university.

Applicants should submit a one-page abstract and brief one-page curriculum vitae by email to anzsil@law.anu.edu.au by no later than Friday 24 February 2012. Please include the heading on your email message 'PG Workshop Application: [Your Name]'. The organisers will let applicants know of the outcome of their application no later than mid-March 2012. Participants will be asked to provide a brief contribution on their work for a report on the Workshop, for inclusion in the ANZSIL Newsletter.

The Coordinators of the Postgraduate Workshop are Associate Professor Alberto Costi (Associate Professor, School of Law, Victoria University of Wellington, New Zealand) and Dr Anthony Cassimatis (Senior Lecturer, TC Beirne School of Law, University of Queensland, Australia).

Recent Australian Practice in International Law

31st International Conference of the Red Cross and Red Crescent

The International Conference of the Red Cross and Red Crescent was held in Geneva between 28 November and 1 December 2011. Australia was represented by a Government delegation and a delegation from the Australian Red Cross. The Conference focused on four main themes of strengthening legal protection for victims of armed conflicts (IHL), strengthening disaster law, strengthening local humanitarian action and addressing barriers to health care.

Australia was an active participant in the Conference, making numerous pledges (expressions of commitment to undertake action on certain areas over the next four years before the next Conference), including jointly with the Australian Red Cross. Australia was also actively involved in making interventions during the proceedings, including on the themes of Strengthening IHL, Humanitarian access and assistance, Migration, the Auxiliary Role of the Red Cross and Red Crescent, Health Care in Danger and Strengthening disaster laws. The Australian delegation also had a strong presence in the Conference Drafting Committee, which shaped the resolutions related to the four Conference themes that were adopted by consensus as the formal outcomes of the Conference in its final plenary session. In addition, the Asia Pacific

Civil-Military Centre for Excellence (in collaboration with UNITAR) launched its documentary, 'Protection of Civilians in Peace Operations' as a side event to the Conference and the Australian Delegation jointly hosted a workshop on Gender and IHL with the Swedish Delegation. A further success for Australia was the election of Greg Vickery, Australian Red Cross President, as Chair of the Standing Commission of the Red Cross and Red Crescent.

Meeting of the Contact Group on Piracy

Australian representatives attended the 9th Meeting of Working Group 2 on Legal Issues under the Contact Group on Piracy off the Coast of Somalia, held in the Seychelles from 11-12 October 2011. States and international organisations presented on their legal initiatives to counter Indian Ocean piracy, such as domestic prosecutions and the negotiation of new regional detainee transfer arrangements, as well as judicial and prison capacities in the region. Legal issues surrounding the use of private armed guards on vessels and post-trial transfer arrangements to Somalia were also discussed.

Australian participation in Southern Bluefin Tuna Negotiations

Australia participated in the 18th Annual meeting of the Extended Commission for the Conservation of Southern Bluefin Tuna (CCSBT18) in Bali, Indonesia in October 2011. Australia played a key role in securing all CCSBT Members' agreement to adopt an international rebuilding strategy - known as a management procedure, to rebuild the southern bluefin tuna stock. This was a major achievement: CCSBT is now the first Regional Fisheries Organisation to have successfully adopted a management procedure. The management procedure agreed at CCSBT18 is based on a precautionary approach and will guide the setting of global catch limits in the longer-term.

Passage of the Human Rights (Parliamentary Scrutiny) Bill

The Human Rights (Parliamentary Scrutiny) Act 2011 has received Royal Assent and will commence operation on 4 January 2012. The Act implements the legislative aspects of Australia's Human Rights Framework, which was introduced by the Australian Government in April 2010 and seeks to implement positive and practical change to promote and protect human rights in Australia. The Act will establish two key mechanisms to encourage the early consideration of human rights in the development of policy and legislation – it will introduce a requirement for all new Bills and disallowable legislative instruments be accompanied by a Statement of Compatibility with human rights and will create a new Parliamentary Joint Committee on Human Rights.

- The Statement of Compatibility must contain an assessment of whether the Bill or disallowable legislative instrument is compatible with human rights. 'Human rights' are defined in the Act as the rights and freedoms contained in the seven core human rights treaties to which Australia is a party. Responsibility for preparing the Statement of Compatibility rests with the individual Minister or Member of Parliament who introduces the Bill, or the relevant rule-maker for a disallowable legislative instrument.

- The Committee – the first Commonwealth parliamentary committee dedicated solely to human rights scrutiny – will comprise members of both Houses of Parliament. It will have functions to examine Bills for Acts and legislative instruments for compatibility with human rights, examine existing Acts for compatibility with human rights, and inquire into any matter relating to human rights which is referred to it by the Attorney General.

Finalisation of Australia's appearance before the UN Human Rights Council for its first Universal Periodic Review

On 27 January 2011, Australia appeared before the UN Human Rights Council for its first Universal Periodic Review (UPR). In consultation with a broad range of stakeholders, the Australian Government has given careful consideration to the 145 recommendations that were received through this process. Australia accepted or 'accepted-in-part' 137 of the recommendations, and provided a formal response at the UN Human Rights Council plenary session in June 2011. The Human Rights Council formally adopted the report of the UPR Working Group and Australia's response on 8 June 2011.

The Government made a voluntary commitment in the lead up to its UPR interactive dialogue before the UN Human Rights Council that the National Human Rights Action Plan would be informed by the accepted UPR recommendations. The draft National Action Plan is being developed as part of the Government's National Human Rights Framework and will be released on 9 December 2011. Australia has committed to providing the Human Rights Council with an interim report before Australia's next UPR in 2015, outlining the progress of implementation of the recommendations that have been accepted.

Passage on legislation on complementary protection

The Migration Amendment (Complementary Protection) Act 2011 received Royal Assent on 14 October 2011. The Act creates a legislative framework to provide for the grant of visas where necessary to comply with Australia's non-refoulement (non-return) obligations other than those in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (the Refugees Convention), specifically:

- the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol; and
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

These other obligations are commonly referred to as "complementary protection" obligations. They provide protection from arbitrary deprivation of life, the death penalty, torture and other cruel, inhuman or degrading treatment or punishment. The Act will allow for claims raising these obligations to be considered through the same Protection visa process as claims under the Refugees Convention. The creation of one integrated visa process will provide greater certainty and faster outcomes for those seeking protection. It will also bring Australia into line with many other countries – including New Zealand, the US, Canada and European countries - which have already incorporated complementary protection into their visa processes. The Act will commence on a date to be fixed by Proclamation, not later than 6 months after Royal Assent (i.e. 14 April 2012). In the interim, the current system whereby Australia complies with its "complementary protection" obligations through administrative processes, using Ministerial intervention powers, will continue.

Reforms to Australia's autonomous sanctions regime: commencement of the Autonomous Sanctions Regulations 2011

The Autonomous Sanctions Regulations 2011 commenced in December. The Regulations apply the autonomous sanctions the Australian Government presently imposes under the new legislative framework established by the Autonomous Sanctions Act 2011.

Australia's autonomous sanctions are: embargoes on the export of arms or related materiel to Burma, Fiji, Iran, Syria and Zimbabwe; a further embargo on the export of goods on the Australia Group Common Control Lists to Iran; targeted financial sanctions against designated persons or entities in Burma, the Democratic People's Republic of Korea (DPRK), Iran, Libya, Syria and Zimbabwe, as well as against persons involved in the commission of atrocities during the break-up of the former Yugoslavia; travel restrictions on individuals designated for targeted financial sanctions, as well as against designated persons in Fiji; and a port ban on DPRK vessels.

Since May 2010, the Government has embarked on a major reform of the way autonomous sanctions are applied under Australian law. The purpose of this reform was threefold:

- to improve the overall transparency and effectiveness of Australia's autonomous sanctions measures by providing a dedicated legislative framework;
- to assist the administration of, and compliance with, autonomous sanctions measures by removing distinctions between the scope and extent of autonomous sanctions and Australia's UN sanction enforcement laws applied under the Charter of the United Nations Act 1945; and
- to improve Australia's ability to act in concert with other, like-minded countries, in the imposition of coordinated autonomous sanctions targeting situations of particular international concern.

The new legal framework for the imposition of autonomous sanctions by Australia, of

which the Regulations are part, has been the subject of extensive consultation with governmental and non-governmental stakeholders since the Autonomous Sanctions Bill was first tabled in the House of Representatives in May 2010. On 27 September 2011 the Regulations were published on the Department of Foreign Affairs and Trade website as an exposure draft for three weeks for public comment. The Government's response to the issues raised in public submissions has been published on the Department's website.

Recent New Zealand Practice in International Law

UN Treaty Event

At the United Nations Treaty Event in September 2011, New Zealand ratified the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which it had signed in September 2006. New Zealand first proposed the Optional Protocol in 2003, in order to extend the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel to staff delivering emergency humanitarian assistance and to those providing political and development assistance in peace-building situations. The UN World Summit held in September 2005 stressed the need for negotiations on the protocol to be completed, and this process culminated in the UN General Assembly adopting the Optional Protocol by consensus in 2005.

New Zealand also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, following passage of the Adoption Amendment Act 2011. The Optional Protocol strengthens international legal protection for children from sexual and other forms of exploitation across borders.

Anti-Counterfeiting Trade Agreement

New Zealand signed the Anti-Counterfeiting Trade Agreement (ACTA) at a 1 October ceremony in Tokyo along with seven of the eleven other participants in the ACTA negotiations. ACTA aims to establish new international standards for the enforcement of intellectual property rights to tackle more effectively the global trade in counterfeit trade mark goods and pirated copyright works. ACTA seeks to increase international cooperation, in particular between enforcement agencies, to establish best practices for enforcement of intellectual property rights, and to provide a more effective legal framework to combat counterfeiting and piracy.

ACTA builds upon existing international legal frameworks for the enforcement of intellectual property rights, including the World Trade Organisation Agreement on Trade Related Aspects of Intellectual Property Rights (the TRIPS Agreement).

Protocol Amending the TRIPS Agreement

On 21 October 2011, New Zealand notified the WTO that it accepted the Protocol Amending the TRIPS Agreement to Implement the Doha Declaration on TRIPS and Public Health. New Zealand played an active role in negotiating the 2003 TRIPS waiver that forms the basis of the Protocol. At present the TRIPS Agreement only allows Members to issue compulsory licenses for the supply of patented products to the domestic market of the Member issuing the license. The purpose of the Protocol is to enable countries facing public health problems, particularly developing countries, to obtain generic pharmaceuticals produced in another country under a compulsory license if they do not have the capacity to produce the necessary pharmaceuticals domestically. This provision is currently in place temporarily by virtue of a waiver that was agreed in 2003 by the WTO General Council. The Protocol will convert this temporary waiver into a permanent amendment to the TRIPS Agreement once it is accepted by two thirds of WTO Members.

WTO dispute settlement processes

Australia – Apples

On 17 August 2011, the nine month period agreed between Australia and New Zealand for Australia to implement the WTO's rulings and recommendations in the Australia – Apples dispute expired (also known as the "reasonable period of time" for implementation). During this period, Australia undertook a science-based review of the quarantine risks posed by fire blight, European canker and apple leaf curling midge on New Zealand apples. The findings of the final report support New Zealand's longstanding view that mature and symptomless apples produced under its industry's

standard commercial practices and subject to standard border inspection do not pose a phytosanitary risk. On 17 August, Australia released a determination providing for the importation of New Zealand apples to Australia based on certain conditions. Following release of the determination, import permits were granted and for the first time since 1921, New Zealand apples were available for sale in Australia. Trade is not expected to commence in a commercially meaningful sense until the next full New Zealand apple season, in the first half of 2012.

Disputes in which New Zealand is a third party

In the last six months, the WTO has circulated panel reports in two disputes in which New Zealand is a third party: US – Country of Origin Labelling and US – Tuna II. Both of these disputes involved claims under the WTO Agreement on Technical Barriers to Trade (the TBT Agreement). To date there has been surprisingly little jurisprudence on this key WTO Agreement, and so the analysis of the panels has been much anticipated, particularly on key provisions such as Articles 2.1 and 2.2 of the Agreement. In particular, the Panels have had to consider key concepts such as national treatment, the definition of the phrases “technical regulation”, “legitimate objectives”, “necessity” and “least trade restrictive” in the TBT context.

In US – Tuna II, the Panel found that the US measures establishing conditions for the use of a “dolphin-safe” label on tuna products are mandatory and therefore constitute a technical regulation under the TBT Agreement. This is because the measures prescribe and impose the conditions under which the “dolphin-safe” label can be used, even though it is not compulsory to label tuna as “dolphin-safe” in order to sell it on the US market. On the substantive claims, the Panel held that the measures do not discriminate against Mexican tuna products and are therefore not inconsistent with Article 2.1 (national treatment) of the TBT Agreement. Nor are they inconsistent with Article 2.4, which requires Members to base their technical regulations on relevant international standards unless these would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued. However, the Panel found that the measures were inconsistent with Article 2.2 because the measures are more trade-restrictive than necessary to fulfil the legitimate objectives of ensuring that consumers are not misled, and contributing to the protection of dolphins. The Panel considered that allowing compliance with another standard to also be labelled as “dolphin-safe” (the standard in the Agreement on the International Dolphin Conservation Programme, with which Mexican products complied) was a less trade restrictive measure that was reasonably available, and would meet the US legitimate objectives.

In US – Country of Origin Labelling, the Panel held that the US regime for country of origin labelling (COOL) for pork and beef violated Article 2.1 (national treatment) of the TBT Agreement because it accorded less favourable treatment to imported livestock than to domestic livestock. The regime was also held to be inconsistent with Article 2.2. While the Panel accepted the US argument that the COOL regime has a legitimate objective – consumer information – they found that the regime failed to fulfil this objective. The Panel also determined that a letter from the Secretary of Agriculture violated Article X:3(a) of the General Agreement on Tariffs and Trade because its “voluntary” labelling suggestions undermined the labelling requirements of the measure itself, by suggesting that more stringent labelling criteria should instead be applied. As a consequence of the uncertainty and confusion this created as to which requirements applied, the Panel held that the US had failed to administer its laws, regulations and decisions in a uniform, impartial or reasonable manner.

In both cases, the Office of the US Trade Representative has indicated that it is considering its options for appealing certain elements of the panel reports. Any appeals would not be filed until mid-January 2012.

Indonesia ratifies the ASEAN–Australia–New Zealand Free Trade Area

On 11 November 2011, Indonesia announced that it had completed its domestic procedures to enable the Agreement establishing the ASEAN–Australia–New Zealand Free Trade Area (AANZFTA) to enter into force for Indonesia. AANZFTA is already in force for Australia, New Zealand and the other nine member countries of the Association of South East Asian Nations, and will now enter into force for Indonesia on 10 January 2012. By 2015, Australian and New Zealand exporters will receive tariff-free treatment in Indonesia on more than 90 per cent of tariff items, compared with only 11 per cent now. AANZFTA will also give greater certainty to Australian and New Zealand investors and services suppliers in Indonesia. Indonesia is a major emerging economy with the world’s fourth largest population. It is the largest economy in South East Asia, accounting for over one third of ASEAN’s GDP, and is expected to be one of

the world's top 10 economies by 2030.

Te Vaka Toa Arrangement

In July 2011, Ministers from the Cook Islands, New Zealand, Niue, Samoa, Tokelau and Tonga signed the Te Vaka Toa Arrangement. The arrangement strengthens sub-regional efforts to improve the management of, and generate greater economic benefits from, fisheries resources. It is a valuable new tool to combat illegal, unreported and unregulated fishing. The arrangement provides a foundation for cooperative monitoring, control, surveillance and enforcement activities. It supports effective fisheries management through the sharing of resources, expertise and information, and by encouraging cooperation in the use of ports and the monitoring of fisheries, including in each other's exclusive economic zones.

Charter of the Global Research Alliance on Agricultural Greenhouse Gases

In June 2011, New Zealand signed the Charter of the Global Research Alliance on Agricultural Greenhouse Gases at its inaugural Ministerial Summit in Rome, Italy. The Alliance brings together countries with a mutual interest in researching ways to produce more food while also reducing greenhouse emissions. Over 30 countries signed the Alliance Charter at the Summit, which also launched the working phase of the Alliance. New Zealand co-leads the Alliance's Livestock Research Group and hosts the Alliance secretariat.

Under the auspices of the Alliance, international cooperation and investment in research activities is underway to help reduce the emissions intensity of agricultural production systems and increase their potential for soil carbon sequestration. The Alliance aims to do this in a way that will help improve the efficiency, productivity, resilience and adaptive capacity of agricultural systems, thereby contributing in a sustainable way to overall mitigation efforts, while still helping meet food security objectives.

Upcoming Events

2012 ANZSIL International Economic Law Interest Group Research Symposium

Presented by the International Economic Law Interest Group of the Australian and New Zealand Society for International Law and The Sydney Centre for International Law at the Faculty of Law of the University of Sydney.

Friday 2 March 2012 (8.30am - 5.30pm)

This symposium will entail presentation of current scholarship and research in international economic law. The goal of this symposium is to promote and facilitate discussion of works in progress relating to international economic law. The key note speaker (by skype) will be Professor Alan Sykes of Stanford University Law School, speaking on the Economic Structure of Renegotiation and Dispute Settlement in the WTO.

The full conference program is available [here](#).

Registration Details

ANZSIL members - Full fee: \$110 inc GST, Full-time student: \$77 inc GST

Non ANZSIL members - Full fee: \$165 inc GST, Fulltime student: \$110 inc GST

University of Sydney staff/students/alumni

University of Sydney staff: \$77 inc GST*, University of Sydney full time students: \$77 inc GST, Sydney Law School Alumni: \$132 inc GST. *University of Sydney staff, please contact law.events@sydney.edu.au to register.

Research Opportunities

Research positions at the Erik Castrén Institute of International law and Human Rights at the University of Helsinki.

Applications are open for four research positions at the Erik Castrén Institute of International law and Human Rights at the University of Helsinki.

Two of these are at post-doc level and two positions for doctoral candidates. They are situated with the research project "Intellectual History of International law",

commencing in 2012 under the direction of Academy Professor Martti Koskenniemi. The positions will be vacant as of 1 September 2012. They are initially for 28 months each, with a possibility for extension.

Applications should be made by 30 March 2012.

Personalia

Congratulations to Dr Andrew Serdy who has been promoted to Reader in Public International Law at the University of Southampton.

Internship Reports

Under its internship support program, ANZSIL provides financial support for unpaid internships with International Organizations and NGOs.

Chantal Grut – Special Court for Sierra Leone

From January to July 2011 I undertook an internship with Trial Chamber II of the Special Court for Sierra Leone, with the help of an internship support grant from ANZSIL. During this time I worked on the Special Court's final outstanding case – the prosecution of former President of Liberia, Charles Taylor, for his alleged role in war crimes and crimes against humanity committed in Sierra Leone during the devastating war in that country. This was a particularly interesting time to be with the Trial Chamber, at the close of what has been a long and drawn-out trial.

Charles Taylor was the leader of a rebel group in Liberia, who successfully fought to overthrow the Liberian government of Samuel Doe. From 1997 to 2003, Charles Taylor was the elected President of Liberia. The Prosecution alleges that for the period from 30 November 1996 to 18 January 2002, Taylor supported two rebel factions fighting in Sierra Leone, the RUF and the AFRC, including by sending Liberian fighters to support them. This support was allegedly in exchange for Sierra Leonean diamonds, mined by the rebel forces to fund their war.

Taylor is charged with nine specific crimes: the crimes against humanity of murder, rape, sexual slavery, inhumane acts, and enslavement; the war crimes of acts of terrorism, physical violence, outrages on personal dignity, cruel treatment, and pillage; and the serious violation of international humanitarian law of conscripting or enlisting child soldiers.

Although it is not suggested that Taylor himself set foot in Sierra Leone during the indictment period, he is charged with responsibility for crimes committed by the rebel factions he allegedly supported. He is charged on the basis of individual criminal responsibility (that he planned, instigated, ordered, committed, or aided and abetted planning, preparation, and execution of the crimes); joint criminal enterprise (that the crimes were part of a common plan, design, or purpose in which he participated, or that the crimes were a reasonable foreseeable consequence of the common plan); and/or command responsibility (that he held a position of superior responsibility and exercised command and control over the subordinate rebels, whom he knew or had reason to know had or were going to commit the crimes, and failed to take necessary and reasonable measures to prevent the crimes or punish the perpetrator).

The indictment against Taylor was announced in June 2003, and he resigned as President in August. The Prosecution opened their case against him on 4 June 2007, but the trial was then delayed until January 2008 after Taylor boycotted the trial and dismissed his legal team. By the time I arrived at the Court, it was just in time to hear the final closing arguments.

Coming from New Zealand, much about the Special Court was very familiar – it is an adversarial court, dominated by lawyers from the common law tradition, and the sole working language is English. However, I found that the sheer scale of the case differentiated it from anything I had experienced in New Zealand courts. There was not only the huge quantity of often conflicting testimony and documentary evidence to sift through, but also a huge timeframe to cover. Although the indictment period begins in November 1996, the Prosecution presented a large quantity of evidence pre-dating this. I learned how to use new software tools such as CaseMap which assist greatly in managing cases of this size. As is the case with many international tribunals, there are also many complex issues to address surrounding witness testimony which is not normally seen on the same scale in domestic criminal trials – the passage of time that

has passed since the events, the effect of trauma on witness' memories, and the credibility of insider witnesses who were themselves involved in wrongdoing.

Although the Special Court is based in Freetown, Sierra Leone, the Charles Taylor trial was transferred to the Hague for security reasons. Given the large number of international tribunals and international lawyers based in Hague, the opportunity to briefly be a part of this community was in itself very exciting and educative. This was particularly the case given the important developments in international justice which have taken place this year, including the arrest of Ratko Mladić to stand trial at the International Criminal Tribunal for the Former Yugoslavia, and the issuance of an arrest warrant for Colonel Gaddafi by the International Criminal Court. There were also many opportunities to attend talks and lectures presented by academics, international lawyers and jurists, and civil society groups, including some of those involved in the Special Court for Sierra Leone. The opportunity to hear the perspectives of defence lawyers and civil society groups like the Open Society Justice Initiative provided me with a broader perspective on the work of the Special Court, as it draws to a close.

My time at the Special Court was incredibly valuable, and I am grateful for the financial assistance provided by ANZSIL which made this possible.

Charlotte Leslie – Amnesty International

For a four-month period between January and May 2011 I worked within the Research, Policy and Advocacy unit of the American arm of Amnesty International in New York City, U.S.A.. Amnesty International is a Nobel Prize-winning international human rights advocacy organisation devoted to securing observance of the Universal Declaration of Human Rights. Its activities include conducting research missions, preparing and publishing comprehensive issue-based reports, coordinating and executing member-driven and issue-focused campaigns, and advocating at both the domestic and international level for legislative and political change.

While less visibly a player in the international legal order than United Nations bodies or treaty organisations, Amnesty International is involved in the practice of international law on at least three levels. It conducts field research into breaches of international law, and international human rights law in particular. It makes influential statements of international law in its widely circulated reports of human rights violations. It is also involved in advocacy as an accredited non-governmental organisation with consultative and participatory status in the machinery of the United Nations system and regional international organisations such as the European Council and Organization of American States. This blend of activities and functions make it a dynamic place to work as an intern.

Based in the research team, my principal tasks were conducting legal and factual research for use in two projects: the investigation into the international human rights dimensions of maternal mortality in Amnesty's "Maternal Health is a Human Right" campaign, and an upcoming report on the international human rights dimensions of inter-American migration and American immigration enforcement practices. In the course of this work, I was able to gain an insight into all three levels of Amnesty International's international legal practice.

As part of the American immigration enforcement project, I was involved in researching, assessing, analysing, categorising and describing instances of government conduct regarding immigrants potentially in breach of international human rights obligations. Through this work I gained experience in identifying what kinds of conduct and phenomena are capable of constituting breaches of international human rights law, and familiarised myself with the primary research techniques needed to uncover them. I found this to be a fascinating element of international human rights work. Organisations conducting research missions like Amnesty International are at the front line of applying international human rights law to new factual scenarios, and are thus among the first to see the limitations and possibilities of the law and to test its boundaries.

I also developed an understanding of the processes by which non-governmental organisations research and make statements of international law, as well as gaining an appreciation of the influence of such statements. I saw first-hand the substantial legal research that goes into such statements when I prepared memoranda on whether undocumented migrants can claim a right to health, and the degree to which the causes of inter-American migration correspond to types of persecution under the Refugee Convention. I had the additional opportunity to assess the impact of previous statements of international law in my research into the impact of Amnesty's maternal

health campaign. I was surprised by the degree of success that Amnesty appears to have achieved in reframing the public health-related issue of maternal health as an issue of international human rights law. I believe this development should be of interest to all students of international human rights law, and of language and the law more generally.

Through workshops with Amnesty International staff based at United Nations bodies and regional international organisations in a consultative and participatory role, I was also able to learn about the role (both formal and informal) of non-governmental organisations in this setting.

It was an exciting time to undertake an internship of this kind. From New York I watched, along with the rest of the world, the remarkable events of the “Arab Spring” unfold in the Middle East. At the same time, I celebrated with my colleagues the fiftieth anniversary of Amnesty International’s founding. The coincidence of these two events meant I could not help but reflect on the international human rights movement’s longevity and seemingly simultaneous capacity for surprise.

I was privileged to work alongside talented staff dedicated to international human rights work despite the challenges of the post-recession environment, and with a spirited and diverse group of fellow interns whose backgrounds and perspectives were different from my own. I leave with both an admiration for the work of human rights advocacy organisations and a richer understanding of the political and legal dimensions of their role within the international legal order. I am very grateful to ANZSIL for supporting me financially to undertake this internship.

This email was sent to [email address suppressed]
[Click here](#) to unsubscribe.

ANZSIL
ANZSIL Secretariat
Centre for International and Public Law
ANU College of Law
Australian National University
Canberra ACT 0200

anzsil@law.anu.edu.au
+61 2 6125 0454