



Australian and New Zealand  
Society of International Law

anzsil newsletter

Welcome to the May edition of the ANZSIL newsletter.

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## News in brief

The Society's 14th Annual Conference will be held at Victoria University of Wellington from **2-4 July 2009**. Full details will be e-mailed to Society members and posted on the Society's website.

## From the Editors

Welcome to this second, bumper issue, of the ANZSIL E-Bulletin, the first for 2009. As with the inaugural E-Bulletin this installment brings you an update on recent international law practice from the Australian and New Zealand governments.

You will also find a report from Alexandra Clare, who ANZSIL supported to work as an intern in the Commonwealth Human Rights Initiative in Ghana, and details of upcoming events.

Don't forget that the ANZSIL conference will be held in Wellington from 2-4 July 2009 on the theme of 'The Future of Multilateralism in a Plural World'. More details on the conference can be found below.

The next issue of the newsletter will be released after the conference, and if you would like to have an item included please get in touch with us. We are particularly keen to hear from members on their exciting international law careers for the Personalia section.

**Sarah McCosker and Tim Stephens**

## From the President

*'What a way to run the world – global institutions are an outdated muddle....instead of trying to bin them, focus on making them work well'*

The Economist (3 July 2008)

Perhaps it is just post-Millennial angst, but there seems to be a renewed will to find new solutions to global governance beyond the template of multilateral institutions which was set in San Francisco in 1945 and which has proliferated at such an astounding rate since then. The major personal effort of the last UN Secretary-General, Kofi Annan, to forge a new consensus has come and gone in a 2005 World Summit which failed to achieve major renewal (but at least did no major damage to the key tenets of peace and security). At the same time, the hugely dangerous experiment with unilateralism which has thus far characterised the first decade of the 21st Century seems to be rapidly receding. The revived commitment to multilateralism in the newly-elected administrations in the United States, and indeed in Australia, brings with it the opportunity to consider how the sometimes creaky edifice of the multilateral system can be made to respond better to the urgent common needs of humanity, in a world in which we are daily reminded of both our inter-dependence, and our very different cultural perspectives and priorities.

As international lawyers, we have a particular responsibility, since the architecture of international law provides the framework within which multilateral cooperation takes place. As I travel around the world, I continue to be struck, too, by the extent of contribution made by Australian and New Zealand lawyers to the day-to-day operation of international law - whether in scholarship, in international dispute resolution or in treaty negotiation and diplomacy.

For all of these reasons, then, I am very excited by the programme for our forthcoming Conference in Wellington from 2-4 July 2009. All members will shortly receive an e-copy of the Preliminary Programme - and we have set out below some of the key highlights. Do join us in Wellington for what promises to be a fascinating, and important, contribution to the growing debate on the future of multilateralism.

Before closing this brief message, may I thank Tim and Sarah for their wonderful work in editing the ANZSIL E-Bulletin - and thank also the Australian and New Zealand Governments for providing valuable information on current practice. This is a major new benefit to ANZSIL membership. Our special congratulations to Sarah for the successful defence of her doctorate at Oxford!

With best regards,

Yours sincerely,

**Campbell McLachlan**

Professor Campbell McLachlan QC  
President

## Annual Conference

The Organising Committee is delighted to unveil this week the Preliminary Programme and Registration for the Society's 14th Annual Conference, which will be held at Victoria University of Wellington from 2-4 July 2009. Full details will be e-mailed to Society members and posted on the Society's website. Joining many distinguished scholars from Australia and New Zealand, there will be a number of leading voices from outside the region. These include: Professor Alan Boyle (Edinburgh) and author (with Christine Chinkin) of *The Making of International Law* (OUP, 2007); Professor Christopher Joyner (Georgetown), who will be re-evaluating America's role in the multilateral system; Professor Yashuei Taniguchi (Shensu, Japan and former member of the WTO Appellate Body); Professor Roger Clark (Distinguished Professor at Rutgers, and a world authority on international criminal law); and Colin Keating (Columbia), the New Zealander who heads Security Council Report, the major new research body devoted to monitoring the activities of the Security Council. In addition, the Conference will be honoured to have the participation of His Excellency The Hon Sir Anand Satyanand, Governor-General of New Zealand, a distinguished lawyer, with a close interest in the theme of our Conference. The Conference is kindly sponsored by the NZ Ministry of Foreign Affairs and Oxford University Press.

Those who attended the last ANZSIL Conference in Wellington in 2006 will remember the wonderful hospitality extended to us by the New Zealand Government - at Premier House (the official residence of the Prime Minister) and at Parliament. We are delighted to announce that both of these venues will again be made available to us for social events, with the generous support of the Minister of Foreign Affairs and the Attorney-General.

We look forward to welcoming you to the lively harbour capital for what promises to be an inspiring conference.

For further queries and registration, contact the Conference Administrator, Olivia James, now at [law.events@vuw.ac.nz](mailto:law.events@vuw.ac.nz).

## Recent Australian Practice

### Cluster munitions

On 3 December 2008, Australia, represented by the Minister for Foreign Affairs, Mr Smith, was among the original signatories to the Convention on Cluster Munitions at a signing ceremony hosted by the Government of Norway in Oslo.

The new treaty was adopted by over 100 States at the Dublin Diplomatic Conference (19-30 May 2008). The treaty bans cluster munitions that cause unacceptable harm to civilians, and represents a significant humanitarian outcome, particularly in regard to the protection of civilians in conflict zones, victim assistance and clearance of affected areas.

As part of Australia's formal ratification process for the Convention, a National Interest Analysis setting out the benefits for Australia in ratifying the Convention, and Australia's responsibilities under the Convention, was tabled in the Parliament on 12 March 2009.

### Australian appointed inaugural Rapporteur to the United Nations Disabilities Convention

On 3 March 2009, Professor Ron McCallum AO was appointed the inaugural Rapporteur to the United Nations Convention on the Rights of Persons with Disabilities. As Rapporteur, Professor McCallum will be responsible for reporting to the UN General Assembly on the recommendations and activities of the Committee on the Rights of Persons with Disabilities (the Committee). Professor McCallum was elected on 4 November 2008 for a two-year term to the Committee as one of twelve experts.

Australia was one of the first Western countries to ratify the Convention on the Rights of Persons with Disabilities in July 2008.

### **The Montreux Declaration on private military and security companies**

On 17 September 2008, Australia participated with 16 other States in discussions that finalised and adopted the "Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to the Operations of Private Military and Security Companies (PMSCs) during Armed Conflict." The Montreux Document reaffirms existing international legal obligations in regard to PMSCs and identifies good practices to assist States in ensuring respect for international law in their relationships with such companies. Australia is of the view that the Montreux Document should reduce the risks associated with PMSCs by contributing to the promotion of ethical standards and accountability within PMSCs and the States that contract them. It will also promote greater awareness and respect for international humanitarian law and human rights.

### **International Fisheries law**

Over the past year, the Australian Government has continued to be active in developments in international fisheries law, advocating for improved fisheries management and conservation outcomes through global, regional and bilateral fora. The Informal Consultation of Parties to the UN Fish Stocks Agreement, held in New York from 16 to 19 March 2009, proved a useful forum to exchange views on a range of issues relating to the practical implementation of international fisheries law, ahead of the formal Review Conference in 2010.

Australia continues to be closely engaged in efforts to improve the international governance framework for fisheries management, particularly through the regional fisheries management organisations in which it is involved. The sixth round of negotiations for a South Pacific Regional Fisheries Management Organisation was held in Australia in October 2008 and with the next round to be held in Lima, Peru in May 2009, it is hoped that the Convention text will be finalised for adoption by the end of the year. Australia is also an active member of the Western and Central Pacific Fisheries Commission, which adopted six binding resolutions at its fifth session in December 2008. In preparation for the sixth session in December 2009, Australia is leading a group to develop processes and structures for monitoring compliance with conservation and management measures adopted by the Commission, and procedures for taking actions to promote future compliance.

Australia continues to focus on combating illegal, unreported and unregulated (IUU) fishing, and has been a strong supporter of the development of a legally-binding instrument on port State measures to prevent, deter and eliminate IUU fishing. Australia attended the second round of negotiations in January 2009, and is contributing funding towards the next round of negotiations for this global instrument, which will be held in Rome in May 2009. In addition, Australia participated in a workshop on the proposed future Global Record of Fishing Vessels in London in January 2009, which has the potential to be a useful element of the international framework to detect, impede and prevent vessels that engage in IUU fishing.

### **Australia accedes to the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women**

On 4 December 2008, Australia acceded to the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Optional Protocol entered into force for Australia on 4 March 2009. Australia has a long-standing commitment to upholding and safeguarding the rights of women, and has been a party to CEDAW since 1983.

Australia's accession to the Optional Protocol will strengthen the rights of Australian women and provide a further measure to protect them against discrimination. Australian women are now able to make representations to the CEDAW Committee, once all domestic avenues have been exhausted, where they believe their rights under

the CEDAW have not been respected. The CEDAW Committee can issue views on whether a breach of the CEDAW has occurred and on measures to address the breach. The Optional Protocol also creates a procedure enabling the Committee to initiate inquiries into situations of grave or systemic violations of women's rights.

Australia's accession to the Optional Protocol demonstrates the Australian Government's commitment to the promotion and protection of the rights of women, and the Government's willingness for international scrutiny of this commitment to take place.

#### **Australian Appearance before the United Nations Human Rights Committee**

Australia appeared before the UN Human Rights Committee on 23 and 24 March 2009 in relation to its Fifth Periodic Report under the International Covenant on Civil and Political Rights (ICCPR). Australia's Common Core Document, comprising Australia's fifth report under the ICCPR, and Australia's fourth report under the International Covenant on Economic, Social and Cultural Rights, was tabled in Parliament and lodged with the United Nations on 25 July 2007. It covers implementation of the covenants from January 1997 to June 2006. Australia's written response to the Committee's List of Issues was submitted on 19 January 2009.

#### **International Criminal Court: Crime of Aggression**

The Australian Government participated in the final meeting of the Special Working Group on the Crime of Aggression, as part of the Assembly of States Parties in New York in February 2009. The Working Group concluded its work considering draft provisions on the crime of aggression for insertion into the Rome Statute.

There continue to be divergent views regarding the role of the United Nations Security Council on triggering the Court's jurisdiction, and a possible role for other international bodies. Although the work of the Working Group has concluded, consideration of the crime of aggression will continue at an informal intersessional meeting in June 2009 and at the eighth session of the Assembly of States Parties in November 2009. The amendments are expected to be submitted to a Review Conference of the Rome Statute scheduled to take place in the first half of 2010 in Uganda.

#### **Australia – Chile Free Trade Agreement**

The Australia-Chile Free Trade Agreement entered into force on 6 March 2009 and is Australia's first FTA with a Latin American country. The FTA covers trade in goods and services as well as investment and a range of trade related issues such as intellectual property and government procurement. Tariffs on all existing merchandise trade will be eliminated by 2015. The Agreement eliminates immediately Chile's tariffs on almost 92 per cent of tariff lines covering 97 per cent of goods currently traded. The Agreement includes commitments by Chile to maintain an open and non-discriminatory market for Australian services, including in important sectors for Australia such as education, professional services, mining, engineering, management consulting and financial services. The FTA locks-in both parties' liberal investment regimes and includes commitments that ensure investments are protected.

## **Recent New Zealand Practice**

#### **Convention on Cluster Munitions - New Zealand among the first to sign**

New Zealand was one of ninety-four countries to sign the Convention on Cluster Munitions when it opened for signature at a signing ceremony held in Oslo, Norway, on 3 December 2008. New Zealand's early signature of the Convention was in keeping with New Zealand's leading role during the development of the Convention, where New Zealand was: one of the six States which tabled a mandate demanding a new international instrument in the Convention on Certain Conventional Weapons; a member of the Core Group which guided the Oslo Process and developed the Convention text; host of the Wellington Conference in February 2008 which provided the formal bridge for the convening of the Dublin Conference and laid the ground for outcomes on several key articles; and chair of the discussions in Dublin on the key issue of defining what would be prohibited. New Zealand is now considering the steps necessary to become Party to the Convention.

The Convention will enter into force six months after the deposit of the thirtieth instrument of ratification.

## **South Pacific Regional Fisheries Management Organisation**

New Zealand and Australia continue to engage actively in negotiations to establish a South Pacific Regional Fisheries Management Organisation (SPRFMO) to manage the non-highly migratory fisheries of the South Pacific. The 6th round of negotiations was held in Canberra in October last year. The seventh round of the negotiations is to be held in Lima, Peru in May this year. At the Canberra meeting, considerable progress was made in developing the Convention text, particularly with respect to the powers of the new Organisation to adopt effective measures for the conservation and management of species that straddle the high seas and adjacent areas under national jurisdiction.

New Zealand has continued to work to implement the interim measures agreed by the participants in the negotiations in 2007 in response to General Assembly resolution 61/105 to avoid adverse impacts of deep sea fishing on vulnerable marine ecosystems. The interim measures also put in place interim restraints on fishing for pelagic species on the high seas.

## **Western Central Pacific Fisheries Commission**

New Zealand has been engaged in the ongoing work of Western Central Pacific Fisheries Commission (WCPFC). The major achievement of the Commission meeting in December 2008 was the agreement on conservation and management measures for bigeye and yellowfin tuna to limit catches of those species which are under stress. The agreement represents a significant milestone for the WCPFC and puts it ahead of the other four tuna regional fisheries management organisations in terms of responding to scientific advice about the status of stocks.

New Zealand's work throughout the year on the issue of cooperating non-members (CNM) led to a far more structured and principled deliberation of new applications, and New Zealand also played a key role in the development and agreement of a revised measure covering decisions on CNM status that will apply from 2009. New Zealand's support for Pacific Island countries tackling Illegal, Unreported and Unregulated (IUU) fishing led to settlements being reached with Tonga and Cook Islands to address IUU fishing incidents by the flag states of the vessels involved. Conservation and management measures were also agreed on swordfish, sharks, turtles and the use of driftnets on the high seas.

## **Commission for the Conservation of Southern Bluefin Tuna**

The meeting of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) in Auckland last year made significant progress, adopting three key measures to better manage the fishery: a catch documentation scheme, a vessel monitoring scheme, and high seas transshipment controls. A two-stage performance review, initially coordinated by New Zealand, was critical of CCSBT's overall performance concluding that CCSBT had failed in its primary role of ensuring the sustainability and optimal utilisation of SBT - as well as on other matters such as protecting ecologically related species (ERS) such as seabirds, sharks and sea turtles. The Commission decided that most of the issues identified in the reports were already being addressed (e.g. through CCSBT 15's adoption of monitoring, control and surveillance measures and an ERS recommendation). However, CCSBT 15 also agreed to take other steps, the most significant of which was to establish a working group to develop a re-building strategy for Southern Bluefin Tuna. The Southern Bluefin Tuna stock is still at a historically low level and hard decisions will need to be taken in 2009 if there is to be any chance of rebuilding the stock. An intersessional meeting will be held in Tokyo in April 2009 to develop a stock re-building strategy for Southern Bluefin Tuna.

## **Paloma V listed on CCAMLR's IUU list**

In October 2008, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) added the fishing vessel Paloma V to CCAMLR's illegal, unreported and unregulated (IUU) vessel list on the basis of information provided by New Zealand.

The information New Zealand provided linked the vessel to IUU fishing, and was obtained in May 2008 during an examination by the New Zealand Ministry of Fisheries of the Paloma V, which had called into Auckland to unload toothfish. In June 2008 the vessel's owners brought judicial review proceedings in the High Court in Wellington, attempting to prevent New Zealand from reporting to CCAMLR the information obtained during the examination and from proposing the Paloma V for inclusion in

CCAMLR's IUU vessel list. The High Court found in the Government's favour, and New Zealand filed its CCAMLR report in July 2008.

### **New Zealand's Continental Shelf Rights Confirmed**

On 12 September 2008, the UN Commission on the Limits of the Continental Shelf (the Commission) confirmed New Zealand's rights over approximately 1.7 million square kilometres of continental shelf. This continental shelf area lies beyond 200 nautical miles from the coast, and is approximately six times the land area of New Zealand. The continental shelf is shown in the map available [here](#).

Under the United Nations Convention on the Law of the Sea (UNCLOS), a coastal State has exclusive rights to the resources of the seabed beyond 200 nautical miles (extended continental shelf) if it can show that the seabed is the natural extension of its land territory. UNCLOS requires that a State asserting rights to an extended shelf must submit information on the limits of its extended continental shelf to the Commission. New Zealand lodged its submission with the Commission in April 2006. It was the fifth country to make a submission.

The Commission and its 7-member sub-Commission examined New Zealand's submission for two years before issuing final recommendations on the outer limits of New Zealand's continental shelf. The recommendations endorse over 98% of the shelf area contained in New Zealand's original submission.

New Zealand can now set its continental shelf boundary on the basis of the Commission's recommendations. This will be done by Order in Council under the Continental Shelf Act 1964. The boundary will be binding on other countries.

A boundary will also be negotiated with Fiji and Tonga over the continental shelf north of New Zealand. A continental shelf boundary was agreed with Australia in July 2004.

### **Protocol to the New Zealand – United States Double Tax Agreement**

A protocol to amend the existing Convention between New Zealand and the United States of America for the Avoidance of Double taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income was signed in December 2008. It is not yet in force. The main purpose of the US Protocol is to reduce the withholding tax rates that apply on dividend, interest and royalty payments made between New Zealand and the United States.

### **New Zealand – Republic of Korea Film Co-Production Agreement**

The Agreement between the Government of New Zealand and the Government of the Republic of Korea Concerning the Co-Production of Films entered into force in December 2008. Film co-production agreements allow approved film projects to gain the status of "official co-productions". This status entitles a co-production film project access to the benefits accorded to national films in each of the co-producers' countries.

### **Amendments to the New Zealand – United Kingdom Air Services Agreement**

An Exchange of Letters constituting an agreement to amend the Agreement between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services was concluded in October 2008. The main purpose of the agreement is to remove the right to place a quota on the number of passengers that New Zealand airlines could carry between the United States and London.

### **New Zealand – EC Scientific & Technological Cooperation Agreement**

The Agreement on Scientific & Technological Cooperation between the European Community and the Government of New Zealand entered into force in January 2009. The purpose of the Agreement is to foster stronger scientific connections between New Zealand and its major bilateral research partners in the European Community.

### **Working Holiday Schemes**

In the last quarter of 2008 New Zealand concluded Agreements on working holiday schemes with Latvia and Peru. These supplement the already extensive network of working holiday schemes New Zealand has in place. The purpose of these Agreements is to promote people-to-people links between New Zealand and working holiday scheme partner countries by allowing people between the age of 18 and 30 to travel to the other country and engage in employment.

The Agreement on a Working Holiday Scheme between the Government of New Zealand and the Government of the Republic of Latvia was signed on 10 September 2008 in Riga, Latvia and entered into force on 2 March 2009. The Agreement on a Working Holiday Scheme between the Government of New Zealand and the Government of the Republic of Peru was signed on 22 November 2008 in the margins of the APEC summit in Lima, Peru. This Agreement has not yet entered into force.

### **Entry into Force of China FTA**

The Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China entered into force on 1 October 2008. New Zealand became the first developed country to sign a free trade agreement with China when the two countries signed the Agreement in China on 7 April 2008. The entry into force of the Agreement saw the immediate elimination of tariffs on over \$200 million worth of New Zealand exports to China while further tariff cuts would see the phasing out of tariffs on over 96% of New Zealand's exports to China by 2017.

### **Agreement Establishing the ASEAN – Australia-New Zealand – Free Trade Area**

New Zealand and Australia, along with the ten members of the Association of South-East Asian Nations (ASEAN) signed the Agreement Establishing the ASEAN - Australia-New Zealand – Free Trade Area in Cha-am, Phetchaburi, Thailand on 27 February 2009. This Agreement is the first time that ASEAN has negotiated a comprehensive free trade agreement as part of a 'single undertaking' which, as well as Goods, Services and Investment commitments, includes areas such as Sanitary and Phytosanitary, Competition Policy and Intellectual Property.

As a whole, the ASEAN region is New Zealand's third largest export market and in 2008 was worth \$4.6 billion. The Agreement will gradually make 99% of New Zealand's exports to key ASEAN members, Indonesia, Malaysia, the Philippines and Viet Nam tariff-free.

The Agreement will enter into force once New Zealand, Australia and four ASEAN member states have advised of the completion of their internal requirements necessary for entry into force of the Agreement. New Zealand is currently in the process of drafting legislation to implement the Agreement.

As a group, ASEAN accounts for 17 per cent of Australia's total trade (worth \$81 billion in 2007-08), larger than any single country including China, Japan and the United States. AANZFTA binds current low ASEAN tariffs and delivers over time tariff elimination commitments from the more developed ASEAN countries and Vietnam on between 90 and 100 per cent of tariff lines covering 96 per cent of current Australian exports to the region. The FTA also delivers greater certainty and transparency for Australia's services exporters and investors, including through WTO-plus services commitments across a range of sectors and countries.

## **Intern's Report**

*Under its internship support program, ANZSIL provides financial support for unpaid internships with International Organizations and NGOs. Here we are delighted to provide the report from our most recent intern, **Alexandra Clare**, who worked at the Commonwealth Human Rights Initiative (CHRI) in Ghana.*

Being an intern at the Commonwealth Human Rights Initiative (CHRI) for 3 ½ months was truly the experience of a lifetime. The CHRI is an independent, international non-government organization which is mandated to ensure the practical realization of human rights in Ghana. The CHRI aims to promote awareness of and adherence to the Universal Declaration of Human Rights, and other internationally recognized human rights instruments, as well as domestic instruments supporting human rights. This is achieved through fact finding missions, reports and workshops which draw attention to the progress and setbacks in human rights as well as advocating for approaches and measures to prevent human rights abuses with the Commonwealth Secretariat, the Ghanaian government and civil society organizations. During my time at CHRI, I was fortunate enough to work under Nana Oye Lithur one of Ghana's leading human rights and gender activists who was recently awarded an MDG3 torch for her efforts.

As part of my internship, I completed a thesis on a traditional cultural practice known as trokosi. The practice involves sending young girls, mostly between the ages of 8 and 15, into ritual servitude at a shrine for the misdeeds of their family members. Often the priests at the shrines subject the girls to hard labour and sexual abuse. Despite the fact

that the practice was criminalized in 1998 it continues to thrive in many parts of Ghana. It has been estimated by various NGOs that between 5,000 and 20,000 girls are still in servitude namely in the greater Accra and the Volta regions. My research also focused on past liberation efforts and the effects of community participation. I analysed the debate between traditional authorities who rely on cultural relativism to condone such practices and those who believe that women's rights cannot be infringed upon through the international human rights framework.

One of my major projects whilst working for CHRI was to develop a workshop and position paper assessing the legal and policy framework regulating reproductive health in Ghana. In doing so I assessed the law and policy in regards to eradicating harmful traditional practices such as FGM, the right to health care and health insurance, the causes and consequences of maternal mortality, family planning and the use of contraceptives, child sexual abuse, the right to liberty and security of a person, as well as the implementation and effects of various national laws such as the Domestic Violence Bill and the Minimum Marriage Age Act. Furthermore, I analysed case studies on children's rights, the prevention of HIV/AIDs and unsafe abortion in Ghana. The workshop was held in two prominent regions, Kumasi – the central region and Tamale – the northern region. Participants included traditional leaders such as chiefs and queen mothers, health professionals, politicians, and representatives from various NGOs. The diverse nature of the members meant that the debates were lively and progressive.

I was also lucky enough to be in Ghana during the election period. On the whole, the elections were relatively peaceful however there were areas in which eruptions of political violence occurred. One case that was brought to CHRI's attention had occurred in a small township called Gushagu, in the Northern reaches of the country. In order to get an accurate account of events we undertook a fact-finding mission to the site. There, we discovered that supporters of one political party, the National Patriotic Party (NPP) had rioted the township which supported the rival political party the National Democratic Congress (NDC). In doing so they had burnt down over 150 residences, destroyed the livelihoods of many of the inhabitants and killed over 10 people. For the purposes of the fact finding mission we interviewed over 60 witnesses from diverse backgrounds and took photographic evidence of the properties destroyed. It was an amazing experience to sit down and listen to many of the stories which were told with so much hope and courage for the future.

Some of my work at CHRI was related to the importance of passing the Freedom of Information Bill. Right to Information is a recognized universal human right that forms a building block for the attainment of a full range of other human rights. Despite the fact that Ghana has long been considered the "Gateway to Africa", the government is yet to recognize the importance of transparency, accountability, and participation. As such, the Right to Information Bill has still not even made it into legislature. A draft Bill on the right to information (RTI) in Ghana was drafted by the Attorney-General's department in 2002 and has since been revised in 2005 and more recently in 2007. The objective of the Bill is to provide a legal framework for the right of access to information held by government agencies. More so, this is reinforced with the existence of laws such as Oaths Decree, State Secrets Act and Internal Revenue Act whose provisions run counter to the aspirations of open governance. In an attempt to raise awareness and gain political commitment towards the passage of the bill, CHRI held two workshops with key participants in Cape Coast and Takoradi. One of the highlights was a very candid dialogue between numerous traditional rulers about the legal system and their role within it. In particular, some chiefs felt that Parliamentary legislation and the development of the judicial system often took away from the roles and responsibilities of traditional rulers. The legal education and awareness projects gave me the opportunity to experience the complexities and competing interests in the process of implementing domestic human rights legislation.

During my internship I also took on various cases regarding human rights abuses. These were primarily concerned with rape, defilement and interstate succession. It was extremely interesting to gain an insight into the domestic legislation and justice system first hand. I gained experience interviewing clients, attending court proceedings and drafting letters of advice. Furthermore, I gained an insight into the difficulties that surround gaining access to justice through the court system which is often slow and expensive especially for those groups which are already marginalized.

I also completed smaller projects at the office, mostly on reports to donor organizations

and drafting new funding proposals. One such project was based on analyzing the recent changes in child trafficking laws and the effects on industry within Ghana namely the fishing and cocoa industry.

I thoroughly enjoyed my internship with CHRI – I gained a multi-faceted understanding of on the ground development work from the context of a legal NGO. At the office, I was fortunate enough to work with a dedicated group of Ghanaian staff as well as international interns who came with a wealth of knowledge and differing perspectives from a diverse range of legal backgrounds. Moreover, I learned a great deal about law and development. Legislation is the key to making a change in actual practices, especially for a country where the enforcement mechanisms, including the courts, remain quite basic. I learnt that knowledge of legal rights and protections is the essential first step to making a change in this country and the only way that people are going to achieve true access to justice.

## Upcoming Events

**NSW Young Lawyers Society - Continuing Legal Education Seminar - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women - Wednesday 6 May - Law Society of NSW, Level 9, 170 Phillip St, Sydney**

The CEDAW Optional Protocol permits individuals within the jurisdiction to initiate complaints to the UN Committee on the Elimination of Discrimination against Women, the body responsible for monitoring States Parties' compliance with the Convention. Australia acceded to the Optional Protocol in December 2008 and will shortly enter into force. The seminar will provide practical information for practitioners on the opportunities offered by UN complaints mechanisms and the prospects of the Optional Protocol as a mechanism for advancing the rights of women. It will also review the broader women's human rights policy framework, outline the institutional environment, consider the process for compiling national reports and identify opportunities for community engagement.

Speakers: Sue Conde, the President of UNIFEM Australia, Edwina MacDonald, from Women's Legal Services Australia, and Sarah McCosker, from the Office of International Law in the Attorney-General's Department. Further details are available [here](#).

### **International Red Cross and Red Crescent Movement 2009 Anniversaries**

2009 marks a series of significant milestones for the International Red Cross and Red Crescent Movement:

- the 150th anniversary of the Battle of Solferino
- the 90th anniversary of the founding of the International Federation of Red Cross and Red Crescent Societies, and
- the 60th anniversary of the Geneva Conventions.

To mark these anniversaries, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies will launch a major campaign, Our world. Your move. to highlight today's humanitarian challenges. The campaign will aim, among other things, to show the reality of the long-lasting impact of conflict on civilians and re-emphasise the principle of distinction and the need to protect civilians during armed conflict. The campaign also encourages people to get involved and make a difference where they can in the world.

Various events will be occurring throughout this year in Australia and New Zealand, run by the International Committee of the Red Cross, Australian Red Cross and New Zealand Red Cross to celebrate these important milestones for humanity and international humanitarian law (IHL). Please keep an eye out for these events and demonstrate your support for the Red Cross and Red Crescent Movement and IHL.

In the meantime, for further information, please contact Kelisiana Thynne, Legal Adviser, International Committee of the Red Cross or Pauline Wall, Communications Officer, International Committee of the Red Cross on +61 2 93889039 or log on to the ICRC's website: <http://www.icrc.org>

**Conference - International Law in a Multi-polar and Multi-civilizational World: Asian Perspectives, Challenges and Contributions - Second Biennial Conference of the**

## **Asian Society of International Law, 1-2 August 2009**

The Second Biennial General Conference of the Asian Society of International Law (AsianSIL) will be held on 1-2 August 2009 at the University of Tokyo, Tokyo, Japan. The theme of the Conference is: "International Law in a Multi-polar and Multi-civilizational World: Asian Perspectives, Challenges and Contributions".

The Call for Papers for this Conference concerns four different types of Papers: Plenary Session 1, three Agora Panels (A1-A3), three Panels of Session A (A4-A6) and three Panels of Session B and C. The Organizing Committee seeks to encourage the participation in the Conference of all international lawyers, whether young professionals or established scholars, academics or practitioners, by inviting submissions of papers or proposals for speakers or discussants in all sessions and panels.

To truly represent the spirit of "Multi-polar and Multi-civilizational" perspectives, speakers and discussants will be selected through a competitive process without any prejudice to factors such as race, gender, language, religious background and geographical location. Papers of the discussants in Plenary Session I, and the panelists of Panel Sessions A1, A2, A3, A4, A5 and A6 will be selected by the Selection Committee, which will work independently of the Organizing Committee. The panelists of Panel Sessions B1, B2 and C3 will be selected by the organizers of these panels.

An applicant can submit his or her paper for up to two panels, though he or she will not be selected for more than one panel. Any such applicant must indicate in each paper that he or she is applying for two panels, and must provide details of the second paper being submitted, including the title of the paper and the panel.

The Organizing Committee will cover accommodations for all the panelists and discussants from 31 July (in) to 3 August (out) for three nights in hotels which are near to the conference site. We will not ask registration fees of the panelists or discussants. Furthermore, we will subsidize the airfares of a limited number of presenters. The subsidy will be provided to a substantial number of discussants of the plenary session and panelists who submit papers of exceptionally high quality. The amount of subsidy will be limited to the actual fare between Tokyo and the airport of departure, discount economy class, up to 100,000 yen. If the fare exceeds 100,000 yen, the recipient of the subsidy must pay the balance between the actual fare and the subsidy of 100,000 yen.

## **Conference - Human Rights in the Asia-Pacific: Towards Institution-Building, 27-28 November 2009**

The Australian Network for Japanese Law (ANJeL), Sydney Centre for International Law, Australian Human Rights Centre, and the Centre for Asia Pacific Law at the University of Sydney are organising an international conference on Human Rights in Asia-Pacific: Towards Institution-Building" in Sydney on 27-28 November 2009. The organising members are calling for paper relating to human rights monitoring mechanisms in the Asia-Pacific region. For more information about the conference, please contact Dr Hitoshi Nasu (NasuH@law.anu.edu.au). To propose a paper or register for the conference, please email ANJeL (anjelinfo@gmail.com).

## **Conference - Investment Treaty Arbitration: Evolution and Revolution in Substance and Procedure - Faculty of Law, University of Sydney, 4-5 February 2010 (tentative dates, to be confirmed)**

The impetus for the conference is that investment treaty arbitration is now well-established on the international plane as a significant dispute resolution mechanism and that it is impacting on a wide range of areas and politico-legal issues. The conference will be exploring these impacts, emerging issues, evolving jurisprudential trends, and necessary changes in future direction. The idea is to have two streams — one addressing the way in which the explosion of investment treaty jurisprudence is impacting on the substantive principles of international investment law; and one addressing emerging procedural issues. There would also be two further streams of cross-cutting issues — one addressing the interaction between investment arbitration and 'commercially-oriented' areas such as international commercial arbitration, WTO law, or international taxation; and one addressing the interaction between international investment law and the international law of the environment, development, and human rights. For further information please contact Kate Miles at the Sydney Centre for International Law, Faculty of Law, University of Sydney.

## Calls for Papers

The **Australian International Law Journal** is calling for submissions of articles, case notes and book reviews on any area of public or private international law. Articles should normally be 6,000 to 12,000 words; case notes 2,000 words; and book reviews up to 1,000 words. Submissions should be sent to the Editors at: [law.scil@usyd.edu.au](mailto:law.scil@usyd.edu.au)

The Australian International Law Review is an annual, peer-reviewed international law journal under the General Editorship of Dr Ben Saul, the Director of the Sydney Centre for International Law. From 2007, the Journal has become a joint publication of the International Law Association (Australian Branch) and the Sydney Centre for International Law at the Faculty of Law, The University of Sydney. Subscribers include major international and Australian universities, international organisations, governments and international law practitioners. Please see the Journal's [website](#) for further details.

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## Personalia

**Associate Professor Jane McAdam** currently holds two Australian Research Council Discovery Grants. The first is a three-year grant entitled 'Weathering Uncertainty: Climate Change "Refugees" and International Law', which supports her research on climate-induced displacement. More information about that project can be found [here](#). The second is a four-year grant on 'Immigration Restriction and the Racial State, c. 1880 to the Present', which examines the history of medico legal border control in the Asia Pacific region. This grant is held in conjunction with two historians, Associate Professor Alison Bashford at Sydney University and Dr Sunil Amrith at the University of London. Associate Professor McAdam has also been awarded a grant from the Canadian Social Sciences and Humanities Research Council International Opportunities Fund, in conjunction with Professor Guy Goodwin-Gill (Oxford), Professor Geoff Gilbert (Essex), Professor Kate Jastram (Berkeley) and Professor James Simeon (York University, Toronto). The research project is entitled 'War Crimes and Refugee Status: The Application and Interpretation of International Humanitarian and International Criminal Law to the Adjudication of Refugee Status in Canada, the United States, the United Kingdom, Australia and New Zealand'.

**Sarah McCosker** has passed her doctoral examination and will be awarded the degree of Doctor of Philosophy (PhD) at the University of Oxford in June 2009. Her thesis examined the relationships between legal and diplomatic methods of international dispute settlement, and discussed the way that the relationship between international law and diplomacy is presented in international law scholarship. Her supervisor at Oxford was Sir Franklin Berman KCMG QC, and her examiners were Professors Vaughan Lowe and Colin Warbrick. Since 2006 Sarah has been working at the Australian Attorney-General's Department in the Office of International Law.

**Professor Peter Radan** has recently been appointed Professor of law and Dean of Macquarie Law School, Macquarie University.

**Emeritus Professor Ivan Shearer** of the University of Sydney has been appointed an honorary adjunct professor in the School of Law, University of South Australia, Adelaide.

**Dr Christopher Staker** has returned to full-time practice as a barrister at 39 Essex Street chambers in London, having served as Deputy Prosecutor of the Special Court for Sierra Leone (SCSL) since July 2005 (and having been acting chief prosecutor of the SCSL for the latter half of 2006). Amongst his other duties at the SCSL he was lead counsel for the prosecution team in the post-judgement appeals in the AFRC and CDF cases, in which the judgements were given in 2008. Positions that he has previously held include counsel in the Office of International Law of the Commonwealth Attorney-General's Department, Counsel Assisting the Solicitor-General of Australia, Senior Appeals Counsel at the International Criminal Tribunal for the Former Yugoslavia (ICTY) and Principal Legal Secretary at the International Court of Justice (ICJ). He was one of the counsel for Australia in the East Timor case and Nuclear Weapons Advisory opinions before the ICJ, and was lead counsel for Guinea-Bissau in the Juno Trader case before the International Tribunal for the Law of the Sea. He was a member of the ANZSIL Executive Committee from 2003-2005, and a member of the editorial board of the Australian Yearbook of International Law from 1994 to 1996. His current practice

includes public international law, international arbitration, international criminal law, public law, European Community law and human rights.

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