





## **CONFERENCE SPONSORS**

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#### **WELCOME**

Welcome to the 26<sup>th</sup> Annual Conference of the Australian and New Zealand Society of International Law. The New Zealand Centre for Public Law, Victoria University of Wellington, is privileged to host this conference in 2018.

#### **About the Conference**

This is ANZSIL's 26<sup>th</sup> Annual Conference, and its theme of 'International Law: From the Local to the Global' has been selected to reflect the tension between the global aspirations and traditions of international law and the impact of more local demands that is challenging international law practice and scholarship. Law and institutions that have been built upon state-centric institutions and universalist aspirations face the challenge of shifts in regional perspectives; the impact of domestically-focussed legislation, referenda and other national political processes; development and sometimes divergence in national foreign relations law; and changing capacities of non-state actors. The 26<sup>th</sup> ANZSIL Annual Conference is an opportunity to explore these themes as they arise across a range of contexts.

The intersection of domestic law and politics with international law

The 2017 ANZSIL Conference explored the role of international law in an age of nationalism, which is continuing to have an influence in many states. How does domestic law and politics affect international law? Are some national legal systems becoming more open or more closed to international influences? If so, what are the reasons for this? And to what extent are there major differences in the ways in which national legal systems conceptualise international law? Does this undermine assumptions about the universality of international law?

The intersection between regionalism and globalism

There is ongoing tension in international law between the development of global rules and institutions, and the ascendancy of regionalism – as seen for example in the preference for regional trade agreements over new WTO rules and the argument that the international community has no role to play in security disputes in particular regions. Does this move challenge the international rule of law, or is it an opportunity for international law to respond to the needs of particular groups of states?

The emergence of new (and old) global challenges

New challenges are arising for the international community all the time. Meanwhile, the existing challenges continue, but in a time at which national interests are sometimes being promoted over the stability of the international order. Are the existing international legal frameworks capable of effectively responding to these developments? Are the principles on which the international legal order are based under threat? Or can we be confident that the international rule of law is sufficiently robust that contemporary challenges are no more problematic than those that arose in the past?

#### **Conference Abstracts and Bios**

Full paper abstracts and biographical information for speakers can be found via the online programme at www.anzsil.org.au/event-2746424.





#### **Conference Featured Speakers**

- Vincent Bernard, Editor In Chief, International Review of the Red Cross and Head, ICRC Law and Policy Forum
- > The Honourable Robert French AC, Former Chief Justice of the High Court of Australia and Chancellor, University of Western Australia
- > Campbell McLachlan QC, Professor of Law, Victoria University of Wellington
- > Anne Orford, Redmond Barry Distinguished Professor, Michael D Kirby Chair of International Law and Australia Laureate Fellow, University of Melbourne
- > Dr Kimberley Trapp, Senior Lecturer, University College London
- > Zhao Yun, Professor and Head of Department of Law, University of Hong Kong

#### **ANZSIL Membership**

ANZSIL was established in 1992 with the aims of:

- > Developing and promoting the discipline of international law
- > Supporting the teaching of international law
- > Providing a forum for academics, government lawyers, NGOs, students and practitioners of international law to discuss research and issues of practice in international law
- > Increasing public awareness and understanding of international law
- > Liaising with other bodies in promoting any of these objects

New members are always welcome. The annual membership fee for 2018/2019 is AUD100, payable on a calendar yearly basis. To become a new member, or renew your membership, please visit: <a href="http://www.anzsil.org.au/membership">http://www.anzsil.org.au/membership</a>.

The advantages of ANZSIL membership include:

- > A special subscription rate for the Australian Year Book of International Law
- > Subscription to the ANZSIL Newsletter and to ANZSIL Perspectives
- > Concession price for registration to the ANZSIL Annual Conference
- > Membership of ANZSIL's Interest Groups
- > Invitations to special ANZSIL seminars and events





# ANZSIL 26<sup>TH</sup> ANNUAL CONFERENCE ORGANISING COMMITTEE

#### **2018 Conference Co-Chairs**

- > Alberto Costi
- > Joanna Mossop
- > Victoria Hallum
- > Ben Keith

#### **2018 Conference Organising Committee**

- > Tim Stephens, ANZSIL President
- > Roisin Burke
- > Monique Cormier
- > Alison Duxbury
- > Sarah Heathcote
- > Anna Hood
- > Robert Mclaughlin
- > Andrew Mitchell
- > Amanda Murphy
- > Susan Robertson
- > Zoe Scanlon
- > Karen Scott
- > Eric Shi
- > Pardis Moelemzadeh Tehrani
- > Deborah Whitehall

#### **2018 Postgraduate Workshop Convenors**

- > Madelaine Chiam
- > Guy Fiti Sinclair

#### **NZCPL Event Coordinator and ANZSIL Secretariat**

- > Sharelle Kooyman
- > Sarah Parker





#### **GENERAL INFORMATION**

#### **Registration Desk**

Conference registration will take place in the Common Room. Any questions throughout the duration of the conference can be directed to the Registration Desk.

#### Wi-Fi Access

Free Wi-Fi access will be available for the duration of the conference:

- > Network: victoria
- > When you select the network you will be redirected to a webpage. Please select "Don't have an account?". You will need to enter an email address, agree to the terms and conditions and select "Register". Please follow the "Sign On" and "Continue" prompts to log-in.

#### **Luggage Hold**

Luggage hold will be available in the Common Room.

#### Catering

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

#### **Conference Dinner**

For those who have registered to attend (please note dinner registration was not included in the conference registration), the Conference Dinner will be held at The Museum of New Zealand Te Papa Tongarewa at 7:00pm on Friday 6 July. A free bus will be leaving the Conference from Lambton Quay (the front of the Law Faculty) at 6:45pm and leaving the Conference Dinner from the drop off/pick up area at approximately 10:30pm to return to the Law Faculty.

#### **Emergency contacts**

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 Events and Centres Coordinator

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NOTES	





# **OVERVIEW OF SESSIONS**

DAY 1: THURSDAY 5 JULY 2018				
TIME	SESSION	LOCATION		
8.15am	Registration and Tea/Coffee	Common Room		
9.00am	Welcome and Opening Remarks	Lecture Theatre 1		
9.30am	First Plenary	Lecture Theatre 1		
10.45am	Morning Tea	Common Room		
11.15am	Parallel Sessions	Lecture Theatres 1, 2 and 3		
12.45pm	Lunch	Common Room		
	ANZSIL Interest Group Meetings	Lecture Theatres 1, 2 and 3		
2.00pm	Parallel Sessions	Lecture Theatres 1, 2 and 3		
3.30pm	Afternoon Tea	Common Room		
4.00pm	Year in Review Panel	Lecture Theatre 1		
5.45pm	Reception	Common Room		
6.15pm	International Humanitarian Law Lecture	Lecture Theatre 1		

DAY 2: FRIDAY 6 JULY 2018					
TIME	SESSION	LOCATION			
8.30am	Registration and Tea/Coffee	Common Room			
9.00am	Second Plenary	Lecture Theatre 1			
10.30am	Morning Tea	Common Room			
11.00am	Parallel Sessions	Lecture Theatres 1, 2 and 3			
12.30pm	Lunch	Common Room			
	ANZSIL Annual General Meeting	Lecture Theatre 1			
1.30pm	Parallel Sessions	Lecture Theatres 1, 2 and 3			
3.00pm	Afternoon Tea	Common Room			
3.30pm	Parallel Sessions	Lecture Theatres 1, 2 and 3			
5.30pm	Sir Kenneth Keith Lecture	Lecture Theatre 1			
6.45pm	Bus to Te Papa Tongarewa for Conference Dinner	Lambton Quay (the front of the Law Faculty)			
7.00pm	Conference Dinner	Te Papa Tongarewa			
10.30pm	Bus to Law Faculty, Victoria University of Wellington	Te Papa Tongarewa drop off/pick up area			

DAY 3: SATURDAY 7 JULY 2018					
TIME	SESSION	LOCATION			
8.45am	Registration and Tea/Coffee	Common Room			
9.15am	Parallel Sessions	Lecture Theatres 1, 2 and 3			
10.45am	Morning Tea	Common Room			
11.15am	President's Panel: Global and the Local – Do We Have the Balance Right?	Lecture Theatre 1			
12.45pm	Closing Remarks	Lecture Theatre 1			





#### **PROGRAMME**

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8.15am **REGISTRATION AND TEA/COFFEE** 

Location: Common Room

9.00am WELCOME AND OPENING REMARKS

Location: Lecture Theatre 1

Honourable David Parker, Attorney-General of New Zealand

9.30am FIRST PLENARY

Location: Lecture Theatre 1

Anne Orford, Redmond Barry Distinguished Professor, Michael D Kirby Chair of International Law and Australia

Laureate Fellow, University of Melbourne

Zhao Yun, Professor and Head of Department of Law, University of Hong Kong

10.45am Morning Tea (Location: Common Room)

#### 11.15am 1. CHILDREN AND INTERNATIONAL

IAW Location: Lecture Theatre 1

Chair: Roisin Burke Jonathan Kolieb

Protecting War's Most Vulnerable Victims: Is the International Legal Framework for the Protection of Children in Armed Conflict Fit for Purpose?

#### **Shireen Daft**

Preserving the Future of Peace: The Inclusion of Children in Peace Agreements and the Role of International Legal Standards

#### Holly Doel-Mackaway

'Ask Us ... This Is Our Country' - Indigenous Children and Young People, International Law and Participation

#### 2. PUBLIC INTERNATIONAL LAW I

Location: Lecture Theatre 2 Chair: Sir Kenneth Keith

#### **Madelaine Chiam**

The First Australian and New Zealand Society of International Law, 1933-38

#### **Guy Fiti Sinclair**

A Common Law for All Mankind? Revisiting a Constitutional Vision of International Law

#### **Andrea Carcano**

Closing the Gap Between the Global and the National? Thoughts on a Recent Plea for a Comparative International Law Approach

#### 3. TRADE AND INTERNATIONAL **ECONOMIC LAW I**

Location: Lecture Theatre 3 Chair: Susy Frankel

#### Jemma Lala

A Progressive and Inclusive 'Trade for All' Agenda -Where Will It Take Us?

#### Fernando Dias Simões

International Economic Law in the 'Post-Truth' Era

#### Dilan Thampapillai

Food Security versus Food Sovereignty

12.45pm Lunch (Location: Common Room)

> **INTERNATIONAL & ECONOMIC LAW INTEREST GROUP** (Location: Lecture Theatre 1) **INTERNATIONAL PEACE AND SECURITY INTEREST GROUP** (Location: Lecture Theatre 2)

OCEANS AND INTERNATIONAL ENVIRONMENTAL LAW INTEREST GROUP (Location: Lecture Theatre 3)

2.00pm

#### 4. SECURITY AND THE UNITED **NATIONS**

Location: Lecture Theatre 1 Chair: Anna Hood

#### **Elizabeth Thomas**

Implementing UNSC Sanctions: Challenges and Complexities

## 5. THE INTERSECTION OF **GLOBALISM AND REGIONALISM IN**

#### THE ANTARCTIC

Location: Lecture Theatre 2

Chair: Alice Revell

#### **Karen Scott**

**Biodiversity Beyond National** Jurisdiction in Antarctica: Does Globalism and Regionalism Co-Exist or Collide?

#### **6. TRADE AND INTERNATIONAL ECONOMIC LAW II**

Location: Lecture Theatre 3 Chair: Anna Rangott **Genevieve Wilkinson** 

The Human Rights-Based Bridge Between Local and Global in International IP Law





#### **Ashley Murphy**

Navigating the Political Character of the United Nations Security Council: Responsibility and Risk as Rationales for a Climate Change Threat to Peace?

#### **Tamsin Paige**

Petulant and Contrary: The P5 and Threat to the Peace

#### **Roisin Burke**

African Union Peacekeepers, Crimes, Regulation, and the UN's Due Diligence Policy on United Nations Support to Non-United Nations Security Forces

#### **Alan Hemmings**

 On the Failure to Deliver Liability for Environmental Damage under the Madrid Protocol

#### **Megan Addis**

> Protocol on the Environmental Protection to the Antarctic Treaty

#### **Monique Egli Costi**

 From the Local to the Global: Challenges and Opportunities in Developing the International Securities Regulatory Regime

#### Milena Arsic

> Transitioning to a Market-Based Telecommunications Sector – Opportunities for Modernisation of Telecommunications Trade Rules

3.30pm Afternoon Tea (Location: Common Room)

#### 4.00pm YEAR IN REVIEW PANEL

Location: Lecture Theatre 1
Chair: Tim Stephens
Speakers from:

- > Attorney-General's Department (Australia)
- > Crown Law Office (New Zealand)
- > Department of Foreign Affairs and Trade (Australia)
- > Ministry of Foreign Affairs and Trade (New Zealand)

#### 5.45pm **RECEPTION**

Location: Common Room

#### 6.15pm INTERNATIONAL HUMANITARIAN LAW LECTURE

Location: Lecture Theatre 1

Vincent Bernard, Editor In Chief, International Review of the Red Cross and Head, ICRC Law and Policy Forum

International Law: From the Local to the Global





#### DAY 2: FRIDAY 6 JULY 2018

8.30am REGISTRATION AND TEA/COFFEE

Location: Common Room

9.00am SECOND PLENARY

Location: Lecture Theatre 1

Campbell McLachlan QC, Professor of Law, Victoria University of Wellington

Kimberley Trapp, Senior Lecturer, University College London

10.30am Morning Tea (Location: Common Room)

11.00am 7. SECURITY AND ARMED

CONFLICT

Location: Lecture Theatre 1
Chair: Monique Cormier

Rain Liivoja

> The Better Instincts of Humanity: Humanitarian Arguments in Debates about Arms Control

**James Stewart** 

> Reincarnating Article 2(4)

**Anna Hood** 

> The Underexplored and Changing Landscape of Coercive Disarmament

Stacey Henderson

> Permission to Intercede or Sovereignty Supreme? 8. PUBLIC INTERNATIONAL LAW II

Location: Lecture Theatre 2 Chair: James Larsen

**Ben Keith** 

National and International Courts and Tribunals and Coherence in International Law: Fragmentation, Managerialism, Convergence, Constitutionalisation – or Irrelevance?

**Caitlin Goss** 

 Treaty Withdrawal in International and Comparative Perspective

Michael Krakat

 New Zealand Cash for Passport Laws and the Citizenship of the International Community 9. INVESTMENT LAW

Location: Lecture Theatre 3 Chair: Campbell McLachlan QC

**Ashleigh Light** 

> Investor-State Dispute Settlement: Regional Reforms With Global Ambitions

**Elizabeth Sheargold** 

Reconsidering the Treatment of 'Political' Measures in International Investment Arbitration

**Amanda Murphy** 

Increasing the Scope of Illegality and 'the Right to Regulate' in Defence of Investor-State Disputes in the Asia-Pacific Region – Is the Pendulum Swinging Towards Host State Advantage?

Relja Radovic

Investment Treaty Arbitration Between States and Arbitrators: Some Reflections on the Principle of Consensualism

12.30pm Lunch (Location: Common Room)

**ANZSIL ANNUAL GENERAL MEETING** (Location: Lecture Theatre 1)

LAW

1.30pm

Location: Lecture Theatre 1 Chair: Victoria Hallum

**Tim McCormack** 

> Recent Developments in the International Criminal Court

10. INTERNATIONAL CRIMINAL

**Shannon Torrens** 

 African Sovereignty, Local Initiatives and International Crime: Current Challenges and Future Responses 11. HUMAN RIGHTS

Location: Lecture Theatre 2 Chair: Alison Duxbury

**Annika Rudman** 

The Persistent Objector: An Analysis of the African Challenge to a Universal Approach to SOGIE Rights Under Customary International Law

**Genevieve Taylor** 

> A 'Human Rights' Exception to Immunities 12. CHINA AND INTERNATIONAL LAW

Location: Lecture Theatre 3
Chair: Gabrielle Rush
Nishadee Perera

Regionalism as an
 Opportunity: The 'One Belt,
 One Road' Anti-Corruption
 Case Study

Sanzhuan Guo

China and Cosmopolitanism: A Preliminary Research





#### **Emma Palmer**

'Execute me by Firing Squad' or 'I hope That We Can Be Together in a Room'? Intersections With International Criminal Law in the Philippines

#### **Danielle Ireland-Piper**

**DECISION-MAKING** 

Intersections Between Local and International in the Regulation of Transnational Crime

#### Lee Walker

 Local and Global Approaches to the Immunity of Foreign Officials for Jus Cogens Violations

#### **Christina Tao**

Lifting the Veil of Providing
 Foreign Legal Services in China
 Becoming More Open to
 International Influences After
 WTO Accession and FTAs
 Establishment

#### 3.00pm Afternoon Tea (Location: Common Room)

#### 3.30pm – 5.00pm

# 13. ANTIPODEAN CONTRIBUTIONS 1.

Location: Lecture Theatre 1
Chair: Christopher Michaelsen
Jeremy Farrall and Jeni Whalan

> Antipodean Influence in the UN Security Council: How Australia and New Zealand Shaped Decision-Making on Syria's Humanitarian Crisis

#### **Colin Keating**

Kiwi Contributions Across Two Council Terms

#### Gerard van Bohemen

New Zealand's Contributions in its 2015-2016 Term

#### 14. CYBER LAW

Location: Lecture Theatre 2 Chair: Amelia Telec Alberto Costi

 Emerging Trends and Challenges in Cyber Law and Policy and Their Impact on International Law

#### Neha Mishra

From Cyber Sovereignty to Internet Openness: How International Trade Law Regulates Data Flows

#### **Ankur Gupta**

 Need for an International Legal Approach to Counter Fragmented Domestic Laws

#### **Monique Cormier**

Can International Law Adequately Respond to Ransomware Attacks?

# 15. INTERNATIONAL ENVIRONMENTAL LAW AND CLIMATE CHANGE

Location: Lecture Theatre 3
Chair: Jaqueline Peel
Ellycia Harrould-Kolieb

Responding to Ocean
 Acidification Under
 International Regimes: A
 Patchwork Approach

#### Joanna Mossop

> Climate Change and International Fisheries: A Legal or Management Problem?

#### An Hertogen

> Due Diligence: An Effective Response to Transboundary Harm?

5.30pm –	SIR KENNETH KEITH LECTURE
6.30pm	Location: Lecture Theatre 1
	The Honourable Robert French AC, Former Chief Justice of the High Court of Australia and Chancellor,
	University of Western Australia
6.45pm	BUS TO TE PAPA TONGAREWA
	Location: Lambton Quay (the front of the Law Faculty)
7.00pm	CONFERENCE DINNER
	Location: The Museum of New Zealand Te Papa Tongarewa
10.30pm	BUS TO LAW FACULTY, VICTORIA UNIVERSITY OF WELLINGTON
·	Location: Te Papa Tongarewa drop off/pick up area





#### **DAY 3: SATURDAY 7 JULY 2018** 8.45am **REGISTRATION AND TEA/COFFEE** Location: Common Room 9.15am 17. IMPLEMENTING THE PARIS 18. LAW OF THE SEA 16. EXPLORING THE COSTS OF **VIOLATIONS AND THE BENEFITS AGREEMENT ON CLIMATE** Location: Lecture Theatre 3 OF RESPECT FOR INTERNATIONAL **CHANGE** Chair: Karen Scott **Grant Kynaston and Rebecca HUMANITARIAN LAW** Location: Lecture Theatre 2 Chair: Alberto Costi Location: Lecture Theatre 1 **Brown** Chair: Treasa Dunworth Jacqueline Peel Implementing the Law of the **Kevin Riordan Business Actors and** Sea: The Case of Russia in **Hidden Costs of Lawless** Implementation of the Paris **Arbitrations Under UNCLOS** Warfare and the Benefits of Agreement **Amelia Telec and Ben Huntley** IHL Compliance – The Balance **Tim Stephens** Conciliation Under the UN Sheet for Defence and Convention on the Law of the As Easy as NDC? Assessing the Security Paris Agreement's Show-and-Sea: Reflections on the **Robert Mathews** Tell System Australian Experience Arms Control and **Sophie Kalderimis Donald Rothwell Disarmament Treaties:** Implementing the Paris Islands, Statehood, Benefits of Compliance, **Entitlements and International** Agreement Consequences of Violations **Trevor Daya-Winterbottom** Law **Vincent Bernard** The Next Generation Changing the Narrative on IHL: ICRC Research and Initiatives 10.45am Morning Tea (Location: Common Room) PRESIDENT'S PANEL: GLOBAL AND THE LOCAL - DO WE HAVE THE BALANCE RIGHT? 11.15am Location: Lecture Theatre 1 Chair: Tim Stephens Treasa Dunworth

> Alison Duxbury> Tim McCormack> Kimberley TrappCLOSING REMARKS

Location: Lecture Theatre 1

12.45pm - 1.00pm

# **CONTACT US**

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