Australian and New Zealand Society of International Law

anzsil newsletter

Welcome to the September edition of the ANZSIL newsletter.

In this edition

From the Editors

This is the post 2012 conference issue of the ANZSIL Newsletter, the main way in which ANZSIL members are kept up to date on developments involving the Society and its membership.

This issue of the Newsletter includes summaries of the annual conference, details of upcoming events and reports from interns supported by ANZSIL.

And of course it includes the helpful summaries of Australian and New Zealand practice, courtesy as always of the Attorney-General's Department, the Department of Foreign Affairs and Trade and the Ministry of Foreign Affairs and Trade.

At the annual conference in Wellington in July, it was suggested that the time was ripe to survey the ANZSIL membership to find out what the Society is doing well and whether there are things it could do better.

To build the relevance of the Society to its members it is important that we know what the membership wants. We would be very grateful if you would take a few minutes to respond to the survey which is available here: ANZSIL 2012 Membership Survey. It should take you no more than 5 minutes to complete. The Survey needs to be completed by the end of October.

Tim Stephens and **Sarah McCosker**

From the President

As you will see from this bumper issue of this Newsletter, ANZSIL and ANZSIL members have had a busy year. Many thanks to all those who contributed to the organisation of a very successful conference in New Zealand, especially the team at Victoria University in Wellington, who were as always wonderful hosts. There were a number of sessions recorded by Australian and New Zealand scholars for the UN Audio-visual Library of International Law at the conference, which continues to expand its coverage and to develop as a very useful resource.

The next major event on the ANZSIL calendar in Australasia is the inaugural Joint Conference of ANZSIL and the Asian Society of International Law – now less than a month away. To be held on 25 and 26 October 2012 at the Faculty of Law, University of New South Wales, Sydney, the conference will bring together a number of leading scholars from the Asian Society with their ANZSIL counterparts to discuss a wide range of issues over two days, around the theme International Law and Justice. Details of the program and registration details can be found on the conference website. I would encourage you to attend what promises to be a stimulating event and a great opportunity to meet with colleagues from the Asian Society. Early bird registration has been extended until 11 October 2012 (and ANZSIL members get a special discounted rate as always).

I write this on my way to attend the Fourth Four Societies Conference, which is being hosted by the American Society of International Law at the University of California, Berkeley. The Conference brings together early career researchers from the American, Japanese, and Australian and New Zealand Societies of International Law, and the Canadian Council of International Law. The theme for this year's conference is natural disasters and international law. The ANZSIL scholars selected to present papers are Paul Govind, Catherine Renshaw, Imogen Saunders, Amelia Telec. ANZSIL Vice-President Karen Scott and I will be representing the Society on the Conference Steering Committee at the meeting. A volume of essays based on papers presented at the Third Four Societies Conference held in Japan in

2010, edited by Christopher Michaelsen (ANZSIL/UNSW), Mika Hayashi (JSIL/Kobe) and myself, has just been submitted to the publishers and should appear in the first part of 2013.

Finally, don't forget to put in your diary the dates for the 2013 ANZSIL Conference, to be held in Canberra at the Australian National University, from 4 to 6 July 2013. Further details will be on the ANZSIL website and emailed to members. I realise that the coming year may be a difficult one for many to obtain institutional funds for conference attendance, but we hope that you will be able to make it.

Andrew Byrnes

ANZSIL 2012 Membership Survey

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.

ANZSIL needs your input on how well it is living up to its purpose, and what the Society could do better.

The survey asks not only what the Society can do for you, but also what you can do for the Society.

Please take 5 minutes to respond to the survey which is available at this link: ANZSIL 2012 Membership Survey.

It would be appreciated if you would complete the survey as soon as possible. The survey will close at the end of October.

Recent Australian Practice in International Law

International tobacco plain packaging litigation

The Australian Government has implemented legislation requiring all tobacco products sold in Australia to be in plain packaging by 1 December this year. The plain packaging measures, which will require tobacco product retail packaging to be of a standard shape and colour and which will prohibit the use of tobacco industry logos, brand imagery, colours and promotional text, are part of a comprehensive suite of measures designed to reduce the incidence of death and disease caused by smoking in Australia.

Tobacco companies have commenced domestic and international legal challenges against these measures in three fora: constitutional challenges before the High Court of Australia, investor-state arbitration and dispute settlement in the World Trade Organization (WTO).

Challenges to the plain packaging legislation were brought by British American Tobacco, Imperial Tobacco, Philip Morris and Japan Tobacco International. Two of these challenges were heard by the High Court of Australia between 17-19 April 2012: British American Tobacco Australasia Limited and Ors v. Commonwealth of Australia and J T International SA v. Commonwealth of Australia. On 15 August 2012 the High Court handed down orders for these matters, and found that the Tobacco Plain Packaging Act is not contrary to s 51(xxxi) of the Constitution. The Court's reasons for the decision are yet to be handed down. The parties' written submissions, the full transcript of proceedings, and the orders made can be viewed on the High Court's website.

Philip Morris Asia Limited is also challenging the plain packaging legislation under the 1993 Agreement between the Government of Australia and the Government of Hong Kong for the Promotion and Protection of Investments. This challenge is being heard by an arbitral Tribunal constituted on 15 May 2012 under the United Nations Commission on International Trade Law Arbitration Rules 2010. Three arbitrators are hearing the case: Professor Karl-Heinz Böckstiegel (presiding arbitrator), Professor Don McRae (appointed by Australia) and Professor Gabrielle Kaufmann-Kohler (appointed by Philip Morris Asia Limited). The Tribunal held a first procedural meeting on 30 July 2012. Information on the proceedings, including documents, is available on the Attorney-General's website.

Ukraine, Honduras and the Dominican Republic have each requested dispute consultations with Australia in the WTO. They claim that Australia's legislation on tobacco plain packaging is inconsistent with its WTO obligations. Australia held consultations with Ukraine on 12 April and Honduras on 1 May 2012. Consultations with the Dominican Republic will be held on 27 – 28 September 2012. Following consultations, if no solution is reached within 60 days, each country is entitled to request that a dispute settlement panel be established to hear the dispute. On 31 August 2012 Ukraine requested the WTO Dispute Settlement Body to establish a dispute settlement panel; this request was rejected by Australia. Ukraine is entitled to make a second request, which cannot be refused by Australia. Australia has consistently engaged with WTO members with regard to the plain packaging measure, and is prepared to defend any challenge that might result from the consultations. Information on these disputes can be viewed on the Department of Foreign Affairs and Trade's website.

Malaysia-Australia Free Trade Agreement

The Malaysia-Australia Free Trade Agreement (MAFTA) was signed in Kuala Lumpur on 22 May 2012. MAFTA is a bilateral free trade agreement which will create a greater level of economic integration between Australia and Malaysia. The Agreement will build on benefits already flowing to the Australian and Malaysian economies from the ASEAN-Australia-New Zealand Free Trade Agreement, which started for Australia and Malaysia in 2010.

MAFTA contains 21 Chapters covering a range of topics including trade in goods, services, investment and telecommunications. Under the terms of the agreement more than 97 per cent of tariffs on Australian goods sold in Malaysia will be eliminated upon MAFTA's entry into force. Malaysia is Australia's 10th largest trading partner, with two-way trade worth $16 billion in 2011. Both countries stand to benefit from increased access to the services market including, for example, the ability for Australians to become majority owners in Malaysian businesses. MAFTA also provides stronger protection for intellectual property rights, establishes a framework for mutual recognition of qualifications and licencing requirements for professionals and promotes electronic commerce.

MAFTA will enter into force once Australia and Malaysia have completed their domestic ratification procedures. For Australia, consideration by the Joint Standing Committee on Treaties is an important part of this process. The text of the Agreement was tabled in both houses of Parliament on 14 August 2012. JSCOT has 20 joint sitting days to consider the Agreement. The earliest MAFTA would take effect is 1 January 2013.

Australia's appearance before the Committee on the Rights of the Child

On 4-5 June 2012, Australia appeared before the United Nations Committee on the Rights of the Child. The appearance related to the Fourth Periodic Report on implementing the Convention on the Rights of the Child and Australia's initial reports on the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

Australia sent senior representatives from the Attorney-General's Department, the Department of Foreign Affairs and Trade, the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Education, Employment and Workplace Relations, the Department of Immigration and Citizenship and the Department of Defence.

The Committee noted several areas of challenge for Australia, including children with disability, children in Indigenous communities, children in out-of-home care and children seeking asylum. The Committee welcomed policy measures aiming to reduce the disadvantage of Indigenous Australians, violence against women and their children, and to establish a new National Children's Commissioner.

Establishment of a National Children's Commissioner

On 1 July 2012, legislation to create a National Children's Commissioner within the Australian Human Rights Commission commenced. The National Children's Commissioner will be the first dedicated advocate focussed on the human rights of children and young people at the national level. The National Children's Commissioner will take a broad advocacy role to promote public awareness of issues affecting children, conduct research and education programs, consult directly with children and representative organisations and monitor Commonwealth legislation, policies and programs that relate to children's rights, wellbeing and development.

The Commissioner will have scope to focus on vulnerable and at-risk groups of children such as children with disability, Aboriginal and Torres Strait Islander children, homeless children and those who are witnessing or subjected to violence.

It is expected the new Commissioner will take office in early 2013.

Passage of Australia's legislation to give effect to the Convention on Cluster Munitions

Australia's legislation to give effect to the Convention on Cluster Munitions has now been passed by both houses of Parliament. The Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012 (the Act) was passed by the House of Representatives on 18 November 2010, and the Senate on 21 August 2012.

The Act faithfully gives effect to the Convention, and ensures that all conduct that is prohibited by the Convention is the subject of a criminal offence under Australian law. Once the new legislation commences, it will be an offence to use, develop, produce, otherwise acquire, stockpile, retain or transfer cluster munitions; and assist, encourage or induce anyone to undertake these activities. The offences will carry penalties of up to 10 years' imprisonment for individuals or a $330,000 fine for bodies corporate. The legislation will strengthen Australia's already robust legal framework regarding weapons and reflects Australia's longstanding commitment to international efforts to reduce the humanitarian impact of armed conflict.

The amendments to the Criminal Code contained in the Act will commence on the day that the Convention on Cluster Munitions enters into force for Australia. Australia will now proceed to lodge its instrument of ratification as soon as possible. The Convention will enter into force for Australia six months after our instrument of ratification is lodged.

Arms Trade Treaty Negotiation Conference

The United Nations Conference on the Arms Trade Treaty was held from 2 to 27 July 2012 in New York. The objective of the Conference was to adopt, on the basis of consensus, a legally binding instrument establishing common international standards for the import, export and transfer of conventional arms. The aim of the Arms Trade Treaty (ATT) is to address the problems relating to the unregulated trade of conventional arms and their diversion to the illicit market. The diversion of arms is a contributory factor to armed conflict, the displacement of people, organised crime and terrorism, thereby undermining peace, reconciliation, safety, security stability and sustainable social and economic development.

Australia was one of seven co-authors of a 2006 UN General Assembly resolution calling for an ATT and has co authored all subsequent resolutions on the subject. Australia participated actively and constructively in all aspects of the negotiations, including as a member of the Bureau. Despite the efforts of participating States and civil society representatives, the Conference did not reach agreement on a treaty text. Governments are now considering the next steps to conclude the negotiations.

Thematic Discussion on Sovereignty and Jurisdiction in Cyberspace

At the Attorney-General's Department's Inaugural International Law Colloquium held in November 2011, a proposal was made to hold a number of more focused thematic discussions with the aim of bringing together a diverse cross-section of people to discuss challenging and cutting-edge issues in international law.

On Friday 22 June 2012, the Office of International Law hosted the first of these discussions on sovereignty and jurisdiction in cyberspace. The event was attended by representatives from the Attorney-General's Department, the Department of Defence, the Department of Foreign Affairs and Trade and the Department of Prime Minister and Cabinet, as well as a number of academics and experts working in the fields of international law and cyberspace. The day involved a number of short presentations and discussions on different aspects of this theme including: bases for jurisdiction in international law; lessons learned from the application of jurisdiction in other international spaces such as the sea, Antarctica and space and in relation to climate change; and challenges to jurisdiction in cyberspace in the context of cybercrime, cloud computing, international trade, human rights, private international law and the use of force/international humanitarian law. The event achieved its aims of promoting discussion from different perspectives, achieving a better understanding of the issues and possible solutions and promoting greater engagement across government and with academia. There was some great discussion throughout the day and a lot of positive feedback. The Office of International law looks forward to holding further thematic discussions in the future.

Recent New Zealand Practice in International Law

Madrid Protocol and the Singapore Treaty on the Law of Trademarks

On 10 September 2012 New Zealand notified the World Intellectual Property Organisation

that it acceded to the Madrid Agreement Concerning the International Registration of Marks and ratified the Singapore Treaty on the Law of Trademarks. The Madrid Protocol provides a simplified system for the international protection of trademarks called the “Madrid system”. This system enables a business to obtain protection for a trade mark in multiple countries party to the Madrid Protocol through one application. The Singapore Treaty will make national trade mark registration systems more user-friendly and reduce business compliance costs for trade mark owners. Both treaties will enter into force for New Zealand on 10 December 2012.

South Pacific Fisheries Convention: Enters into Force

On 24 August 2012 the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, which will establish the South Pacific Regional Fisheries Management Organisation (SPRFMO), entered into force. SPRFMO governs the non-highly migratory high seas fisheries of the South Pacific Ocean.

New Zealand is the depositary for the Convention and to date ten countries have become Party to the Convention, including New Zealand and Australia. In addition, on 24 August, Chinese Taipei completed the relevant steps in Annex IV of the Convention to enable them to participate as a Member of the Commission. The first Commission meeting will take place in Auckland on 28 January to 1 February 2013.

Events for Your Diary

Joint ANZSIL-Asian Society of International Law Conference - 25/26 October 2012

The inaugural Joint ANZSIL-Asian Society of International Law Conference will be take place in Sydney on 25 and 26 October 2012. The theme of the conference, International Law and Justice, will be explored by a wide array of speakers from Australasia, Asia and beyond, in a series of panels over the two days.

The Conference will bring together participants from five continents to discuss topical issues relating to the broad theme of international law and justice. Most simply, to what extent can international law be an instrument of justice? Do we all share a common perception of justice and how does justice at an international level relate to other goals such as peace, equality, or development? Has the expansion of international law enhanced international justice and if so, for whom? To what extent has international law embraced the concept of intergenerational justice? The list of thematic panels, to be supplemented by a number of plenary sessions, appears below.

Among the distinguished members of the AsianSIL who will be speaking on the program or attending the conference are Judge Xue Hanqin, judge of the International Court of Justice, Ambassador Tommy Koh, Ambassador-at-Large, Singapore; Professor V S Mani , President of the Asian Society of International Law ; Professors Onuma Yasuaki, Ramesh Thakur and Ago Shin-ichi, as well as many leading international law scholars and practitioners from Australia and New Zealand.

Registration (early bird registration closes on 25 September 2012). To register, please click here.

Sydney Centre for International Law - Inaugural Annual Conference - International Law in Review - Friday 22 February 2013

The Sydney Centre for International Law at the Sydney Law School is delighted to present the inaugural International Law Year in Review Conference. The conference will give participants insight into the latest developments in public and private international law over the preceding year, especially those most salient for Australia.

Speakers at the conference will include leading academics, practitioners and government lawyers, and will provide an in-depth and critical analysis of contemporary developments in international law on topical themes, including Australia’s participation in international cases in the International Court of Justice and the World Trade Organization.

Confirmed speakers include Justin Gleeson SC of the Sydney Bar, and Professor David Day, the award winning historian, who will speak at the 'International Law Literary Lunch' on his recent historical work on conquest and on Antarctica.

Registration will open soon. Please visit the Sydney Law School website for further information.

The 2012 Annual Conference

Thank you!

The 20th Annual Conference of ANZSIL was held in Wellington in July 2012. There were around 90 participants in the conference, including postgraduate students who participated in the student research workshop associated with the conference. Thank you to everyone who made the conference such a success.

ANZSIL extends special thanks to the University of Victoria for hosting the conference, and to the New Zealand Law Foundation for its substantial financial support which made possible the participation of several keynote speakers.

Penelope Ridings (Director of the Legal Division at the New Zealand Ministry of Foreign Affairs and Trade) and Valerie Hughes (Director of the Legal Affairs Division of the World Trade Organisation. Photo: Victoria University Image Services.

Professor Jan Klabbers, Professor Andrew Byrnes (President of ANZSIL) and Professor Tony Smith (Dean of Victoria University of Wellington Law Faculty). Photo: Victoria University Image Services.

Valerie Hughes (Director of the Legal Affairs Division of the World Trade Organisation. Photo: Victoria University Image Services.

Summary of Conference Proceedings

Several postgraduate students attending the conference very kindly acted as *rapporteurs*, and provided the following brief summaries of conference sessions.

International Trade and Investment (summary by Dominic N. Dagbanja, University of Auckland)

WTO Dispute Settlement: Coming of Age at 17, Valerie Hughes, Director, Legal Affairs Division of the World Trade Organisation Secretariat, Geneva

Among the various dispute settlement systems for investment and trade, the World Trade Organisation (WTO) dispute settlement is the best for the reasons outlined below.

The WTO traces to General Agreement on Trade and Tariff (GATT), an organisation which functioned through negotiation. Legal issues were not at the forefront until about forty years into the operation of the GATT when someone was appointed to handle legal issues. Dispute settlement was based on negotiation. All the contracting parties met once in a year and figured out how to resolve disputes. No lawyers were involved. Some contracting parties were of the opinion that the system as it then operated did not reach a satisfactory resolution of disputes. In 1952, the panel system of dispute resolution was introduced. Since then a number of disputes have been resolved and this attests to the fact the WTO dispute settlement system is the best: there is broad participation in the dispute settlement system, there is confidence in the system and the system can be said to be efficient.

The claim that the WTO dispute system receives broad participation by States is attested by the number of disputes resolved so far. Between 1952 and 1963 fifteen disputes were resolved. After 1963 no disputes were brought before for settlement. In the 1970s, protectionism led to emphasis on legalism with the United States of America filing a number of claims. Then in 1995 the WTO was established with a more sophisticated system of dispute settlement. Dispute settlement was seen as essential to protecting rights. Lawyers were then appointed and there are now three legal divisions within the WTO.

The WTO dispute settlement system applies across the board with Panels and an Appellate Body. Only issues of law can be appealed. The Panel members are appointed for four years and may be reappointed for another four years. The membership of the WTO holds the Dispute Settlement Body in high esteem.

Confidence in the WTO dispute settlement system can be measured by broad participation in the system by member States. Since 1995, 439 consultations as of June 2012 have been made; 191 panels have been established to handle 256 disputes; about 166 panel reports have been adopted; and there have been 98 mutually agreed solutions. No disputes have been brought against New Zealand. Four New Zealand cases have been resolved and New Zealand has been third party in 33 cases handled by various panels. Australia has been a complainant in seven disputes, respondent in twelve disputes and third party in 54 disputes.

Compared with other investment and international law settlement dispute systems, the WTO dispute system can be said to have achieved much success.

In terms of efficiency, the WTO dispute settlement system settles disputes in comparatively short periods. It takes an average of eleven months to settle disputes compared to four years for the International Court of Justice, two years for the European Court of Justice and three years for the North American Free Trade Agreement dispute settlement system. The Dispute Settlement Body has also produced a respectable body of law on burden of proof, standards of review, due process and treaty interpretation. The disputes resolved have covered almost all aspects of the WTO. The system, of course, has been criticised on a number of grounds including lack of transparency since only members have the right to participate but nobody else does and that the system is strictly confidential.

Assaying the Ark: Can the Covenant's 'Right to Work' be employed at the WTO?, Gillian Moon, University of New South Wales

There is little literature on economic human rights. Presentation focuses on what economic rights are and the obligations of States with respect to these rights. Economic rights include the right to work, the right to property, the right to social security and the guarantees to adequate standard of living. The source of these rights is the International Covenant on Economic, Social and Cultural Rights. The presentation focuses on the right to work. The right to work is an operative right and includes the right to the opportunity to gain a living by work which freely chosen or accepted. This right guarantees a right to the individual as an economic agent. The obligations of States with respect to this right are to adopt strategies that create the conditions for the individual to enjoy the full realisation of the right including to train individuals so they are prepared to seek employment and to adopt policies and techniques to achieve economic, social and cultural development. How, in practice, each States brings about the realisation of this right can be problematic. However, a State that neglects this duty and renders the people unemployed may be deemed to have violated the obligation.

The WTO can play a role by giving greater attention to agriculture since agriculture gives greater employment opportunities to people, especially in developing countries. Staple foods grown by smaller farmers should enjoy tariff protections. There is also the need for social safety networks through training. Only about 20% of people have access to social security. Therefore tariff reductions without the corresponding safety measures will affect ordinary people. Economic policies are human rights concerns because WTO measures could have discriminatory impacts on developing countries.

Public Interest Actors in WTO Dispute Settlement: What's the Point? Nicola Charwat, Monash University

This presentation examines the effect of public interest participation in the WTO dispute settlement. Opportunity for participation in WTO came about in 1998 following an appellate body decision in that year. The WTO had then been criticised for lack of transparency against new democratic norms. There have been about 71 submissions since 1998. Out of these submissions, public interest actors have submitted about 34. The public interest actors are actors who are acting purely in the public interest including academics, the Centre for International Environmental Law, the Foundation for International Environmental Law and so on. They often submit joint briefs along with others, which is indicative of networking and the putting of resources together among the participants. Participation in the WTO dispute system may also be done in the form of supportive briefs, meaning briefs are sent out to other public interest actors seeking their signature. Amicus participation is being overlooked by panels and appellate bodies have expressed the concern that amicus brief contents have not been helpful. Nevertheless, looked at from a broader perspective, amicus briefs have had effects outside of the dispute settlement system. They contribute to the defence of legal principles and enrich public debate.

International Investment Law (summary by Dominic N. Dagbanja, University of Auckland)

International Investment Law and Customary International Law: Some Reflections, Daniel Kalderimis, Chapman Tripp

Presentation undertakes an analysis of theory of systemic integration which calls for interpretation of investment treaties against the backdrop of general international law. The need for such an approach is justified by article 31(3)(c) of the Vienna Convention on the Law of Treaties which requires that in interpreting treaties, there shall be taken into account any relevant rules of international law applicable in the relations between the parties. Investment treaties should be interpreted against the backdrop of customary international

law because although they may be said to give rise to private disputes, yet they involve international law issues. Therefore, the starting point in interpreting investment treaties should be the text itself but this should be informed by the general principles of international law. The process is symbiotic. Therefore, systemic integration is unavoidable. The application of systemic integration has not been consistent. The outcome of the decision might be the reason for inconsistency in the application of systemic integration. The necessity defence in article 25 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts has not been successful in investor-state dispute resolution because it is very strict.

Towards an Agreement on Investment in Mercosur: Complementarity and Conflict between International Investment Law and International Trade-in-Services Law, James Fry, The University of Hong Kong

The Mercosur trade and investment regime consists of an agreement among four countries: Argentina, Brazil, Paraguay and Uruguay. The agreement is meant to enhance the free movement of goods, services and factors of production; the establishment of a common tariff; and so on. The regime proposes how the various specialised fields can collaborate. Mercosur adopted in 2010, Guidelines establishing an agreement on investment. Most States use the contemporary standards of investment protection. The traditional argument says use contemporary language if States want to attract foreign investment. The argument is that investors are sensitive of things not being right. But new trends are emerging because developing countries are investing among themselves. The Mercosur 2010 Guidelines on investment have adopted broad assets based definition of investment. The Guidelines envisage some restriction on transfer of funds because rules on reparation of investment and returns can interfere with domestic regulation. This appears to be A novelty. The Guidelines also emphasise the importance of investment arbitration but excludes the possibility of investor-state arbitration. Developing countries might want to adopt the Mercosur approach given its consideration for regulatory autonomy.

Arms Control and Disarmament (summary by Pauline Collins, University of Southern Queensland)

Towards a Nuclear-Weapon Free World: How can the world resolve the disharmony between the UNGA and the UNSC, Hiroaki Nakanishi, Kyoto University

The speaker argued that the 1996 ICJ Advisory Opinion on Nuclear Weapons and the 2007 Model Nuclear Weapons Convention are both diversions from the NPT and UNSC centric approach which he advocated as the best way forward to achieve a nuclear free world. In this the speaker referred to lessons from past failures such as the League of Nations and the treatment of Germany and critique of the ICJ Advisory Opinion on Nuclear Weapons.

The Arms Trade and International Law-Legal Challenges Confronting States in Negotiating and Arms Trade Treaty, Anthony Cassimatis, University of Queensland

The speaker focused on a comparison of the Chairman's latest non-paper (3 July 2012) with the previous non-paper issued on 14 July 2011. He outlined the difficulties with negotiating a ATT, including non-participation by major arms exporting states, the lack of demand for a general ban on conventional arms weapons unlike the demand for banning biological and chemical weapons, economic constraints for states given the size of the export trade, and the lack of will of developed states. The speaker was concerned at the changes made in the latest non-paper, in particular he focused on Article 6. This Article removed the obligation not to transfer arms where a substantial risk existed to replacing it with an obligation to make an assessment on the basis of a set of criteria of the substantial risk that there would be a violation of IHL, ICL or IHRL. The speaker indicated the latest proposed Art 6 could destabilise existing international law – referring to Nicaragua v US (Merits) [1986] 114-115 (220); Bosnia and Herzegovina v Serbia[2007], 430 and ILC Draft Articles on State Responsibility Art 16. The speaker also was concerned there were no provisions on what to do when a denial of transfer occurred.

Weapons and International Criminal Law, Brigadier Kevin Riordan, Director General of Defence Legal Services, New Zealand

The speaker showed a slide of John Singer Sargents' 1919 painting 'Gassed' and spoke of the artists and poets raising public consciousness in an 'oh yuk' syndrome necessary to support the banning of certain weapons. The speaker also discussed the Rome Statute and the difficulty of incorporating provisions dealing with chemical and biological weapons specifically, no doubt due to the link to nuclear weapons. However, he did not preclude the possibility of future inclusion. The speaker also challenged anyone to refer him to a trial or conviction for the use of a prohibited weapon. He referred to 'Chemical Ally's' trial which was

for the killing of civilians not for the use of the weapon by which this was achieved.

Private International Law Afternoon (summary by Katrina Winsor, Victoria University of Wellington)

Changing Australian Private International Law, Mary Keyes, Griffith University

Mary Keyes noted that it is the 20th anniversary of the Australian Law Reform Commission (ALRC) on choice of law. There will be a lot to cover so the presentation will be at a brisk pace!

ALRC made a number of recommendations; some were extremely progressive for the time. Most of the recommendations, however, were not implemented.

Mary Keyes's work involves looking at the changes including (but not limited to) the changes that were proposed and failed; the changes that occurred anyway; and the legislative changes that occurred, of which there were few but very significant.

Expansion of Jurisdiction

The expansion of jurisdiction was based on grounds such as the rules of courts including:
- the rule that permits service out of the jurisdiction of sufficient local loss of damage (excluding Western Australia) which was extraordinary;
- the rule that personam and subject matter jurisdiction was extended in the courts, which included things like no requirement of nexus, leave, presence; and
- that the Australian Supreme Courts can deal with any matter under Australian law at all.

The common law approach has traditionally been to deal with problems at a jurisdictional level, which is inefficient but how it has been done. This is problematic because:
- jurisdiction is rather unclear in Australia;
- internationally, different rules will apply;
- in theory and principle courts will enforce judgments, however in practice the courts will generally be unwilling to enforce judgments especially in regard to those falling under consumer law;
- it is a very parochial way of thinking;
- the forum non conveniens test that is generally used is not very good. Using a test that is "clearly inappropriate" in itself is problematic and it departs from the international standard. However, it is even worse because it must generally be determined in the abstract and not comparatively;
- that there are five pieces of legislation that deal with or use forum non conveniens and all five use different language; and
- the same problem exists with the rules of contract – in that the use of different languages make things very chaotic.

Australian courts are generally more likely to take jurisdiction and to retain jurisdiction than would be permitted under other international laws.

However, the interaction between jurisdiction and the choice of law is rarely considered by Australian courts. Even if Australia wouldn't necessarily want to adopt the Brussels Regulations, at least the Brussels Regulations has a clear conceptual connection between jurisdiction and choice of law.

The changes have been compounded because the expansion of jurisdictional rules and the related changes have not been reflected in the treatment of foreign judgments. This is particularly evident in the family law context and cases, and is problematic because there are very few private international practitioners that do family law and not many family lawyers know about private international law in depth.

This is not good because it is in the family law context that most private international law cases occur.

There is also a discrepancy between the treatment of international arbitral awards both the judgments between states in Australia and judgments between Australia and New Zealand.

Tort Choice of Law

The change to a general tort choice of law rules is generally regarded to have been progressive.

The High Court repeatedly refused to countenance a proper law exception: perhaps encouraging resort to escape devices?
Justice Neilson has complicated the choice of law for tort even further.

Contract Choice of Law

Contract choice of law looks fine at face value, but it is actually unclear on the limitations on the parties express choice of law. There is a lack of certainty in determining the applicable law in absence of an express choice. The effect of expressed in other areas, especially tort and family law, is also very unclear.

Statute and Choice of Law

This area is the “biggest mess in Australia”. ALRC made a recommendation that generally worded legislation should be subject to mandatory private international law rules, and gave good reasons for this recommendation. However, this was not done.

Choice of Family Law

This area has been blown apart from jurisdictional rules. The mere presence of an applicant is sufficient to invoke the forum’s law.

Form of the Law

ALARC recommended enactment of uniform legislation. The standing council determined that it was necessary to establish an expert group to consider the harmonisation of choice of law.
In conclusion, a comprehensive review of the law is certainly required.

Ideal Conflicts: Recent Developments and Prospective Changes in Private International Law, Thomas John, Attorney-General's Department

Private international law is in a good (or at least better) place, which has been encouraged by an increasing recognition of legal colleagues.

Private international law is properly an object of public policy in government, particularly with the effects of globalisation; reflected in the development of private international law at both common law and statute law. Since about 2012 there have been approximately 180 cases that have featured private international law. Some of these cases demonstrated quite novel and technical challenges for the judges. Australian courts have previously taken a piecemeal approach – but there is an emergence of judicial attention to take a broader context and focus on private international law issue.

This is a more “cosmopolitan” approach, although in Thomas John’s view it is still heavily tempered by an adherence to precedence. There has also been private international law reflected in policy during the last decade, especially trans-Tasman. So at the very least there is some momentum in private international law at present and there are recent developments to talk about, including two cases:

1. In the Victorian Supreme Court

The plaintiff was born in 1962, and suffered a congenital defect. There was a class action in the Victorian Court, but there was also a transnational aspect – whether the Victorian Court should hear the matter or stay the matter in favour of a German Court.
There would be delay to make the evidence available in Australia, as much of the evidence was located in Germany including a significant number of documents. Justice Beech said it was not clearly inappropriate and that a stay would not result in a fair outcome.

2. In the Federal Court

Turned on where the evidence was located. Justice Logan considered comity and sovereignty in the context of taking evidence abroad and said if he did not hear the two witnesses then that would not afford procedural fairness. The problem was, however, that the witnesses were in UAE and in prison. The question became how the evidence would be taken? UAE refused to let Justice Logan travel on a diplomatic passport and there were problems with taking video evidence due to the translation of official statutes (and UAE would probably refuse anyway).

So the proceedings were stayed because he could not take the evidence of the witnesses and give the parties procedural fairness. This was based on the reason that there was an inherent power to cause evidence to be taken but comity did not permit it.

On appeal, the court disagreed with two aspects; the characterisation of the UAE “probably refusing” the video transcript and that the effect of sovereignty power was not fettered at all as there was no requirement for a foreign state to consent to video evidence given to an Australian Court.

Additionally, Thomas John referred to Mary Keyes discussion of the working group established and whether there is a case for codifying private international laws in Australia

to create coherence. The pro is that it would be a basis to align with other nations in terms of modernisation, however there is a chilling effect from the “paralysis of legislative”.

Shari’ah as Applicable Law in International Commercial Contracts: a review of the approaches to settlement of disputes, Mhd Anowar Zahid

The question is how Shari’ah law is to be treated in dispute settlements, which is important because Islamic business and finance is thriving and if the parties choice of law is not properly honoured then this could affect growth and development.

There are two approaches that can be taken
- Single law – derived from domestic status. (Trucial Coast Ltd v Sheikh Abu Dahbi) (1991);
- Mixed law, where the domestic law status is favoured (National Group for Communication and Computers v Lucent Technology) (2001.)

Shari’ah law has not yet been given the domestic law status in arbitration cases, it is in nature transnational and so applicable between Muslim parties. It may then be treated as a domestic law as well. A non-national law may be chosen such as Shari’ah law, or Shari’ah law could be combined with another law and used.

Use of Force (summary by Anna Hood, University of Melbourne)

For a conference focused on a corner of the world that is relatively untouched by conflict, it is interesting that issues connected to armed conflict dominated this year’s ANZSIL conference: six of the sixteen panel sessions focussed on various elements of armed conflict. One of those sessions was centred on the use of force. The seminar had three presenters: Susannah Leslie from MFAT, Jadranka Petrovic from Monash University and Christopher Michaelsen from the University of New South Wales. Below is an overview of each of the presentations.

The Use of Force in Self Defence against Non-State Actors, Susannah Leslie

Susannah addressed an issue that has preoccupied many states since September 11: if a state is facing an imminent attack from terrorists, can that state take action against those terrorists if they are based in the territory of another state? She identified the many problems that arise in this area of law including the fact that traditionally the activities of terrorists have to be attributed to the state in which they are based before they can be targeted by another state. She then went on to suggest that there appeared to be movement on the international stage towards allowing states to use force against terrorists without applying an attribution test or if the state harbouring the terrorists is ‘unwilling or unable’ to prevent the terrorists from carrying out their terrorist activities. Susannah concluded her talk by discussing how the principles she had advocated for could be applied in the case of the United States killing Osama bin Laden in 2011.

The Protection of Cultural Property in Armed Conflict, Jadranka Petrovic

Jadranka delivered a thought-provoking talk about the possibility of extending the scope of the doctrine of the Responsibility to Protect (‘R2P’) from the protection of populations to the protection of cultural property. She began by outlining the international legal regime that currently surrounds cultural property in times of armed conflict and presenting case studies of where cultural property has been targeted in armed conflict. In the second part of her talk she identified the fact that the international community has been extremely reluctant to take military action to protect cultural property when it is threatened and similarly reluctant to prosecute those responsible for the destruction of cultural property during times of armed conflict. She advocated strongly for the idea that the Security Council should adopt the R2P doctrine to address situations where cultural property is at risk. Specifically she highlighted the possibility of the Security Council taking action in Timbuktu (Mali) where an array of cultural property is currently at risk in the civil conflict. Finally, she called for the International Criminal Court to investigate whether charges of war crimes can be brought against individuals who engage in the destruction of cultural property.

R2P: RIP, Christopher Michaelsen

Christopher delivered a talk that contended that the 2011 intervention in Libya is evidence that the R2P is on its deathbed. Specifically, he asserted that Security Council Resolution 1973, which authorised NATO’s intervention in Libya, provided only minimal support for the doctrine because it avoided employing the language of R2P and instead focused primarily on the importance of protecting civilians. Further, he suggested that the doctrine was a fundamentally flawed framework for addressing humanitarian crises as it had become politically unpalatable for many states. Christopher lamented the downfall of the doctrine and articulated a belief in the need to find a way to foster its fundamental goals. He

suggested that one way to move forward would be to develop a doctrine focused on the protection of civilians as opposed to the broader goals of the R2P doctrine.

Concluding Thoughts

A theme that appeared in each of the speakers' presentations was a belief in the ability of military force to resolve threats and crises faced by the international community and a call for the areas in which force is used to be expanded. At future ANZSIL conferences, it could perhaps be interesting to add a seventh armed conflict-related panel that challenges these ideas and examines the ramifications of seeking to expand the situations in which force can be applied.

Recent Events

WTO Legal Affairs Director - Auckland Breakfast Roundtable

Piers Davies (President, Auckland sub-branch of the New Zealand Branch of the International Law Association), Dr. Caroline Foster (University of Auckland), and Ms Valerie Hughes.

Valerie Hughes, Director of the Legal Affairs Division at the World Trade Organisation (WTO) visited in Auckland on Wednesday 4 July en route to Wellington for a keynote presentation at the annual conference of the Australian and New Zealand Society of International Law. Valerie is formerly a senior partner at Gowlings Lafleur Henderson LLP, having served prior to this as the Director of the WTO Appellate Body Secretariat. Previously she worked for 22 years with the Canadian Government in roles including the Assistant Deputy Minister at the Department of Finance, and General Counsel of the Trade Law Division at Foreign Affairs. Valerie addressed a breakfast roundtable with croissants and coffee provided by the Faculty. She spoke on the subject of the success of the WTO dispute settlement system, providing also a briefing and update on current issues of interest to participants such as the European Union aviation emissions carbon levies, China's export restraints on rare earths, and technical barriers to trade faced by the New Zealand dairy industry. The talk was attended by staff and senior students from the Faculty of Law, the Department of Commercial Law, the International Law Association, the private sector, and other faculties with an an interest in trade law or globalisation and international economic policy, including Arts and Business. We are grateful to the New Zealand Law Foundation for bringing Valerie to Auckland, and enabling her to stop in Auckland.

Internship Reports

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

Madeleine Summers

Extraordinary Chambers in the Courts of Cambodia (ECCC)

From January to June 2012 I had the privilege of interning in the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (more commonly known as the Khmer Rouge Tribunal). The Khmer Rouge regime took power in Cambodia in April 1975 and was overthrown in January 1979. During that period it is estimated that close to two million people died from starvation, torture, execution and forced labour. The ECCC was established in 2003 to prosecute senior leaders and those most responsible for crimes committed during the Khmer Rouge period. The Pre-Trial Chamber where I interned is responsible for dealing with motions and appeals while a case is still under investigation by the two Co-Investigating Judges, a concept that has been imported into the ECCC from Cambodian and French Civil Law.

During my internship I undertook research tasks on a variety of different international law issues and principles. My research was used by the international judges and legal officers of the PTC to assist with the drafting of judgments in Cases 003 and 004.

The period I spent at the Pre-Trial Chamber was a sometimes tense and controversial time for the Court concerning the progression of Cases 003 and 004, which are currently still in the investigation phase. Judge Kasper-Ansermet, Reserve Co-Investigating Judge, resigned from his position in May 2012 citing interference in the investigation. As a reserve, Judge Kasper-Ansermet was to have replaced Judge Siegfried Blunk who resigned as the International Co-Investigating Judge in November 2011. However his official status and acceptance of his appointment was the subject of differing interpretations by the United Nations and Cambodian Government. This issue lead to an extraordinary sequence of events which included two International Judges of the Pre-Trial Chamber issuing an opinion on their own, without the other Judges of the Chamber. As far as I could determine through research of other tribunals, this is a unique situation and the first time that an opinion by only part of a bench has been issued.

During my internship I also had the opportunity to assist the Supreme Court Chamber with the final preparations in the Case 001 Appeal Judgement. Case 001 saw the Accused, Kaing Guek Eav (alias Duch) former chairman of the S-21 Security Centre in Phnom Penh, sentenced by the Trial Chamber to 35 years imprisonment, which was reduced by 5 years due to the Accused's illegal detention prior to the ECCC's inception. Both the Accused and Co-Prosecutors had appealed the Trial Chamber verdict to the Supreme Court. The Appeal Judgement quashed the Trial Chamber's sentence and imposed a term of life imprisonment, deciding not to grant a remedy of a reduction of sentence for time spent in illegal detention. I am grateful to have had the opportunity to gain insight into how an important, complex and lengthy judgement is constructed and I was also lucky enough to be present inside the courtroom when the judgement was read, which was an amazing experience. It was fascinating to see how the media reacted to the judgment and feel the buzz around the courtroom on that particular day as hundreds of victims, survivors, dignitaries and media outlets gathered at the Court.

On a personal note my time at the ECCC provide me with many good memories and the opportunity to meet and work alongside other interns from across the world. It was an amazing chance to learn from the ECCC's Judges, Legal Officers and other staff who were very kind in sharing knowledge, advice and tales of their experiences working in international law. I immensely enjoyed my time at the ECCC and it was fascinating to see firsthand the inner workings of an international tribunal.

I noticed that one of the most important and often raised questions about the ECCC is whether it achieves 'justice' for the victims of the Khmer Rouge. My time at the ECCC has helped me better understand that the legal notion of 'justice' is only one piece of the puzzle in assisting a country like Cambodia to recover from a brutal regime and civil war, but an important piece nonetheless.

Jikita de Schot

United Nations Secretariat (HQ) in New York

While enrolled in the Master of Laws (International Law and Politics) programme at Canterbury University in Christchurch, New Zealand, I undertook an internship at the United Nations Secretariat (HQ) in New York from mid-January to 18th May 2012.

My internship was with the Peacekeeping Situation Centre (SitCen) within the UN's Department of Peacekeeping Operations. The SitCen is the 'information hub' for UN peacekeeping operations, monitoring missions on a 24/7 basis to provide situational awareness, decision-making and crisis response support to senior leadership. In support of this, it has a number of components including a 24/7 watch room (imagine a room with a wall lined with TVs and you're not far off), a Research and Liaison Unit, and a policy officer who develops and updates policy relating to missions and the role of HQ. My internship consisted of three months in the Research and Liaison Unit followed by a final five weeks interning under the Policy Officer.

As an intern, I had a number of responsibilities including assisting with preparing briefings for senior leadership and military advisers of troop-contributing countries; working on Somalia which entailed assisting with research, producing a twice weekly media summary, monitoring belligerents' positions and maintaining a security incidents database; being the rapporteur at a SitCen Workshop; and assisting with research and drafting of policy matters. On the whole, this proved interesting and challenging work (despite the many 7 am starts and occasional 11 hour day endured), made all the more rewarding by interning in an office where everyone was very friendly and approachable. Being mistakenly claimed by the wrong department as their intern on my very first day also proved to be a great ice breaker within the office! It was especially interesting to be interning at a time when the situation in Syria and relations between Sudan and South Sudan continued to deteriorate as these were within the purview of the SitCen.

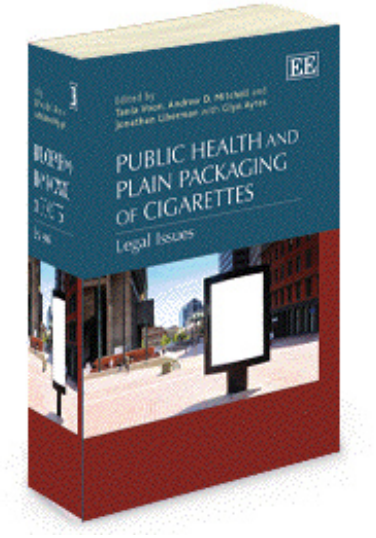
While interning, I was also encouraged to go along to any events of interest and so among other things I attended Security Council discussions on Syria and Somalia where Hilary Clinton and the President of Somalia spoke; talks by the interim Prime Minister of Libya, the Prosecutor of the International Criminal Court and the President of the International Court of Justice; drinks at the New Zealand and Australian Missions to the UN (thank you Australian colleagues for temporarily claiming me as one of your own); as well as a photo opportunity with the UN Secretary-General. To watch history in the making from inside the UN or to see international figures in person made the internship all the more special.

Aside from interning, I visited Washington DC, Niagara Falls, Boston, Amish county, Miami and San Francisco; as well as doing the quintessential tourist things like going to Broadway shows, celebrating New Year's Eve in Times Square, visiting the Statue of Liberty, and attending baseball, basketball and football games (with requisite hotdog in hand).

Along the way, I made some lifelong friendships with other interns from all around the world; and being the only intern from New Zealand for the greater part of my internship, received my fair share of teasing about the Kiwi accent- many words beginning with 'e' proved incomprehensible to most.

I give my sincere thanks and gratitude to the Australia and New Zealand Society of International Law for providing me with a travel grant to assist with this internship. As the internship was entirely unpaid, it would not have been possible to undertake it without such generous help.

Recent Publications by ANZSIL Members



Public Health and Plain Packaging of Cigarettes: Legal Issues

Edited by Tania Voon, Andrew D. Mitchell, Melbourne Law School, University of Melbourne, Australia and Jonathan Liberman, Director, McCabe Centre for Law and Cancer, a joint initiative of Cancer Council Victoria and Union for International Cancer Control, Australia with Glyn Ayres, Melbourne Law School, University of Melbourne.

'This book provides a definitive account of Australia's pioneering public health legislation on the plain packaging of tobacco products. The regime was designed to implement the World Health Organization Framework Convention on Tobacco Control and address the impacts of "the tobacco epidemic". A number of nation states plan on emulating Australia's exemplary regime. In a panic, the tobacco industry has sought to challenge the plain packaging of tobacco products under both Australian constitutional and administrative law, and international trade, investment, and intellectual property laws. This book provides a lucid, thoughtful, and intelligent analysis of the "mega-litigation" over the plain packaging of tobacco products, and highlights the necessity for public health measures in this area. It is a timely and prescient work.' *Matthew Rimmer, The Australian National University College of Law and ACIPA, Australia*

Contributors: A. Alemanno, G. Ayres, E. Bonadio, J. Bosland, S. Chapman, M. Davison, S. Evans, T.A. Faunce, B. Freeman, K. Lannan, J. Liberman, B. McGrady, A.D. Mitchell, M. Scollo, T. Voon

ASIL's International Organizations Interest Group

ASIL's International Organizations Interest Group is seeking contributions for a new round of Reports on International Organizations (RIO). These short (1000 to 1200-word) reports are designed to highlight recent legal developments in international organizations, including smaller and lesser known organizations. We are currently seeking reports on new and established international organizations in which significant legal events have taken place in the past year. To submit a proposal for a new report, after consulting the Guidelines for Authors and the Archive of previous reports, please send an email to tania.voon@unimelb.edu.au including your name, affiliation (position and organisation), the international organization proposed for the report, and a brief description (up to 100 words) of the legal development or event arising in relation to that organization that you propose to write about.

Tania Voon, Associate Professor, Melbourne Law School, Coordinator of the ASIL RIO Project

Richard Burchill, Reader, University of Hull Law School, Associate Coordinator of the ASIL RIO Project

75th Biennial Conference of the ILA

Alison Pert *(University of Sydney) attended the recent 75th Biennial Conference of the International Law Association and has kindly provided the following report of the conference.*

Over four hundred international lawyers from 50 countries recently descended on Sofia (emphasis on the first syllable, we learned), Bulgaria, for the 75th biennial conference of the International Law Association. The conference was held in the magnificent Palace of Justice – amid working law courts – from 26 to 30 August 2012.
An ILA conference is unusual in that it does not consist of the usual plethora of papers and presentations. Instead, the ILA works though committees – 22 at present, plus six study groups – each of which works on the "study, clarification and development" of an area of public or private international law. Before the biennial conference each committee prepares a report on its work to date, and at the conference this report and the committee's work in general is discussed first by the committee privately and then in open session where any delegate can attend, ask questions, and join in the discussion. Committees work on a topic over several years, and the end product of their work can take a number of forms from the preparation of a draft convention on a particular topic, to a review of recent developments of law or practice in that area.

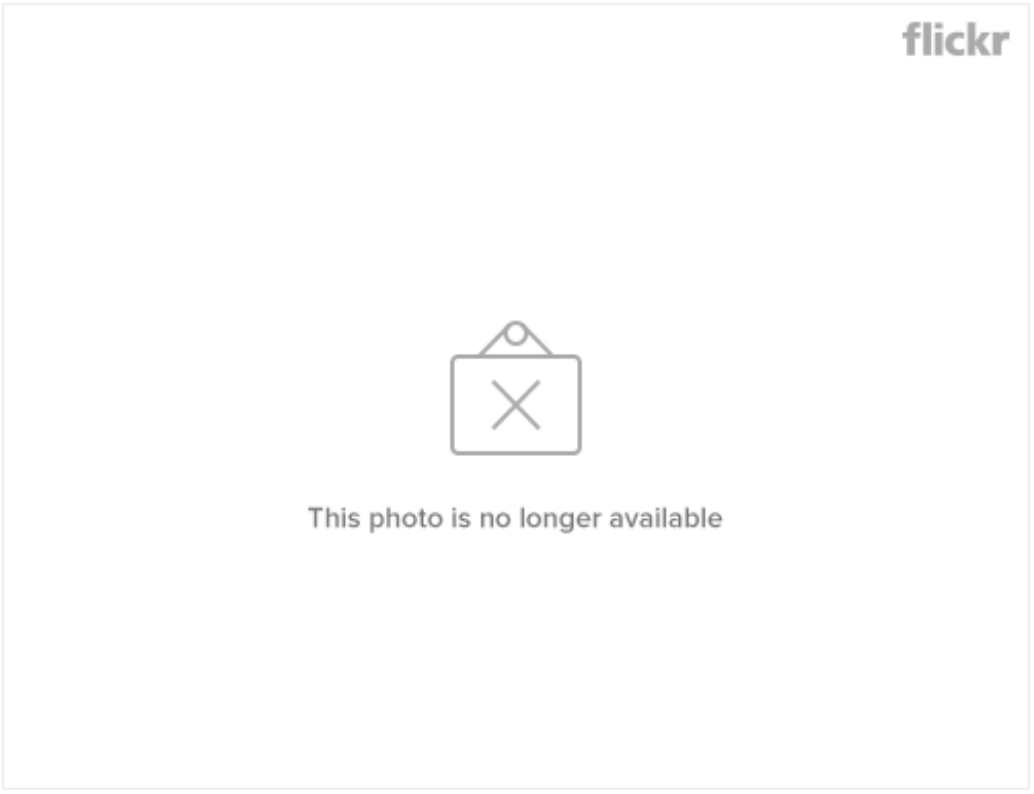
The Palace of Justice, the conference venue (and a working law court). Photo: Alison Pert.

At the 75th conference, for example, the International Civil Litigation Committee produced the Sofia Guidelines on best Practices for International Civil Litigation for Human Rights Violations, adopted by the ILA which commended them to courts and international

organisations “with a view to facilitating the progressive development of the law on this subject”. In similar vein, the Committee on International Monetary Law produced some principles of jurisdiction over foreign bank branches in cases of extraterritorial attachment, and the Committee on the Rights of Indigenous Peoples adopted principles of international law, and recommendations to states, in relation to the rights of indigenous peoples.

With so many committees and study groups the conference agenda was extremely full, with several sessions running in parallel at any one time. Each evening from 5 to 6.30 there were additional panel sessions on topics of current interest.

There was also an active social calendar, however, including the traditional “Embassy night” when delegates are invited to their state’s embassy for a drink or two. As Australia’s nearest embassy is in Athens, the Aussie delegates repaired to a local restaurant for a delicious typically Bulgarian meal.



The Australian DIY embassy night; from left to right: Alison Pert, Damian Sturzaker, Paul Colagiuri, Christopher Ward, Jennifer McKay, Alexander Kunzelmann, Leopoldina Sackville. Photo: Alison Pert.

Sofia takes its name from the ancient church of St Sophia, or Hagia Sofia, meaning “holy wisdom” in Greek. It is a beautiful city, albeit with a slightly jarring mix of grand 19th century public buildings and boulevards, and stark Communist-era brutalist concrete blocks. One of the main boulevards is affectionately known as the Yellow Brick Road, not after Dorothy but literally: the distinctive yellow bricks were a gift from the Austrian Emperor Franz Joseph in 1907. In the bright summer sunshine (the temperature was in the high 30s) the effect was striking. Many years ago as a student backpacker I had visited Sofia when Bulgaria and the rest of Eastern Europe were under Communist rule, and it was a truly uncomfortable experience. To see the Sofians now it is hard to believe such a time existed (apart from the dreadful Stalinesque architectural legacy, of course) – they are friendly, relaxed and confident, and justly proud of their city.

The next ILA conference will be held in Washington in April 2014, jointly with the American Society of International Law. Australia will host the 78th conference in 2018.

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