



Sydney Centre for International Law 2026 “Year in Review” Conference



Conference

2026 Sydney Centre for International Law
Year in Review Conference

Date and venue

27 February 2026 | Law Lounge, Sydney Law
School,
The University of Sydney

Prepared by

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Summary

The 2026 Sydney Centre for International Law (SCIL) Year in Review Conference brought together leading scholars, judges, government lawyers and practitioners to reflect on key developments in international law during the previous year. The discussions underscored a central paradox: international law remains central to the management of global problems, but it is under sustained pressure from geopolitics, selective compliance, institutional distrust and accelerating crises.

The conference explored major challenges confronting the international legal system, including climate change, international environmental governance, geopolitical shifts in the global order, nuclear deterrence, and the continuing conflicts in Gaza and Ukraine. Throughout the conference, speakers highlighted the growing importance of international courts, the role of small and middle powers such as Australia, and the influence of civil society and younger generations in shaping international legal discourse.

Across the panels, three themes stood out. First, international law continues to provide vocabulary, procedure and legitimacy for action, even where enforcement is imperfect. This was especially visible in the discussions on climate change, inter-state disputes, Palestine and nuclear risk. Secondly, legal authority alone is not enough. Coalitions, political strategy, domestic implementation and institutional follow-through remain essential if international law is to produce practical outcomes. Thirdly, many speakers described a more fragmented legal order in 2025, one in which major powers use international law selectively while smaller and middle powers increasingly rely on it as a strategic tool.

The conference suggested both caution and guarded optimism. The caution lies in the return of power politics and the widening gap between legal principle and political practice. The optimism lies in the fact that states, courts, civil society, scholars and affected communities continue to mobilise law to frame claims, demand accountability and shape future norms.

Key message

- International law is not disappearing. It is being contested, repurposed and unevenly applied.
- Civil society, small states and affected communities can still shape international legal agendas.
- Implementation now matters as much as doctrine.
- Small and Middle powers such as Australia are increasingly important as litigants, interveners and institutional actors.

Opening session and framing remarks

The conference opened with a **Welcome to Country** delivered by **Uncle Brendan Kiran** on behalf of the Metropolitan Local Aboriginal Land Council. He reflected on the long history of dispossession since colonisation and the continuing struggle over narrative, memory and recognition. His remarks challenged comfortable national stories and underscored that language, place and cultural expression remain central to sovereignty and identity.



Professor Jacqueline Mowbray, SCIL Co-Director, then welcomed participants and introduced the conference themes. In doing so, she situated the day not only as a retrospective on 2025, but also as an opportunity to assess how international law is adapting to rapid geopolitical and environmental change.



Uncle Brendan Kerin, Metropolitan Local Aboriginal Land Council.



*Prof. Jacqueline Mowbray
(Sydney Law School)*

Panel 1: Environment and international law

The opening panel was one example of international law's continuing relevance. **Belyndar Rikimani's** keynote on the campaign for an International Court of Justice advisory opinion on climate change showed how students and Pacific actors helped transform climate vulnerability into a legal and diplomatic project. Her central point was that climate change is not a peripheral policy issue but a matter that goes to legal responsibility, intergenerational justice and the future credibility of international law itself.



Belyndar Rikimani (Pacific Island Students Fighting Climate Change) and Prof Emeritus Ben Boer (Sydney Law School).



Belyndar described the movement as emerging from Pacific experience, especially from Vanuatu and Fiji, where climate change had never been an abstract future threat but an ongoing reality visible in water contamination, cultural loss, displacement and deep anxiety about the future. The campaign, she explained, was grounded in the conviction that those on the front line of climate harm should not be treated merely as victims, but as legal and political actors shaping the future of international law.

A central message was that urgency alone is not enough. International law responds not only to moral pressure, but also to procedure, legitimacy, coalition-building and strategic choice. Vanuatu's decision to pursue an ICJ advisory opinion was therefore presented as a deliberate and ambitious legal choice. The Court's authority, she argued, could help clarify state obligations, frame future negotiations and give accessible legal language to communities already living through climate injustice. Her remarks closed on an inspiring note: international law does not move on its own, and it does not belong only to states or experts. It can be pushed collectively towards justice by those with conviction, collaboration and courage.

In discussion, Belyndar explained that the initiative began in 2019, drawing in part on student research into the disproportionate effects of climate change on women and children. She noted that the campaign continues through outreach to states, civil society and regional actors, and that current priorities include legislative alignment, capacity-building, and meaningful engagement with women and Indigenous communities. Asked about strategic risk, she candidly acknowledged that the campaigners were optimistic and did not construct a detailed fallback plan for an adverse opinion. That optimism, however, was vindicated by the eventual outcome. She stressed the importance of updating domestic climate laws in Pacific states and embedding climate education in schools and institutions.

Professor Emeritus Ben Boer, as discussant, emphasised that environmental questions increasingly reveal the porous boundary between domestic and international law and that climate, biodiversity and disaster governance are inseparable from broader debates about justice and institutional effectiveness.

Professor Tim Stephens examined the ICJ's 2025 advisory opinion. His discussion highlighted the Court's treatment of due diligence, prevention, reparation and the relationship between treaty obligations and customary international law. He suggested that the opinion may have effects beyond The Hague, especially in domestic litigation, environmental assessment processes and future arguments about state responsibility.

Professor Rosemary Lyster addressed the draft treaty on the protection of persons in the event of disasters. Her remarks shifted attention from high-profile judicial developments to the slower but essential work of treaty development and domestic engagement. She discussed the International Law Commission draft articles, the relevance of the Sendai Framework, and Australia's still-evolving position. The broader message was that international law's effectiveness often turns on whether states engage seriously in consultation, implementation and inter-agency coordination.



*Professor Tim Stephens
(Sydney Law School)*



Associate Professor Ed Couzens concluded the panel with a discussion of CITES and wildlife trade. His presentation showed that biodiversity governance faces a practical enforcement deficit: international obligations exist, but implementation and penalties remain uneven. His examples from Australia reinforced a recurring theme of the conference: legal frameworks may be established, but their success depends on monitoring capacity, political priority and market realities.

Panel 2: Australia and international law



From left to right: Jesse Clarke (Office of International Law, Attorney-General's Department), Professor Jacqueline Mowbray (Sydney Centre for International Law, Sydney Law School), Associate Justice Joanne Harrison (Supreme Court of New South Wales) and Adjunct Associate Professor Alison Pert (Sydney Law School).

The second panel moved from global norm development to Australia's institutional practice. **Associate Justice Joanne Harrison's** survey of private international law in 2025 suggested that Australian courts, and New South Wales in particular, remain an important site for cross-border litigation. Her review of recent cases highlighted the practical centrality of forum disputes, service abroad, sovereign immunity, arbitration and the treatment of foreign legal systems.

Jesse Clarke's presentation on Australia's participation in international disputes provided one of the day's clearest illustrations of Australia as a middle power using law strategically. He described a clear rise in the number and variety of matters involving Australia in 2025, including the MH17 proceedings against Russia, disputes linked to the Genocide Convention, and several investor-state cases. His discussion of the *Zeph* claims and the *CCM v India* litigation was especially valuable because it showed how treaty interpretation, jurisdictional objections, sovereign immunity and enforcement questions intersect in practice.

Adjunct Associate Professor Alison Pert complemented this with a survey of recent Australian public international law cases. Her overview ranged across sovereign immunity, the enforcement of arbitral awards, diplomatic status, treaty interpretation, extradition and environmental obligations. Together, the three speakers showed that Australia's engagement with international law is increasingly judicialised and operational rather than merely rhetorical.



Literary Lunch: Novelist Shankari Chandran & Dr Tamer Morris



Dr Tamer Morris (Sydney Law School) and novelist Shankari Chandran

The conference also featured a literary conversation with [Shankari Chandran](#), an award-winning Australian novelist. Her novel *Chai Time at Cinnamon Gardens* won the 2023 Miles Franklin Award and explores themes of migration, identity and belonging within Australian society. During the discussion, Chandran reflected on her background as the daughter of Tamil refugees from Sri Lanka and discussed how literature can illuminate experiences of displacement and political violence.

Panel 3: Superpowers, smaller states and the changing world order



From left to right: Professor Douglas Guilfoyle (UNSW Canberra), Professor Fleur Johns (Sydney Law School), Professor Vivienne Bath (Chair, Sydney Law School), Professor Bing Ling (Sydney Law School), and Irene Baghoomians (Sydney Law School).

The third panel was directly relevant to anyone interested in the future structure of international law. **Professor Fleur Johns** argued that the US in 2025 was not simply withdrawing from international



law. Rather, it was pursuing a more selective two-track approach: retreating from some institutional commitments while simultaneously using legal and treaty mechanisms instrumentally in areas such as migration, security, data governance and critical minerals.

Professor Bing Ling's presentation on China offered a complementary account of strategic legal engagement. He suggested that 2025 marked a reversal in China's fortunes within the international order, helped in part by the United States' own policy shifts. China, in his account, has not withdrawn from major treaties or institutions but has become increasingly selective in the values and forms of international law it promotes.

Professor Luke Nottage and **Prof Jeanne Huang** brought the discussion into trade, regulation and supply chains through their analysis of traceability and critical minerals. They explained how public law requirements, especially in the European Union, increasingly shape private supply chains by demanding data on origin, processing and sustainability. They also highlighted the legal and political tensions produced by centralised data systems, including confidentiality, security, access and uneven capacity across jurisdictions.

Dr Irene Baghoomians' presentation on Iran shifted the discussion to protest, repression and the role of international human rights mechanisms. **Professor Douglas Guilfoyle** concluded with a thought-provoking account of small states as legal strategists. Rather than treating small states as passive, he emphasised their capacity to use legal argument, coalition-building and forum choice to reshape debates and raise the political costs of wrongful conduct.

Panel 4: Nuclear



The nuclear panel brought into sharp focus the gap between disarmament aspiration and security practice. **Professor Bill Boothby** described the continuing force of nuclear deterrence in contemporary strategic thinking, especially against the background of Russia's invasion of Ukraine and growing technological risks. He acknowledged the normative pull of Article VI of the Nuclear Non-Proliferation Treaty but argued that any serious discussion of disarmament must also engage with the realities of state behaviour, mistrust and escalation.

Professor Gareth Evans offered a more overtly policy-oriented response. While sceptical of overly absolute disarmament narratives, he stressed the distinctive catastrophic risk posed by nuclear weapons and the continuing need for middle-power activism. His remarks were particularly relevant to Australia. He argued that, even in a deteriorating strategic environment, states such as Australia still have a role in rebuilding pressure for restraint, non-proliferation and more credible risk-reduction measures.



Panel 5: Israel, Palestine and accountability

The final panel was the most politically charged of the day and raised difficult questions about the relationship between international legal principle, accountability and peace-making. **Professor Emily Crawford** opened with a broad overview of armed conflict developments in 2025, including Gaza, Ukraine, Iran, Sudan and regional escalation. Her remarks placed Australia's position in a wider discussion about military support, humanitarian law and the responsibilities of states that are not direct belligerents but remain connected to conflict through policy, procurement or alliance structures.

Professor Ben Saul then offered a critical assessment of current proposals concerning Gaza and Palestinian governance. He argued that any arrangement that sidelines Palestinian representation, weakens UN supervision or treats self-determination as conditional risks deepening rather than resolving the conflict. His intervention repeatedly returned to the point that security, governance and reconstruction cannot be detached from legality, accountability and rights.

Dr Rosemary Grey concluded with a focused update on international criminal law. She discussed findings of the UN Human Rights Council's Independent Commission of Inquiry and developments in the International Criminal Court's *Situation in the State of Palestine*. She distinguished between state responsibility and individual criminal responsibility, and explained why questions of immunity, prosecutorial strategy and jurisdiction remain legally complex even where allegations are grave.



From left to right: Professor Emily Crawford (Sydney Law School), Professor Chester Brown SC (Chair, Sydney Law School), Professor Ben Saul (Challis Chair of International Law, Sydney Law School; UN Special Rapporteur on Counter-Terrorism and Human Rights), and Dr Rosemary Grey (Sydney Law School).



Concluding reflections

The conference conveyed a firm but realistic message. International law still matters because it structures claims, distributes authority, legitimises demands and provides institutions through which states and communities can act. Yet its operation is increasingly uneven. Major powers may ignore, reshape or instrumentalise legal norms, and institutional outcomes still depend heavily on politics, capacity and mobilisation.

The most important insight may be that the current challenge is not simply whether international law exists or is relevant. The deeper question is how it is being used, by whom, and with what degree of credibility. The conference showed that this question now cuts across climate change, dispute settlement, sovereign immunity, trade regulation, nuclear governance and the law of armed conflict.

The day therefore left the audience with neither complacency nor despair. Instead, it pointed to a more demanding understanding of international law: one that requires doctrinal rigour, political awareness, institutional imagination and sustained engagement beyond the courtroom or classroom.

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