



Sydney Centre for International Law: Year in Review conference

Friday 26 Feb 2021, 8.45am to 5pm AEDT

8.45am	<p>Welcome and acknowledgment of country Professor Simon Bronitt, Dean, Sydney Law School</p>
9.00am	<p>Keynote address: International law and the case of Julian Assange Jennifer Robinson (Barrister at Doughty Street Chambers; Counsel for Assange) Chair: Professor Mary Crock (Co-Director, Sydney Centre for International Law)</p>
9.40am	<p>PANEL 1: AUSTRALIA'S YEAR IN INTERNATIONAL LAW</p> <p>Australia's involvement in international dispute settlement and related processes Stephanie Ierino (Assistant Secretary (A/g), Office of International Law, Attorney-General's Department)</p> <p>Use of international law by Australian courts Dr Rosemary Grey (Co-Director, Sydney Centre for International Law) Chair: Professor Vivienne Bath (Sydney Law School)</p>
10.40am: Refreshment break	
11am	<p>PANEL 2: INTERNATIONAL CRIMINAL LAW</p> <p>Chair & update on Australia's war crimes investigation A/Prof Emily Crawford (Sydney Law School)</p> <p>Accountability for Myanmar's alleged crimes against Rohingya people Professor Catherine Renshaw (Western Sydney University)</p> <p>The Never-ending Global Counter-terrorism Juggernaut Professor Ben Saul (Challis Chair of International Law, Sydney Law School)</p>
12 pm: Refreshment break	
12.30pm	<p>LITERARY LUNCH (CONVERSATION WITH AUTHOR OF A BOOK THAT RELATES TO THE CONFERENCE THEME) As in past years, the conference will include a lunchtime discussion of a recent book that relates to the conference themes. This year's lunch features Cassandra Pybus, author of <i>Truganini: Journey through the apocalypse</i> (Allan & Unwin 2020) in conversation with JD student Marlikka Perdrisat.</p>
1.30pm	<p>PANEL 3: INTERNATIONAL ENVIRONMENTAL LAW</p> <p>The Journey from Paris to COP26 Professor Rosemary Lyster (Sydney Law School)</p> <p>From Pollution to Pandemics: Recent Developments in International Environmental Law Professor Tim Stephens (Sydney Law School) Chair: A/Prof Ed Couzens (Sydney Law School)</p>
2.20pm	<p>PANEL 4: ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY</p> <p>The Commission's interim report on Disability & Australia's response to the COVID-19 Pandemic Emeritus Professor Ron McCallum AO (special advisor to the Royal Commission)</p> <p>Disability and Migration Law: An Overview of the SCIL submission to the Royal Commission Professor Mary Crock (Co-Director, Sydney Centre for International Law) Chair: Professor Ben Saul (Challis Chair of International Law, Sydney Law School)</p>
3.10pm: Refreshment break	
3.30pm	<p>PANEL 5: PRIVATE, COMMERCIAL, AND INTERNATIONAL INVESTMENT LAW</p> <p>Australia's Bilateral Investment Treaty (BIT) Review Process Maureen Klar (Department of Foreign Affairs and Trade)</p> <p>Recent Decisions regarding the Enforcement of ICSID Awards and State immunity Professor Vivienne Bath (Sydney Law School)</p> <p>Judicial and Arbitral Decision-making A/Prof Stacie Strong (Sydney Law School)</p> <p>Commentators: Professor Luke Nottage & A/Prof Jeanne Huang (Sydney Law School) Chair: Professor Chester Brown (Sydney Law School)</p>

Keynote speakers

Jennifer Robinson, Barrister, Dough Street Chambers (London)



Jen Robinson is an Australian barrister at Doughty Street Chambers in London, practising in international law, human rights, media law and public law. She has appeared in cases before the International Court of Justice, the European Court of Human Rights and the Inter-American Court of Human Rights, and regularly engages with UN Special Mechanisms on behalf of a range of clients. She has been counsel to Julian Assange and WikiLeaks since 2010. Jen completed postgraduate studies in public international law at the University of Oxford and has taught at the University of Sydney.

Cassandra Pybus, author of *Truganini: Journey through the apocalypse* (Allen & Unwin, 2020)



Cassandra Pybus's ancestors told a story of an old Aboriginal woman who would wander across their farm on Bruny Island, in south-east Tasmania, in the 1850s and 1860s. As a child, Cassandra didn't know this woman was Truganini, and that Truganini was walking over the country of her clan, the Nuenonne. For nearly seven decades, Truganini lived through a psychological and cultural shift more extreme than we can imagine. But her life was much more than a regrettable tragedy. Now Cassandra has examined the original eyewitness accounts to write Truganini's extraordinary story in full.

SPEAKERS/CHAIRS (alphabetical)

Vivienne Bath, The University of Sydney

Professor Vivienne Bath is Professor of Chinese and International Business Law at Sydney Law School and Director of the Centre for Asian and Pacific Law at the University of Sydney. Her teaching and research interests are in international business and economic law, private international law and Chinese law. She has first class honours in Chinese and in law from the Australian National University, and an LL.M. from Harvard Law School. She has also studied in China and Germany and has extensive professional experience in Sydney, New York and Hong Kong, specialising in international commercial law, with a focus on foreign investment and commercial transactions in China and the Asian region. Recent publications include: V Bath and G Moëns, *Law of International Business in Australasia* (2nd ed, Federation Press 2019).

Chester Brown, The University of Sydney

Professor Chester Brown is Professor of International Law and International Arbitration at the University of Sydney Law School. He is also a Barrister at 7 Wentworth Selborne Chambers, Sydney, and an Overseas Associate of Essex Court Chambers, London, and Maxwell Chambers, Singapore. He teaches and researches in the fields of public international law, international dispute settlement, international arbitration, international investment law, and private international law. He also maintains a practice in these fields, and has been involved as counsel in proceedings before the International Court of Justice, the Iran-United States Claims Tribunal, inter-State and investor-State arbitral tribunals, as well as in inter-State conciliation proceedings and international commercial arbitrations.

Emily Crawford, The University of Sydney

Dr Emily Crawford is an Associate Professor and an associate of the Sydney Centre for International Law (SCIL). Previously at the Law Faculty at the University of New South Wales, Emily completed her Arts and Law degrees before working as a researcher at the Australian Broadcasting Corporation, before returning to UNSW to undertake her PhD. Her doctoral thesis on the disparate treatment of participants in armed conflicts was published by Oxford University Press in 2010. Emily has taught international law and international humanitarian law, and has delivered lectures both locally and overseas on international humanitarian law issues, including the training of military personnel on behalf of the Red Cross in Australia. A member of the International Law Association's Committee on Non-State Actors, as well as the NSW Red Cross IHL Committee, Emily's most recent research project examined major developments in the conduct of armed conflicts in the 21st century, such as cyber warfare, targeted killings, and the increasing presence of civilians directly participating in armed conflicts. The research project was published in 2015 by Oxford University Press as *Identifying the Enemy: Civilian Participation in Armed Conflict*.

Mary Crock, The University of Sydney

Professor Mary Crock is Professor of Public Law in the University of Sydney Law School and co-Director of the Sydney Centre for International Law. Co-founder in 1989 of the specialist community legal service now known as Refugee Legal in Melbourne, Victoria, she has worked in the area of immigration and refugee law since 1985. She has been recognised as an Accredited Specialist in Immigration Law since 1994 and is listed in the peer-driven publication *Best Lawyers in Australia* in Immigration Law. She has served on a variety of national, state and NGO bodies relating to immigration, refugees, disability and child protection. Professor Crock has written extensively on issues related to immigration, refugee law, and international human rights. Recent publications include (with L Smith-Khan, B Saul and RC McCallum) *The Legal Protection of Refugees with Disabilities: Forgotten and Invisible?* (Elgar Publishing, 2017); (with L Benson), *Protecting the Migrant Child: Central Issues in the Search for Best Practice* (Elgar Publishing, 2018); and (with K Bones, D Ghezelbash, J Hollonds and MA Kenny), *Children and Young People in Asylum and Refugee Processes: Towards Best Practice* (Federation Press, 2020).

Ed Couzens, The University of Sydney

Ed Couzens is an Associate Professor at Sydney Law School. His key research areas are: international and national wildlife law; protection of biodiversity; climate change and biodiversity; and marine protection. He joined the University of Sydney Law School in early 2015 from the School of Law, University of KwaZulu-Natal, Durban, South Africa, where he lectured for 14 years and held the position of Associate Professor from 2009. He is an attorney of the High Court, South Africa; and holds the degrees of BA Hons LLB (from the University of the Witwatersrand), LL.M.

Environmental Law (awarded jointly by the Universities of Natal and Nottingham), and PhD (from the University of KwaZulu-Natal).

Rosemary Grey, The University of Sydney

Dr Rosemary Grey is a lecturer at Sydney Law School and Co-Director of the Sydney Centre for International Law. her research focuses on gender & international criminal law, particularly the prosecution of gender-based crimes in the International Criminal Court (ICC) and Extraordinary Chambers in the Courts of Cambodia (ECCC). She currently holds an Australian Research Council (ARC) DECRA Grant for her project titled 'Reproductive Crimes in International Law: Lessons from Cambodia' and is also a chief investigator on an ARC Discovery Project titled 'Reimagining Judging in International Criminal Courts: A Gendered Approach'. Rosemary's book, *Prosecuting Sexual and Gender-Based Crimes in the International Criminal Court*, was published by Cambridge University Press in 2019. She has consulted and interned for key organisations in the international criminal justice field, including Amnesty International, Women's Initiatives for Gender Justice, the International Bar Association, and the ICC.

Dr. Jie (Jeanne) Huang, The University of Sydney

Associate Professor Dr. Jie (Jeanne) Huang, SJD (law) Duke University School of Law in the US; Master of International Law and LLB, Shanghai University of International Business and Economics in China. Dr. Jeanne Huang is an associate professor at the University of Sydney Law School in Australia. She is widely known for her research on legal issues in digital trade and e-commerce, international investment and Chinese law. She has published four books and authored many articles in leading peer-reviewed law journals, such as *Journal of International Economic Law* and *Journal of Private International Law*. Twelve of her articles are indexed by SSCI. She has received funding from University of Sydney, University of New South Wales, China National Social Science Fund general project (equivalent to Australian ARC), China Ministry of Education, the China Law Society, Shanghai Philosophy and Social Science Fund, and Shanghai Government Development and Research Centre Fund on research topics related to international trade and investment regulations.

Stephanie Ierino, Attorney-General's Department

Stephanie Ierino is an Assistant Secretary (A/g) in the Office of International Law, International Division, Attorney-General's Department. In that role, she advises the Australian Government on a broad range of issues related to public international law and its implementation in Australia. Stephanie has been involved in numerous cases involving Australia before international courts and tribunals, including *Whaling in the Antarctic* and *Questions Relating to the Seizure and the Detention of Certain Documents and Data* cases before the International Court of Justice. She also appeared for Australia before the International Tribunal for the Law of the Sea in the *Request for an Advisory Opinion submitted by the Sub-Regional Fisheries Commission (SRFC)*.

David Kinley, The University of Sydney

Professor David Kinley holds the Chair in Human Rights Law at the University of Sydney Law School. He is also an Academic Panel member of Doughty Street Chambers in London, a member of the Australian Council for Human Rights, and was a founding member of Australian Lawyers for Human Rights. He is on the Faculty of Oxford /George Washington Universities' International Human Rights Law Summer School and has previously held teaching positions at Cambridge University, ANU, University of New South Wales, Washington College of Law, American University, and Paris 1 (La Sorbonne). He was also the founding Director of the Castan Centre for Human Rights Law at Monash University (2000-2005). David was a Senior Fulbright Scholar in 2004, based in Washington DC, and the Herbert Smith Visiting Fellow at the Faculty of Law, University of Cambridge in 2008. He has written and edited twelve books and more than 100 articles, book chapters, reports and papers.

Maureen Klar

Maureen Klar is Assistant Director in the Investment Section, Regional Trade Division, Department of Foreign Affairs and Trade. She will be speaking about the Australian government's current review of the bilateral investment treaties (BITs) to which Australia is a party.

Rosemary Lyster, The University of Sydney

Rosemary Lyster is the Professor of Climate and Environmental Law in the University of Sydney Law School and a Fellow of the Australian Academy of Law. Rosemary's special area of research expertise is Climate Justice and Disaster Law. She has published two books in this area: Rosemary Lyster and Robert M. Verchick (eds.) *Climate Disaster Law* (Edward Elgar: 2018) and Rosemary Lyster *Climate Justice and Disaster Law* (Cambridge University Press: 2015).

She has been selected by the Australian Financial Review as one of the 2018 '100 Women of Influence' in the Public Policy category. In 2015, Rosemary was appointed by the Victorian government to a three-person Independent Review Committee (IRC) to review the state's Climate Change Act 2010 and make recommendations to place Victoria as a leader on climate change. The government accepted 32 of the IRC's 33 Recommendations which were included in the new Climate Change Act 2017. She has published three other books with Cambridge University Press in the area of Climate Law including Rosemary Lyster, Catherine MacKenzie, Constance McDermott (eds.) *Law, Tropical Forests and Carbon: The Case of REDD+* (2013), Rosemary Lyster and Adrian Bradbrook, *Energy Law and the Environment* (2006) and Adrian J. Bradbrook, Rosemary Lyster, Richard L. Ottinger and Wang Xi (eds.) *The Law of Energy for Sustainable Development* (2005).

Ron McCallum AO

Emeritus Professor Ron McCallum AO is Special Advisor to the Royal Commission into violence, abuse, neglect and exploitation of people with disability. He studied law at Monash University, graduating in 1972. In 1974 he completed a Master of Laws Degree at Queen's University, Canada. After teaching at Monash for eighteen years, he moved to Sydney in 1993 where he was appointed to a full professorship at the University of Sydney. He served as Dean of the University of Sydney Law School between 2002 and 2007. His expertise in labour law and occupational health and safety saw him appointed as chair or member of various federal and state inquiries. Professor McCallum was made an Officer in the Order of Australia (AO) in 2006 for his services to tertiary education, for industrial relations advice to governments, for assistance to visually impaired persons and for social justice. In January 2011, Prime Minister Ms Julia Gillard designated Ron as Senior Australian of the Year for 2011. Professor McCallum was elected as a member of the United Nations Committee on the Rights of Persons with Disabilities which monitors the implementation of the Disabilities Convention. He served from 2009 until the close of 2014. Ron served as a part-time member of the Administrative Appeals Tribunal from 2013 to July 2019. In July 2019, Allen and Unwin published his memoir titled "Born At The Right Time" which discusses his life and the changes brought about by new technologies

Luke Nottage, The University of Sydney

Dr Luke Nottage (BCA LLB PhD VUW, LLM Kyoto) specialises in international arbitration, corporate governance and consumer (product safety) law. He is Professor of Comparative and Transnational Business Law at Sydney Law School and Associate Director of the Centre for Asian and Pacific Law at the University of Sydney (CAPLUS). He is Special Counsel at Williams Trade Law and qualified as a lawyer in New Zealand (1994) and NSW (2001). Luke has consulted for law firms world-wide, ASEAN, the EC, UNCTAD, UNDP, OECD and the governments of Japan and Saudi Arabia. He has made numerous public Submissions and given evidence to Australian government inquiries arbitration and consumer law reform. Luke is also a Rules committee member of ACICA, listed on the Panel of Arbitrators for the AIAC (formerly KLRCA), BAC, JCAA, KCAB, NZIAC, SCIA and TAI, and is one of three Australia-based Titular Members elected to the International Academy of Comparative Law. He was awarded "ADR Academic of the Year 2020" by the Australian Disputes Centre. Luke's 19 books include *International Commercial and Investor-State Arbitration: Australia and Japan in Regional and Global Contexts* (Elgar, February 2021), *New Frontiers in Asia-Pacific International Arbitration and Dispute Resolution* (eds, Kluwer, January 2021), *ASEAN Consumer Law Harmonisation and Cooperation* (Cambridge UP, 2019, with Justin Malbon et al), *Contract Law in Japan* (Kluwer 2019, with Hiroo Sono et al), *International Investment Treaties and Arbitration Across Asia* (eds, Brill, 2018), *Foreign Investment and Dispute Resolution Law and Practice in Asia* (eds, Routledge 2011) and *International Arbitration in Australia* (eds, Federation Press 2010). Over 130 manuscripts of his articles and chapters are at SSRN.com and his Blog postings are mostly at or via <https://japaneselaw.sydney.edu.au/>.

Catherine Renshaw, Western Sydney University

Catherine Renshaw is a Professor in the School of Law at the Western Sydney University. Her research focuses on human rights and democracy in Southeast Asia. She has also been a Visiting Scholar at the Regulatory Institutions Network, Centre for International Governance and Justice, Australian National University. Catherine acts as an advisor to several human rights NGOs in the Asia Pacific region. Catherine completed her law degree at the University of New South Wales, her Master of Laws at the University of Sydney and her PhD at the University of Sydney. In 2011 and 2013 she carried out fieldwork in Myanmar as part of her doctoral research and she has ongoing research interests in Myanmar and Southeast Asia. Catherine is admitted to practice as a lawyer in the Supreme Court of New South Wales and the High Court of Australia. She has practiced as a solicitor for major law firms in Sydney and Newcastle and for the Legal Aid Commission of New South Wales. Her recent journal articles on the situation in Myanmar include: 'Myanmar's Genocide and the Legacy of Forgetting,' in *Georgia Journal of International and Comparative Law* (2020); 'Poetry, Irrevocable Time and Myanmar's Political

Transition,' in *International Journal of Transitional Justice* (2020) and 'Myanmar's Transition without Justice,' in *Journal of Contemporary Southeast Asian Studies* (2020).

Ben Saul, The University of Sydney

Ben Saul is Challis Chair of International Law at the University of Sydney; Chair of Australian Studies at Harvard University; and an Associate Fellow of Chatham House, London. Professor Ben Saul is Challis Chair of International Law at the University of Sydney and an Associate Fellow of Chatham House (the Royal Institute of International Affairs) in London. He was the Gough Whitlam and Malcolm Fraser Visiting Professor of Australian Studies at Harvard University in 2019. He has published 20 books, over 100 refereed articles, and hundreds of other publications; made hundreds of scholarly presentations; and been awarded millions of dollars of research grants (including an Australian Research Council Future Fellowship). His research has been used in international and national courts and he has been involved in over 130 parliamentary inquiries. His book *Defining Terrorism in International Law* (2006) is the leading work on the subject. Ben has taught law at Oxford, Harvard, The Hague Academy of International Law and in China, India, Nepal, Cambodia and Italy. He has also been a visiting professor at the Max Planck Institute for International Law, and the Raoul Wallenberg Institute of Human Rights; and given lectures at Cambridge, NYU, LSE and for the UN Audio Visual Library of International Law. Ben has been involved in cases before the International Criminal Tribunal for the former Yugoslavia, Special Tribunal for Lebanon, Extraordinary Chambers in the Courts of Cambodia, and the Inter-American Court of Human Rights. He was lead counsel in five successful national security cases before the UN Human Rights Committee against Australia.

Stacie Strong, The University of Sydney

Dr Stacie Strong (published as S.I. Strong) is an Associate Professor specialising in private international law, international arbitration, international mediation and comparative law. Dr Strong has taught at law schools around the world and has acted as a dual-qualified (England-US) practitioner with major international law firms in the UK and the US. She has also written over 130 award-winning books, articles and other works and has acted as an expert consultant to a variety of governmental, non-governmental and intergovernmental organisations. In addition to teaching at the University of Sydney, Dr Strong acts as an arbitrator, mediator and expert in commercial, IP and trust-related matters in both the domestic and international spheres.

Marlikka Perdrisat, The University of Sydney

Marlikka Perdrisat is a Nyikina Warrwa /Wangkumara Barkindji woman. She is currently completing her Juris Doctor at Sydney Law School, and formerly served as the First Nations Officer of the Sydney University Law Society. At the Sydney Centre for International Law 2021 conference, Marlikka will be chairing the discussion with our guest Cassandra Pybus, author of *Truganini: Journey through the apocalypse*.

Tim Stephens, The University of Sydney

Tim Stephens is Professor of International Law at the University of Sydney Law School. He teaches and researches in public international law, with his published work focussing on the international law of the sea, international environmental law and international dispute settlement. Professor Stephens' major publications include *The International Law of the Sea* (Hart, 2010, 2016, co-authored with Donald R Rothwell), and *International Courts and Environmental Protection* (Cambridge University Press, 2009). He holds a PhD in law from the University of Sydney, an M.Phil in geography from the University of Cambridge, and BA and LLB degrees (both with Honours) from the University of Sydney. He is admitted as a legal practitioner in the Supreme Court of New South Wales.

Recent books by SCIL researchers & collaborators

Books

Mary Crock, Kate Bones, Daniel Ghezelbash, Jemma Hollonds and Mary Anne Kenny Children

[Young People in Asylum and Refugee Processes: Towards Best Practice](#) (The Federation Press 2020)

This important book is designed to assist migration agents, lawyers, social workers and other relevant professionals to effectively represent the rights and interests of migrant children and young people seeking protection in Australia. It covers both the law and policy and cultural competence and practices. It provides practical tools and suggestions about issues that commonly arise when assisting young non-citizens who apply for protection or other status in Australia.

Luke Nottage

[International Commercial and Investor-State Arbitration: Australia and Japan in Regional and Global Contexts](#) (Edward Elgar 2021)

This thought-provoking book combines analysis of international commercial and investment treaty arbitration in order to examine how they have been framed by the twin tensions of 'in/formalisation' and 'glocalisation'. Taking a comparative approach, the book focuses on Australia and Japan in their attempts to become regional hubs for international arbitration and dispute resolution services in the increasingly influential Asia-Pacific context as well as a global context.

John Pace

[The United Nations Commission on Human Rights: 'A Very Great Enterprise'](#) (Oxford University Press 2020)

In this book, John P. Pace provides the most complete account to-date of the United Nations human rights programme, both in substance and in chronological breadth. Pace worked at the heart of this programme for over thirty years, including as the Secretary of the Commission on Human Rights, and Coordinator of the World Conference on Human Rights, which took place in Vienna in 1993.

Stacie Strong

[Legal Reasoning Across Commercial Disputes Comparing Judicial and Arbitral Analyses](#) (Oxford University Press 2020)

This work provides important insights into how judges and arbitrators resolve complex commercial disputes in both national and international settings. The analysis is built from three major research sources which ensures that the analysis can bridge evidence of perception, behaviours, and outcomes amongst judges and arbitrators. A statistical survey provides a benchmark and point of comparison with the subjective statements arising from an extensive programme of interviews and questionnaires to provide an objective lens on the reasoning process that informs decisions and awards in practice. <Discount code ALAUTHC4 for 30% off.>

Edited Collections

Ben Saul (ed.)

[Research Handbook on International Law and Terrorism \(2nd edition\)](#) (Edward Elgar 2020)

This newly revised and updated second edition of the Research Handbook on International Law and Terrorism provides a comprehensive overview of international counter-terrorism law and practice from the perspectives of human rights, the law of armed conflict, the law on use of force, and international criminal law. Brand new and revised chapters provide critical commentary on the law from leading scholars and practitioners in the field.

Luke Nottage, Shahla Ali, Bruno Jetin and Nobumichi Teramura (eds)

[New Frontiers in Asia-Pacific International Arbitration and Dispute Resolution](#)
(Wolters Kluwer 2020)

An invaluable book that challenges the existing procedures and frameworks for cross-border dispute resolution in commercial and treaty arbitration. The eastward shift in international dispute resolution has already involved initiatives not only to improve support for international commercial arbitration (ICA) and investor-state dispute settlement (ISDS) but also to develop alternatives, such as international commercial courts and mediation. This remarkable book focuses on these initiatives and their accompanying case law and trends in the Asia-Pacific region. <Discount code 25NEWF21 for 25% off.>

Ben Saul and Dapo Akande (eds)

[The Oxford Guide to International Humanitarian Law](#) (Oxford University Press 2020)

The Oxford Guide to International Humanitarian Law provides a practical yet sophisticated overview of this important area of law. Written by a stellar line up of contributors, drawn from those who not only have extensive practical experience but who are also regarded as leading scholars of the subject, the text offers a comprehensive and authoritative exposition of the field. The Guide provides professionals and advanced students with information and analysis of sufficient depth to enable them to perform their tasks with understanding and confidence. Each chapter illuminates how the law applies in practice, but does not shy away from the important conceptual issues that underpin how the law has developed. It will serve as a first port of call and a regular reference work for those interested in international humanitarian law.