



# ANZSIL Newsletter

August 2020

[www.anzsil.org.au](http://www.anzsil.org.au)

## Message from the President

Dear ANZSIL Members,

The last quarter of 2020 has been extremely busy for ANZSIL and its members despite (or perhaps because of) COVID-19. Although we sadly could not run the annual ANZSIL conference, during the first week of July, we hosted a series of five seminars whereby ANZSIL members shared their research, as well as their thinking on the current pandemic crisis, in addition to the Council Meeting and Annual General Meeting. At the AGM, our [fifth ANZSIL Interest Group](#), on History and Theory of International Law was established, and you can join this Group through the [Members Page](#) on the ANZSIL website. We also confirmed the 2020 – 2021 members of the ANZSIL Council Interest Groups (full details available on the [ANZSIL Website](#)). We recognised the contribution and achievements of Bill Campbell QC to ANZSIL over the years by making him an ANZSIL Life Member, and I would also like to personally congratulate Bill on being appointed an Officer of the Order of Australia (AO) for distinguished service to public administration, and to international legal practice, through senior counsel and advisory roles earlier this year.

As the summary of selected ANZSIL member activities in this newsletter demonstrates, COVID-19 has not prevented continued research collaboration, but has led to new and innovative ways of sharing that research. I am delighted that our Interest Groups continue to be active and would particularly like to highlight the very successful online discussion group meetings organised by the International Peace and Security Interest Group (IPSIG) and the Oceans and International Environmental Law Interest Group (OIELIG) over the last few months. The Gender Sexuality and International Law Group (GSIL) has recently established a career mentoring program matching junior and experienced academics and practitioners and, depending on its success, may serve as a pilot for a wider ANZSIL career mentoring initiative. The ANZSIL *Perspective* Editorial Team, headed by Felicity Gerry QC, has maintained its remarkable initial momentum, with several *Perspectives* from Members being released every month. The latest edition is available on the [ANZSIL website](#) and the deadline for the next edition is 11 September.

The 2020 ANZSIL conference has been postponed to 1 – 3 July 2021 and we are hoping it will be held at the ANU but are currently waiting to lock in our venue. The Conference Committee will be meeting in the next month in order to decide the modalities of the conference in terms of theme and whether panels will transfer from 2020 to 2021 or whether a new call for papers will be made. As soon as preliminary decisions are made, we will let all ANZSIL members know, in addition to everyone who had an abstract or panel accepted in 2020. The Postgraduate Student Workshop will take place on 2<sup>nd</sup> December via Zoom and I

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will be in touch with our PG participants later on this month. We will hopefully organise another series of online events in early December, and if you are interested in participating in this initiative, please get in touch.

I would like to congratulate our ANZSIL members on their various achievements and contributions as outlined in this newsletter and would particularly like to congratulate the University of Auckland Jessup Moot Team for their success in the 2020 Jessup European Friendly and in the written phase of the international competition. I would like to thank all ANZSIL Council members for their hard work and continued support over the last few months. Finally, I would like to thank and congratulate Zoe Scanlon and An Hertogen on producing yet another fabulous newsletter. Zoe is stepping down from her role as newsletter editor and I would particularly like to thank her for all her hard work over the last few years. She will be replaced by Tess Kluckow and thank you, Tess, for joining the editorial team.

Wishing all ANZSIL members well, wherever they may be, in these uncertain times.

Warmest regards

**Karen Scott**

**President**

[karen.scott@canterbury.ac.nz](mailto:karen.scott@canterbury.ac.nz)

## ANZSIL Zoom Keynote Lecture Series – June/July 2020

Between 29 June and 3 July 2020, ANZSIL hosted a Zoom Keynote Lecture Series. The series featured six ANZSIL members across five lectures who spoke on different topics, each of which touched on contemporary issues in international law. Through this series, the eminent presenters were able to share their research and current thinking on these contemporary issues with ANZSIL members virtually, wherever located.

29 June	Professor Steven Freeland Western Sydney University	<i>The Geopolitics of Outer Space and International Law: Square Peg in a Round Hole?</i>
30 June	Associate Professor Treasa Dunworth, University of Auckland	<i>International Law on Biological Weapons: Fit for Purpose?</i>
1 July	Professor Tim Stephens University of Sydney	<i>Transboundary harm and the Pandemic – Lessons from state responsibility and international environmental law</i>
2 July	Professor Chester Brown University of Sydney	<i>An international fact-finding commission of inquiry into COVID-19?</i>
3 July	Victoria Hallum, International Legal Adviser, Divisional Manager, Legal Division New Zealand Ministry of Foreign Affairs and Trade   Manatū Aorere, New Zealand  Sue Robertson, First Assistant Secretary, Office of International Law, International Division Attorney-General's Department, Australia	<i>International Law in the time of COVID</i>

## **ANZSIL Internship Support**

The ANZSIL internship support program provides financial support to selected persons undertaking unpaid internships with international organisations and NGOs, in the field of international law. Applications for the October 2020 round close on 31 October 2020. The guidelines and the application form can be found [here](#).

## **ANZSIL Financial Support for Events or Activities**

The principal activity of ANZSIL is the convening of the annual conference. However, providing that sufficient funds are available, ANZSIL also endeavours to provide financial support for additional events and activities convened by Members of the Society, consistent with its aims. Requests for financial support from ANZSIL to convene events or activities can be made in accordance with the [Guidelines for Applying for Financial Support from ANZSIL for Events and Activities](#), which are available on the ANZSIL website. The next round of applications closes on 31 October 2020.

## **Recent Australian Practice in International Law (Commonwealth Attorney-General's Department and the Department of Foreign Affairs and Trade)**

### **International Law in the Time of COVID**

On 3 July 2020, ANZSIL hosted a panel discussion over Zoom between Karen Scott (ANZSIL President), Victoria Hallum (International Legal Adviser and Divisional Manager, New Zealand Ministry of Foreign Affairs and Trade) and Sue Robertson (First Assistant Secretary, International Division, Australian Attorney-General's Department). The conversation focused on how international law has responded to the COVID-19 pandemic and how government international lawyers have had to adapt their ways of working in these unprecedented times. During the discussion, the panel addressed the following issues:

- Whether international law has proven to be 'fit for purpose' in enabling or constraining governments' public health responses to the COVID-19 pandemic, particularly in the context of human rights, air and sea borders, and malicious cyber activities;
- How international government lawyers have continued to engage with overseas stakeholders and multilateral processes notwithstanding the limitations on travel and the ability to meet face-to-face, while also increasing their focus on the role of international law in shaping domestic COVID-19 response measures; and
- How international institutions have played a critical role in enabling States and international government lawyers to coordinate a global response to COVID-19 and advance important international work.

## ASIL Panel Discussion – The Promise and Limits of Cyber Power in International Law

At its Annual Meeting in June 2020, the American Society of International Law (ASIL) hosted a panel discussion on ‘The Promise and Limits of Cyber Power and International Law’. The Panel was chaired by Monica Hakimi from University of Michigan Law School, who was joined by Sue Robertson, First Assistant Secretary, Office of International Law, Attorney-General’s Department (Australia), Charles Allen, Office of General Counsel, Department of Defence (US), Zhixiong Huang, Wuhan University School of Law and Ann Väljataga, NATO Cooperative Cyber Defence Centre of Excellence. The session explored the international legal frameworks governing States’ conduct in cyberspace, including what cyber activities constitute unlawful interventions into the domestic affairs of another State, and what activities would amount to an armed attack. The panel also considered the lawfulness of measures States may take in response to malicious cyber activities, including collective counter-measures.



## Participation in WTO Dispute Settlement

### ***Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (DS435 and DS441)***

On 9 June 2020, the WTO Appellate Body division considering Australia — Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging (DS435 and DS441) released its final report.

The Appellate Body overwhelmingly rejected the appeals from Honduras and the Dominican Republic in upholding the Panel’s findings under Article 2.2 of the Agreement on Technical Barriers to Trade and Articles 16.1 and 20 of the Agreement on Trade-Related Aspects of Intellectual Property Rights. The Appellate Body agreed with the Panel that the complainants had failed to establish that Australia’s tobacco plain packaging measures were inconsistent with WTO rules. The Appellate Body also overwhelmingly rejected the appellants unprecedented number of claims under Article 11 of the Understanding on the Rules and Procedures Governing the Settlement of Disputes, finding that the appellants had failed to demonstrate that the Panel erred in finding that the tobacco plain packaging measures, in combination with Australia’s other tobacco-control measures, are apt to, and do in fact, make a meaningful contribution to Australia’s objective of reducing the use of, and exposure to, tobacco products.

The Minister for Health and the Minister for Trade, Tourism and Investment [welcomed the Appellate Body report](#), which brings the WTO dispute settlement proceedings in this matter to an end (see [joint media release](#)).

## Recent Trade Law Initiatives

### ***ISDS Reform Initiatives***

On 26 June 2020, Australia notified Uruguay that it has completed its domestic processes for the ratification of the updated Australia-Uruguay bilateral investment treaty (BIT). The BIT will enter into force 30 days after Uruguay notifies that it has completed its domestic processes.

In December 2019, the Government announced funding from 1 July 2020 for international investment treaty reform. The funding will support the review and updating, where possible, of Australia’s network of

older-style BITs. This BIT review project is aimed at bringing Australia's BITs into alignment with Australia's modern investment treaty practice, as reflected in its recent free trade agreements (FTAs). The project will build on experience gained from the recent successful negotiation of the updated Uruguay BIT. DFAT will be calling for public submissions in relation to this project in due course.

Australia has continued to participate in Working Group III (WG III) of the United Nations Commission on International Trade Law (UNCITRAL) which is focused on possible reform of investor-state dispute settlement (ISDS). In July 2017, the UNCITRAL Commission gave WG III a broad mandate to (i) identify concerns regarding ISDS; (ii) consider whether ISDS reform was desirable; and (iii) develop solutions, as appropriate, to be recommended to the Commission. WG III has concluded phases (i) and (ii) of its mandate and is now engaged on phase (iii).

WG III met in Vienna 14-18 October 2019, where it focused on possible reform options of an advisory centre, a code of conduct and third-party funding. In January 2020, WG III focused on other reform options including the EU proposal for a multilateral investment court, a possible appellate mechanism, and selection and appointment of ISDS tribunal members. The meeting scheduled for April/May 2020 was cancelled due to COVID-19. In the meantime, Australia has participated in a series of information webinars hosted by the UNCITRAL Secretariat on an advisory centre, a multilateral instrument, treaty interpretation, mediation, code of conduct for arbitrators, and shareholder claims and reflective loss.

Australia has also continued to engage in ISDS reform in the International Centre for the Settlement of Investment Disputes (ICSID). The review of ICSID's Arbitration Rules commenced in October 2016. Australia participated in the third consultation with ICSID Member States in Washington in November 2019. The ICSID Secretariat published its fourth working paper on the proposed amendments (WP#4) on 28 February 2020.

## Recent Developments in Australia's Free Trade Agreements

Trade and investment relationships with other countries and the agreements that enhance them will play a key role to help Australia recover from the COVID-19 pandemic, as well as boost job opportunities and economic growth. Australia continues to progress the negotiation and implementation of a number of bilateral and regional FTAs. Input from stakeholders contributes to developing negotiating positions in respect of these agreements, and the Australian Government welcomes input on these discussions. [DFAT's website](#) has further information on these agreements, including contact points.

### *FTAs under negotiation*

On 17 June 2020, Minister Birmingham and his counterpart, Secretary of State for International Trade, Liz Truss, officially launched negotiations for the Australia-United Kingdom Free Trade Agreement (AU-UK FTA). The first round of negotiations was held virtually from 29 June to 10 July, with over 30 meetings being held between negotiating teams on goods, services, investment, legal, and other cross-cutting issues. Discussions were positive and constructive, with Australia and the UK expressing a shared ambition for achieving a comprehensive and ambitious agreement. The second round of negotiations is expected to be held virtually in September 2020.

Work towards the signature of the Regional Comprehensive Economic Partnership (RCEP) in late 2020 is proceeding, with RCEP Chief Negotiators continuing to meet via videoconference to finalise outstanding issues. Ministers met virtually on 23 June 2020 and reaffirmed their commitment to sign the Agreement in late 2020. While India has not participated in RCEP meetings since the 2019 Leaders' Summit, the other 15 RCEP parties are considering how to maintain engagement with India. The Agreement covers trade in goods, trade in services, investment, economic and technical cooperation and has new rules for small and medium-sized enterprises, government procurement, intellectual property, competition, and electronic commerce.

Australia's negotiations for a comprehensive and ambitious FTA with the European Union (EU) have continued even as both Parties have been dealing with the impact of COVID-19. A fully virtual round of



negotiations, the seventh in total, was held in May 2020. On current data, a post-Brexit EU-27 will be Australia's third largest trading partner and source of foreign investment. See the [DEAT A-EUFTA news](#) website for more information.

Pacific Alliance FTA negotiations (Chile, Colombia, Mexico, Peru) have paused due to COVID-19. Since starting negotiations on 30 June 2017, there have been eight rounds of negotiations and substantial progress has been achieved. Chief negotiators last met in Colombia in October 2019.

### ***FTAs concluded but not yet in force***

Australia and Singapore have concluded negotiations on a bilateral Digital Economy Agreement (DEA). The DEA will replace the Electronic Commerce chapter of the Singapore-Australia Free Trade Agreement (SAFTA) with a new Digital Economy chapter, providing modernised trade rules to assist businesses and consumers to engage with and benefit from digital trade and the digital economy. Key commitments include enhanced rules to prevent unnecessary restrictions on the transfer and location of data, improved protections for source code, and new commitments on interoperable e-invoicing and e-payment frameworks. The DEA will also provide a platform for enhanced agency-level cooperation on emerging digital issues including data innovation and artificial intelligence. The DEA is undergoing Australian treaty-making processes prior to signature, tabling in Parliament and entry into force.

The Pacific Agreement on Closer Economic Relations Plus (PACER Plus) (covering Australia, New Zealand and nine Pacific island countries – Cook Islands, Kiribati, Nauru, Niue, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu) was concluded on 19 April 2017. Seven of the eight required ratifications have now been achieved – Australia, New Zealand, Samoa, Kiribati, Tonga, Solomon Islands and Niue. Entry into force will occur 60 days after eight countries ratify the agreement – expected to occur in the last quarter of 2020. A key objective of PACER Plus is to support the development of the Pacific Island countries through increased regional economic integration. Entry into force of PACER Plus will provide an additional source of funding and program support through the Implementation Unit (AUD25.5 million) to improve trade practices in the long term.

### ***New FTAs in force***

The Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA) entered into force on 5 July 2020, 60 days after Indonesia notified Australia it had completed its domestic ratification processes. IA-CEPA was signed by Ministers in March 2019, and Australia completed its domestic ratification processes in December 2019.

IA-CEPA delivers significant new trade and investment opportunities to businesses in both countries, at a time when both countries are seeking to recover from COVID-19. Under the Agreement, over 99 per cent of Australian goods exports by value to Indonesia will enter duty free or under significantly improved preferential arrangements. These include tariff cuts on a range of Australian agricultural products, and a commitment to issue import permits automatically and without seasonality for certain products. IA-CEPA also delivers strong outcomes for Australian investors and service providers, who now have improved access and certainty in important sectors such as education, tourism, communications, health, aged care and mining services. The agreement has also secured guaranteed levels of Australian ownership in a range of sectors, including hospitals, certain infrastructure, and businesses providing certain technical and vocational training.

### ***FTAs under review***

Under the Japan-Australia Economic Partnership Agreement (JAEPA), Australia has initiated the market access review and negotiation of specified priority agriculture products mandated for 2020, and is working towards the general review of the agreement mandated for 2021. DFAT has issued a call for stakeholder submissions for the 2020 market access review on its [website](#).

The planned upgrade negotiations for the ASEAN-Australia-New Zealand (AANZFTA) are an opportunity to ensure AANZFTA remains a contemporary agreement, which contributes to the regional economic recovery post-COVID-19 and to further strengthen Australia's economic engagement with ASEAN. Work has been delayed due to COVID-19.

DFAT has issued a call for submissions for the China-Australia Free Trade Agreement (ChAFTA) Post-Implementation Review, which is required to be undertaken within five years of the entry into force of the agreement in December 2015, in compliance with the Australian Government's Guide to Regulation.

### ***Other Initiatives***

The [FTA Portal](#) makes it easier for the public to access information about the operation of Australia's FTAs. Goods and services commitments under Australia's FTAs are added to the Portal as soon as possible after the agreements enter into force (including IA-CEPA).

### **The Multilateral Trading System and the COVID-19 Pandemic**

G20 Trade and Investment Ministers held a meeting on 14 May 2020, during which they have reaffirmed their determination to cooperate and coordinate to mitigate the impact of the COVID-19 pandemic on trade and investment and to contribute to laying a solid foundation for global economic recovery based on a strong, sustainable, balanced, and inclusive growth. They endorsed the 'G20 Actions to Support World Trade and Investment in Response to COVID-19', prepared by the Trade and Investment Working Group.

## **Recent New Zealand Practice in International Law (Ministry of Foreign Affairs and Trade)**

### **Third Reading of International Crimes and International Criminal Court Amendment Bill**

The International Crimes and International Criminal Court Amendment Bill had its third reading on 23 July 2020, and will shortly enter into force. This Bill will amend New Zealand's legislation implementing the Rome Statute, the *International Crimes and International Criminal Court Act 2000*.

The principal Act currently includes those war crimes which were contained in the Rome Statute when it first entered into force. The Act will be updated via the Bill to now include those war crimes amendments made at the Review Conference of the Rome Statute at Kampala in 2010, the war crimes amendments made at the 16th Session of the Assembly of States Parties in December 2017, and the most recent amendment made in December 2019 criminalising the intentional use of starvation of civilians as a method of warfare, in the context of a non-international armed conflict. This update will enable New Zealand to ratify these respective war crimes amendments.

### **Digital Economy Partnership Agreement**

On Friday 12 June 2020, Chile, New Zealand and Singapore signed the Digital Economy Partnership Agreement (DEPA). Due to Covid-19 travel restrictions the DEPA was signed in an entirely online virtual signing ceremony, a first for New Zealand. To ensure that the signing was effective the signatories had to develop a process that was consistent with the requirements for signature in the Vienna Convention on the Law of Treaties. This included the digital exchange of instruments of full powers as well as coming to an agreement on what text should be considered the 'original text of the treaty' as per article 77 of the Vienna Convention. The Agreement itself covers all aspects of the digital economy that might support trade in the digital era and is intended to complement the WTO negotiations on e-commerce and build on the digital economy work under way with APEC and the OECD.

## Internship Reports

### New Zealand Permanent Mission to the United Nations and World Trade Organisation in Geneva (Rosa Gavey)

In January and February 2020, I had the privilege of interning at the New Zealand Permanent Mission to the UN and WTO in Geneva (‘the Mission’), with the generous support of ANZSIL and the University of Auckland Law School. Throughout my internship, I worked with the WTO, UN and disarmament teams at the Mission. Having the opportunity to attend daily meetings and represent New Zealand at both the UN and WTO was a wonderful and surreal experience. I had the chance to explore new areas of international law, expand my knowledge of diplomacy, and witness international multilateral negotiations in action.



I was lucky enough to be invited to attend a range of WTO meetings, including two active week-long negotiation rounds for the fisheries subsidies negotiations and the e-commerce negotiations. Attending the fisheries subsidies negotiations was one of the highlights of my work for the WTO team. It was one of my first opportunities to witness multilateral diplomacy in action and I enjoyed learning more about fisheries subsidies and their role in the international trading arena. Attending the e-commerce negotiations allowed me to get a better sense of how plurilateral negotiations take form ‘within’ the WTO setting. It was interesting to compare this e-commerce week with the multilateral fisheries subsidies negotiations at the beginning of my internship. There were core similarities and differences in their operational style, as well as the pace and production output of the negotiations.

I also had the chance to attend Dispute Settlement Body (‘DSB’) meetings and the EU Trade Policy Review (‘TPR’). It was an apt time for the TPR of the EU, most particularly in the context of Brexit. The DSB was chaired by the New Zealand Ambassador

David Walker. It was interesting to talk to Ambassador Walker after the meeting to understand what it is like to be a Chair and how this role is differentiated from being a New Zealand delegate. Later in my internship I had the chance to attend a “third party session” in a WTO dispute.

Throughout my internship I conducted a research project for the WTO team. My research focused on trade and gender, looking more specifically at the role of WTO mechanisms and FTAs in promoting women’s economic empowerment. This research stemmed out the Joint Declaration on Trade and Women’s Economic Empowerment, which New Zealand signed at the WTO Ministerial Conference in Buenos Aires in December 2017. Halfway through my time at the Mission I had the chance to attend the “Meeting of Supporters of the Buenos Aires Joint Declaration on Trade and Women’s Economic Empowerment” at the WTO. This was a great experience to see the potential context in which my research may be used in the future.

During my time at the Mission, I also had the opportunity to work with the UN and disarmament teams. I joined Ambassador Jillian Dempster at the Human Rights Council’s (‘HRC’) Universal Periodic Review (‘UPR’) of Lesotho. This was a great experience to witness how the HRC works and to learn more about the UPR process. It was also interesting to learn about the human rights practices in Lesotho and hear interventions from other Members (including New Zealand). I represented New Zealand at an International Committee of the Red Cross (ICRC) operational update and briefing session for donors. I took notes at this meeting, which informed a report sent to Capital. Attending this briefing was one of the highlights of my time in Geneva. Reporting on on-the-ground situations made the work we were doing in the UN feel real and important.



Lastly, I was fortunate to work on a diverse range of disarmament issues, including the Conference on Disarmament, the Non-Proliferation Treaty and the Arms Trade Treaty. I represented New Zealand at the seminars on the Non-Proliferation Treaty ('NPT') at the UN, in preparation for the NPT 2020 Review Conference in New York. I enjoyed learning more about the NPT and the various countries' positions. I found the session on the P5 process particularly interesting, as these Members were made to justify their restricted positions as the only authorised states to hold nuclear weapons.

In my last week at the Mission, I represented New Zealand at an UNIDIR Donor Forum. This was a formal meeting hosted by UNIDIR, with only a small and selected group of states in attendance. The Director of UNIDIR, Renata Dwan, discussed UNIDIR operations and finances, as well as their plans to mark the 40th year of UNIDIR in 2020 and highlights from 2019.

During my time in Geneva, the Coronavirus (Covid-19) was starting to become very prominent globally. It was an interesting time to be at the Mission, particularly because we were representing New Zealand at the World Health Organisation ('WHO'), which was leading the world's response to the virus. Ambassador Dempster was receiving up-to-date briefings (almost daily) from the WHO and reporting back to Capital where necessary. One of the takeaways from these briefings was the importance of washing your hands!

Outside of my work at the Mission, I got involved in a variety of social events in Geneva, including weekly social sports, French/English language exchanges and intern events hosted by the Geneva Interns Association (GIA). Geneva is a city packed with interns and I was fortunate enough to become friends with interns from a variety of countries including Kenya, Norway, the Netherlands, Italy, Canada and Germany.

The financial support I received under the ANZSIL Internship Support Program, as well as the financial contribution by the Auckland Law School, was extremely valuable. The diversity of the work I experienced over my internship (and even in just one day) was unique and eye opening. I was able to conduct work for all the three teams stationed at the Mission – from trade, to human rights and disarmament. This variety allowed me to experience a whole range of international organisations and learn about their differing procedural structures and dynamics. I also had the chance to see diplomacy in action and to gain an insight in what it is like to work for MFAT while being posted overseas.

Throughout my internship I was lucky enough to have the opportunity to discuss potential graduate career pathways with several MFAT staff. It was great to learn more about their career progressions and hear their advice for future law graduates who are keen to work in the public law and international law arenas. In Geneva I had the time to reflect on what I want to do in the future and what I would look for in a future career. I am grateful to ANZSIL and the Auckland Law School for their financial support that enabled me to have the opportunity to experience public international law in action.

### **The UNHCR and the Peter McMullin Centre on Statelessness (Elif Sekercioglu)**

During my legal studies, I developed a keen interest in international law and human rights. I was very fortunate to be the inaugural recipient of the Peter McMullin Centre on Statelessness' 2019 International Internship, offered in partnership with the UNHCR's Division of International Protection (Statelessness Section) based in Geneva.

A few days after graduating from Melbourne Law School in August 2019, I arrived in Geneva to begin the four-month portion of the internship with the Statelessness Section. I assisted the Statelessness Section across a range of responsibilities, such as research and supporting the provision of technical advice to States. I was also responsible for updating two of the Good Practices Papers, a series published by UNHCR. Each Paper corresponds to one of the 10 Actions set out in UNHCR's *Global Action Plan to End Statelessness: 2014 – 2024* and highlights good practices by States relating to that Action. The two Papers I worked on illustrate good practices in resolving existing major situations of statelessness (Action 1), and establishing statelessness determination procedures (Action 6).



It was fortuitous that the High-Level Segment on Statelessness (HLS) took place during my internship. This event was held on 7 October, the first day of the meeting of the UNHCR Executive Committee. The HLS marked the midpoint of the UNHCR's #IBelong Campaign to End Statelessness. It featured an interview between Cate Blanchett, a UNHCR Goodwill Ambassador, and Maha Mamo, a formerly stateless person who acquired Brazilian nationality in 2018 and is a staunch advocate for stateless persons. This was followed by a high-level panel in which experts, including Amina Mohamed, the Deputy Secretary-General of the United Nations, and Filippo Grandi, the High Commissioner for Refugees, reflected on achievements made in the Campaign to End Statelessness and where gaps remain. Statelessness is clearly on the global agenda: many States expressed commitments to address statelessness in their interventions.

I really enjoyed living in Geneva and being part of its intern community. I stayed in a residence founded in the 19<sup>th</sup> century situated in front of the magnificent St Pierre Cathedral, with a view over Lake Geneva. It was a unique experience – the cathedral bells ring every fifteen minutes, day and night!

In December, I commenced part two of my internship, at the Peter McMullin Centre on Statelessness. I built on what I had learnt at the UNHCR by researching statelessness with a focus on Australia and the Asia Pacific region. I also assisted with preparations for the Statelessness Intensive Course hosted by the Centre. Participating in the intensive course was a great opportunity to learn from experts and meet other people working on issues relevant to statelessness.

Statelessness is a truly fascinating legal area. It encompasses so many different contexts, from gender discriminatory nationality laws to deprivation of nationality as an anti-terrorism measure.

The internship was an unparalleled learning experience. I am very grateful to the Australia and New Zealand Society of International Law for their funding support in addition to funding support from the Peter McMullin Centre and the UNHCR.

## **Calls for Papers**

### **The Journal for International Humanitarian Legal Studies**

The *Journal for International Humanitarian Legal Studies* is now accepting contributions for Volume 12(1), which will be published in June 2021. This edition will focus on the theme of 'recovery and international law'. The Editors-in-Chief – Russell Buchan (University of Sheffield, UK), Emily Crawford (University of Sydney, Australia) and Rain Liivoja (University of Queensland, Australia) –welcome articles on this topic, which they define broadly to include law reform in the wake of major humanitarian incidents, reparations, transitional justice and post-conflict reconciliation and reconstruction. More information can be found [here](#).

## Colloquium for New Research in International Law

The International Law cluster at UTS Law warmly invites proposals to participate in the Colloquium for New Research in International Law, to be held online on Friday 11 December 2020. Following on from the highly successful Research Symposium hosted by the La Trobe Law School International Legal Studies Research Group in December 2019, the Colloquium will provide a small, supportive forum to receive feedback on work in progress at the end of a tumultuous year. The deadline for proposals to participate is Monday 14 September 2020. A detailed call can be found [here](#). Enquiries are welcome, and should be directed to [Cait.Storr@uts.edu.au](mailto:Cait.Storr@uts.edu.au).

## ANZSIL Member News

### Bill Campbell QC appointed Officer of the Order of Australia

Bill Campbell QC has been appointed an Officer of the Order of Australia (AO) for distinguished service to public administration, and to international legal practice, through senior counsel and advisory roles.

Bill was variously General Counsel (International Law) and First Assistant Secretary of the Office of International Law in the Attorney-General's Department from 1996-2018. In both of those capacities he advised successive Australian Governments on all areas of international law and its implementation in Australia. Bill was also responsible for the conduct of, and appeared in, cases involving Australia before international courts and Tribunals including the International Court of Justice and the International Tribunal for the Law of the Sea.

Bill was, for a period, Vice-President of ANZSIL. He holds an appointment as Honorary Professor in the ANU College of Law and is a Fellow of the Australian Academy of Law. This award is a fitting acknowledgement of Bill's major contribution to the practice of international law in Australia.

### IPSIG Online Seminar Series

Not wanting to be accused of failing to contribute to the current international spike in screen addiction, the International Peace and Security Interest Group (IPSIG) has just wound up a successful and well attended initial series of eight online seminars. The implications of autonomous systems for international law, whether on land, air and sea, featured heavily over the series, with Simon McKenzie (UQ), Shiri Krebs (Deakin) and Eve Massingham (UQ) each presenting papers on the topic. Presentations on historical and contemporary issues in the law on the use of armed force and international humanitarian law by Anna-Marie Brennan (Waikato), Yvette Zegenhagan (ARC) Susan Harris-Rimmer (Griffith), Ntina Tzouvala (ANU), Rebecca Barber (UQ) and Georgina Jordan (Facilitating Assistance to Syria Together) gave practitioner, government and academic participants plenty to discuss. No international law series would have been completed without considering the impact of COVID-19, with Georgia Hinds (ICRC) stepping into the breach. Common conceptual issues emerged amongst many of the papers, including the risk of inequitable development of international law norms and the concept of reasonableness in the context of compliance with legal obligations.

The success of the series has been such that the IPSIG Committee is considering continuing future online seminars either on an ad hoc or annual basis to complement traditional face-to-face gatherings, including the annual IPSIG workshop, slated to be held at UNE in May this year, but which fell afoul of COVID. Given the ongoing impact of the pandemic on our capacity to meet in person, ANZSIL members who would be interested in presenting an online paper on peace and security issues (comprising a 20 – 30 minutes presentation, followed by 30 – 40 minutes of questions and discussion) are encouraged to contact Monique Cormier, IPSIG Chair, at [Monique.Cormier@une.edu.au](mailto:Monique.Cormier@une.edu.au).

## Virtual Launch of the ICRC's Updated Commentary to the Third Geneva Convention

On 16 June 2020, the ICRC held the [online launch](#) of the [updated Commentary on the Third Geneva Convention](#) relative to the treatment of prisoners of war, the first such update in 60 years. An expert panel, which included Brigadier Lisa Ferris, Director of Defence Legal Services of the NZDF, discussed the Commentary's main findings, insights into the application of the law in practice and operational challenges. Air Commodore Chris Hanna (ADF) and Squadron Leader Tim Wood (NZDF) were among the expert peer reviewers for the Commentary.

This updated Commentary is part of a project initiated in 2011, by the ICRC and a team of renowned experts: to update the Commentaries on the Geneva Conventions of 1949 and their Additional Protocols of 1977, which date back to the 1950s and 1980s respectively. The new Commentaries seek to document the been significant developments in how they are applied and interpreted in practice. The updated Commentary on the First Geneva Convention was presented in 2016, and the updated Commentary on the Second Geneva Convention was presented in 2017.

Jean-Marie Henckaerts, the head of the project to update the Commentaries, [posted the first in a series of blogs](#) which will be published over the coming months that will analyse different issues relating to the updated Commentary of the Third Geneva Convention. The GCIII Commentary series will be run in collaboration with [EJIL Talk](#) and [Just Security](#). Authors are encouraged to contribute submissions to the [ICRC Humanitarian Law & Policy blog](#) on topics relevant to their expertise.

## National Encounters with the International Court of Justice Workshop, 20 May 2020 (Rescheduled from the original in-person workshop at Melbourne Law School on 16-17 April 2020)

Professors Hilary Charlesworth and Margaret Young organised an online workshop on ['National Encounters with the International Court of Justice'](#), which was hosted by Melbourne Law School on Wednesday 20 May 2020. The workshop brought together scholars, judges and practitioners from Australia and internationally. The goal of the workshop was to examine a range of national and regional encounters with the ICJ. The workshop investigated how the ICJ has met the challenge of adjudicating upon specific disputes between states while developing a more general jurisprudence, and examined the attitudes within domestic polities about the desirability or otherwise of international litigation.

The workshop was structured around three themes:

- the functions of international adjudication and the ICJ's advisory jurisdiction as a form of international and regional governance;
- the context and impact of domestic engagements with the ICJ; and
- the factors that shape the effect of international adjudication or judicial opinions on a country.

The workshop papers are currently being finalised for publication. The workshop was part of the project on [Australia and the International Court of Justice](#), which is funded by the Australian Research Council.

## New Zealand Jessup Team Success despite Cancellation of the International Rounds in Washington DC

Despite the COVID-19 pandemic cancelling the international rounds of the 61st Philip C Jessup International Law Moot Court Competition this year, the New Zealand Jessup team enjoyed huge success at the 2020 Jessup European Friendly and in the written phase of the international competition.

The team, comprising University of Auckland law students Josie Butcher, Michael Greatrex, Don Lye, Louis Norton and Diana Qiu, worked throughout the summer to submit written memorials in January, and then to prepare for the oral phase of the competition in February and March. The team were coached by former New Zealand Jessup team member Katherine Eichelbaum, and Thomas Richards (both solicitors at Chapman Tripp).





(The University of Auckland's Jessup team, From left: Thomas Richards (coach), Michael Greatrex, Diana Qiu, Louis Norton, Josie Butcher, Don Lye, and Katherine Eichelbaum (coach).)

Touching on some of the biggest contemporary issues of public international law, this year's Jessup problem raised issues of state succession, the legality of the development and deployment of autonomous weapons systems, the potentially conflicting jurisdictions of the International Court of Justice and

World Trade Organisation, and state immunity for war crimes.

In March, the New Zealand team travelled to Prague to compete in the 2020 Jessup European Friendly held at the Charles University. The team's participation was generously sponsored by global business law firm DLA Piper, without whom the team's success would not have been possible. Typically, teams qualify for the Jessup international rounds by winning their country's national rounds. The aim of the European Friendly was to help the team prepare for the international rounds by competing against 19 other, mostly European, teams whose countries, like New Zealand, were too small to hold national rounds.

At the European Friendly, the New Zealand team competed in four preliminary rounds against the University of Vienna (Austria), Tallinn University (Estonia), University College Bedër (Albania) and the defending world champions Eötvös Loránd University (Hungary). Despite facing tough competition, the team won all four rounds to break as the highest-ranked team into the semi-finals where they re-matched against Eötvös Loránd University. In the semi-finals, the team was narrowly beaten in a 2-1 split panel.

"The Friendly is a hugely challenging competition, and set our team against the defending world champions. Not only did they beat that team in the preliminary rounds, they also made friends with them. We are incredibly proud of their achievements," says coach Thomas Richards.

Overall, the New Zealand team placed as second runners-up at the European Friendly. Moreover, the three attending members of the team were recognised in the competition's top ten oralists. In her first ever international mooted competition, Josie Butcher placed as the seventh best oralist. Don Lye placed second, and Diana Qiu took first place as best oralist. These placings reflected the hard work and dedication the entire team had put into their preparation, as well as the strong guidance of their coaches.

Unfortunately, the COVID-19 pandemic caused the international rounds in Washington DC to be cancelled. News of the cancellation reached the team while they were flying back to New Zealand from Prague.

Nevertheless, the Jessup continued in the form of a written competition in which all qualifying international teams' Applicant and Respondent memorials were assessed and scored against each other. At a virtual awards ceremony held over Facebook on 25 April, the team was awarded an Alona E Evans Award to recognise their excellence in memorial writing. The Alona E Evans Award is given to the top 40 international teams based on the combined written score of both memorials. The team had received an average score of 90.5/100 for both memorials.

So, while the New Zealand team's Jessup journey prematurely ended, the team thoroughly enjoyed their experience competing generally. The European Friendly in particular was a great occasion to meet other motivated young lawyers and learn how to elevate oral advocacy.

Team member Diana Qiu reflects, "the Jessup experience is an incredible, intimate engagement with international law for many enthusiastic law students looking for a step up into that field. For me, one of the best things about it was the feeling of belonging to a community of young people who believe in the unifying potential of international law. I absolutely loved it."

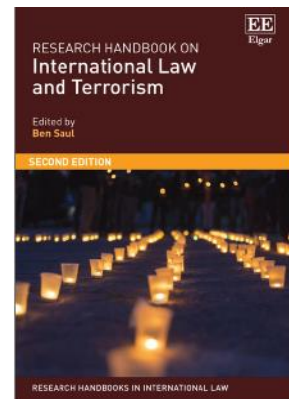


## Recent publications

### ***Research Handbook on International Law and Terrorism***

This newly revised and updated second edition of the *Research Handbook on International Law and Terrorism*, edited by Ben Saul, provides a comprehensive overview of international counter-terrorism law and practice from the perspective of human rights, the law of armed conflict, the law on use of force, and international criminal law. The text examines major controversies in the global response to terrorism and provides AN up-to-date analysis on the war of terror, drone strikes and targeted killings, torture and rendition, indefinite detention, military trials, and UN Security Council measures and sanctions.

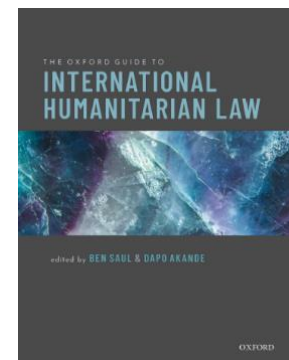
This edition provides analysis and discussion of new topics and will prove a critical read for academics and students in international relations, terrorism studies, security studies, war studies and human rights. International law scholars and practitioners, as well as government and UN legal advisors, will find this text is an invaluable reference on a complex area of legal inquiry.



### ***The Oxford Guide to International Humanitarian Law***

International humanitarian law is a branch of law that aims to regulate the means and methods of warfare as well as to provide protections to those who do not, or who no longer, take part in hostilities. It is one of the oldest branches of international law and one of enduring relevance today.

*The Oxford Guide to International Humanitarian Law*, edited by Ben Saul and Dapo Akande, provides a practical yet sophisticated overview of this important area of law. Written by a group of world-leading scholars with significant practical experience in the field, the text offers a comprehensive and authoritative exposition of the field, illustrates how the law applies in practice, and explores important conceptual issues at play in how international humanitarian law has developed.



### ***Australian Law in Context: Social, Political and Global Perspectives***

Ciprian Radavoi and Stephen Norris have published *Australian Law in Context: Social, Political and Global Perspectives* (Lexis Nexis, 2020). The book devotes considerable space to globalisation as a context to Australian Law that would be of interest to ANZSIL members, including themes like multinational corporations, counterterrorism policy, or the erosion of democracy and the rule of law globally with the advent of Artificial Intelligence. The other parts of the book provide the philosophical basis Australian law is built upon, establish the boundaries and pressures placed upon modern law as a system of justice, and examine law from positions of social categories which often experience it as an agent of oppression.



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