Camille Goodman

Attorney-General's Department

Use of technology to coastal States in exercising their jurisdiction over living resources under Part V of UNCLOS

From the development of steam-powered ships to the deployment of satellites and autonomous vessels, new technologies have always presented enormous challenges and opportunities for the law of the sea. This panel will explore the way in which such technologies are influencing the implementation or interpretation of the existing legal frameworks governing activities at sea, or the negotiation of new frameworks. This will involve a series of short (ten minute) presentations outlining the context and some key ideas in each of these areas, followed by general discussion and questions facilitated by a suitable chair. Specifically:

- Professor Rob McLaughlin will consider the effects of technological developments on the conduct of maritime security operations within the UNCLOS framework;
- Camille Goodman will address the use of technology by coastal States in exercising their jurisdiction over living resources under Part V of UNCLOS;
- Sarah Lothian will outline the impact of technology in the negotiations for a third UNCLOS implementing agreement on biodiversity beyond national jurisdiction;
- Anne Sheehan will reflect on the way in which new technologies – particularly marine autonomous surface ships – are being addressed within the IMO framework; and

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Camille Goodman is a Principal Legal Officer at the Office of International Law in the Attorney-General's Department. She provides advice to Government on a wide range of public international law issues, with a particular focus on maritime law and international fisheries law. She has provided advice on the development and implementation of a variety of international fisheries agreements. Camille has recently completed her PhD at the Australian National University College of Law with the support of the Sir Roland Wilson Foundation, focusing on the nature and extent of coastal State jurisdiction over living resources in the exclusive economic zone.

Rob McLaughlin

University of New South Wales

Effects of technological developments on the conduct of maritime security operations within the UNCLOS framework

From the development of steam-powered ships to the deployment of satellites and autonomous vessels, new technologies have always presented enormous challenges and opportunities for the law of the sea. This panel will explore the way in which such technologies are influencing the implementation or interpretation of the existing legal frameworks governing activities at sea, or the negotiation of new frameworks. This will involve a series of short (ten minute) presentations outlining the context and some key ideas in each of these areas, followed by general discussion and questions facilitated by a suitable chair. Specifically:

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Professor McLaughlin researches, publishes, and teaches in the areas of Law of Armed Conflict, Law of the Sea, Maritime Security Law and Maritime Law Enforcement, and Military Law. He routinely engages in research activities, and course development and delivery, with the ICRC, the Australian Red Cross, the International Institute for Humanitarian Law, and the UN Office on Drugs and Crime.

Rob came to academia after a career in the Royal Australian Navy as a Seaman officer and a Legal officer. Consequently, his research interests are primarily focussed around issues of practical operational significance. His legal roles included as the Fleet Legal Officer, the Strategic Legal Adviser, as a Counsel Assisting the HMAS SYDNEY II Commission of Inquiry, Director Operations and International Law, and Director Naval Legal Service.

Anne Sheehan

Attorney-General's Department

Marine autonomous surface ships and new technologies within the IMO framework

From the development of steam-powered ships to the deployment of satellites and autonomous vessels, new technologies have always presented enormous challenges and opportunities for the law of the sea. This panel will explore the way in which such technologies are influencing the implementation or interpretation of the existing legal frameworks governing activities at sea, or the negotiation of new frameworks. This will involve a series of short (ten minute) presentations outlining the context and some key ideas in each of these areas, followed by general discussion and questions facilitated by a suitable chair. Specifically:

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Anne Sheehan is currently Assistant Secretary, Office of International Law in the Attorney-General's Department. Since 2005 Anne has worked in various roles in the Attorney-General's Department, including in the Office of International Law during which time she worked on a range of matters, including law of the sea, international humanitarian law, human rights law and trade law. Anne also worked on Australia's International Court of Justice case against Japan in relation to whaling. Anne has also worked on national security policy issues as Assistant Secretary of Communications Security and Intelligence Branch within the Attorney-General's Department. Prior to commencing in the Attorney-General's Department, Anne worked in the Department of Defence and has also held positions in the United Kingdom's Office of the Deputy Prime Minister and worked as a visiting fellow at the British Institute of International and Comparative Law. Anne has a Master of Laws specialising in international law from the University of Queensland and Bachelor of Laws from the Queensland University of Technology.

Sarah Lothian

University of Sydney

Impact of technology in the negotiations for a third UNCLOS implementing agreement on biodiversity beyond national jurisdiction

From the development of steam-powered ships to the deployment of satellites and autonomous vessels, new technologies have always presented enormous challenges and opportunities for the law of the sea. This panel will explore the way in which such technologies are influencing the implementation or interpretation of the existing legal frameworks governing activities at sea, or the negotiation of new frameworks. This will involve a series of short (ten minute) presentations outlining the context and some key ideas in each of these areas, followed by general discussion and questions facilitated by a suitable chair. Specifically:

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Sarah Lothian is a PhD Candidate at the University of Sydney Law School. Sarah's thesis will examine the legal framework required under a new BBNJ Agreement to protect marine biodiversity in areas beyond national jurisdiction. Sarah has completed a combined Bachelor of Arts/Law (Honours) degree at the University of Sydney, a Masters degree in Maritime Law (With Distinction) at the University of Nottingham and a Masters degree in Family Law at the College of Law Sydney. Sarah is currently a Barrister at the NSW Bar.

Mando Rachovitsa

University of Groningen

Non-legal expertise and practice-based (legal) experience: what is their place on the international bench?

This paper explores the question of whether the concept of expertise is too narrowly construed in international adjudication. The discussion focuses on the role of non-legal expertise and the value of (legal) experience as relevant criteria to be factored together with 'recognised competence in international law' when nominating and (s)electing members of international courts or semi-judicial bodies.

The first part addresses how non-legal expertise (e.g. finance, navigation, international trade, fisheries, human rights) is specifically provided in the statutory requirements for selecting members of the WTO AB, ICSID Panels, special arbitral tribunals under UNCLOS, and UN treaty-based human rights bodies. The potential role of non-legal expertise will also be explored in connection to the nominated arbitrators serving before the PCA Panels for Environmental and Space-related Disputes. The second part engages with the meaning and value of practice-based (legal) experience by drawing comparative insights from the informal evolution of the practice of the European CtHR and UN treaty-based human rights bodies as well as the recently introduced criteria mandating detailed experience in a specific area of law alongside recognised competence (e.g. ICC, African CtHPR).

The paper concludes that we need to revisit the role of non-legal expertise and practice-based experience in international adjudication in order to address the evolving complexity of the subject matter of international law and specific disputes brought before international bodies.

Dr Mando Rachovitsa is an Assistant Professor of Public International Law at the University of Groningen since August 2016. Prior to this she held an Assistant Professorship in Public International Law at the College of Law, Qatar University (2012-2016) where she taught international law and human rights. Her current research interests revolve around judicial dispute settlement, treaty interpretation, international human rights law as well as the role of international law in regulating aspects of cyberspace.

She was a 2015-2016 Fellow at UC Berkeley – Centre for Technology, Society & Policy working on a project bring together the technical and legal implications of encryption. She founded, and

served from 2013 to 2016 as the elected Secretary of, the Qatari Branch of the International Law Association. She participates in conferences in Europe, USA, Africa and the Middle East. She has presented aspects of her work, among others, in the World Bank and she is an alumna of the Institute for Global Law & Policy (Harvard Law School). She is a qualified lawyer in Greece.

Amanda Murphy

Clifford Chance

Deciphering scientific evidence in international treaty arbitration – practical methods to assist tribunals

Complex international treaty arbitrations often require detailed scientific and technical evidence to be produced by both sides to the dispute. In the case of arbitrations relating to allegations of harm to the environment or public health, the scientific evidence presented to the tribunal is often voluminous, highly specialised and contradictory. From a practitioner's point of view, it is imperative that the tribunal has a clear understanding of the science involved in the dispute, and it must be acknowledged that tribunal members are not experts in all areas of contention, and so arbitrators must be assisted to enable them to decipher the evidence before them. This paper provides comment on useful techniques available to assist tribunals decipher scientific evidence, including the use of 'early openings' (sometimes referred to as 'Kaplan openings'),1 skeleton arguments, expert hot-tubbing, use of technology including drones (in place of physical site visits) and expert conferral to establish baseline data. As the number of arbitrations relating to environmental impacts increases, adoption of these methods is likely to be of increasing importance, particularly in cases where the scientific evidence may be uncertain, such as in relation to business contribution to climate change.

Amanda has a Masters in international law from the University of Cambridge, as well as an LLB (first class honours) and a BA (majoring in political science) from the University of Western Australia. Amanda is a Senior Associate in the international arbitration group at Clifford Chance in Perth, and is the global lead for the Asia-Pacific region in the areas of climate change risk and business and human rights. Prior to joining Clifford Chance Amanda spent several years practising at a leading public international law firm in London, Volterra Fietta. Amanda has a background in corporate advisory, with a particular focus in the energy and resources sector.

Her practice involves the provision of advice and representation to States and private entities on international dispute resolution matters, including high value commercial and investor-State arbitration, international investment law, as well as a broad spectrum of public international law issues.

Caroline Foster

University of Auckland

Societal values in international courts and tribunals

International courts and tribunals assess societal values by a variety of means, seen in a range of combinations in diverse adjudicatory contexts. They may refer to widely ratified treaties to establish the existence and acceptability of societal values, or they may employ a comparative method and rely on official recognition of societal values across domestic jurisdictions. They may also rely on governments' frank assertions concerning the existence and status of public opinion – a controversial practice that raises a range of questions as seen in the WTO "public morals" cases. Depending on the case they may receive direct evidence of individuals' collective views or understandings. Amicus curiae briefs may in some cases provide relevant insights. International adjudicators will deploy institutional judgment in determining what they believe to be the suitable way to consider societal values. At the same time, international adjudicatory bodies will exercise to varying degrees an overlay of social judgement enabling them to view the cases before them in the round and to base their decisions on an appreciation of the circumstances encompassing an appropriate understanding of social context.

Dr. Caroline E. Foster is an Associate Professor at the University of Auckland, currently researching international adjudicatory methodologies and function in disputes over States' regulatory powers and obligations. This work is supported by a grant from the Marsden Council of the Royal Society of New Zealand and will be published as a monograph in the Oxford University Press International Courts and Tribunals series in 2020. Recent work includes "A New Stratosphere? Investment Treaty Arbitration as 'Internationalized Public Law'" (2015) 64(2) International and Comparative Law Quarterly 461-485. Caroline was previously employed by the New Zealand Ministry of Foreign Affairs and Trade (1991-1999). Her prior monograph, Science and the Precautionary Principle in International Courts and Tribunals: Expert Evidence, Burden of Proof and Finality, published with Cambridge University Press, was cited by Judges Simma and Al-Khasawneh in the Case Concerning Pulp Mills (Argentina v Uruguay).

Esmé Shirlow

Australian National University

Deference to domestic expertise in international adjudication of private property disputes

This presentation examines how international adjudicators use deference to recognise the decision making expertise of domestic actors. The paper underlying the presentation is based on an empirical analysis of 1489 publicly available private property decisions from the Permanent Court of International Justice, International Court of Justice, European Court of Human Rights, and investment treaty tribunals. The presentation examines how these adjudicative bodies examine claims by domestic actors to superior decision-making expertise vis-à-vis international adjudicators.

The presentation highlights that deference is ubiquitous in international adjudicative decision making, but that the balance between international and domestic expertise and authority is drawn differently across different times and by different international adjudicators. Deference manifests in neither a constant nor uniform form. This reflects differing perceptions of the value of domestic 'expertise' amongst international adjudicators. It also reflects different conceptions of what 'expertise' entails. Whereas some approaches to deference favour institutional expertise, for example, others impose more exacting requirements. This may require, for example, evidence of the application of personal expertise in the making of a decision. The presentation highlights regime-specific trends in approaches to deference and consider whether approaches to deference have changed over time.

Dr Esmé Shirlow is a Lecturer at the Australian National University. Esmé is an Assistant Editor (Australia/New Zealand Region) with Kluwer Arbitration Blog, and previously worked in the Australian Government's Office of International Law. She currently serves as an assistant to a number of investment treaty tribunals, and has previously also advised parties to investment treaty claims and in proceedings before the International Court of Justice. Esmé completed her PhD at King's College London, an LL.M. at the University of Cambridge, and a Graduate Diploma of Legal Practice (with Merit), an LL.B. (Hons) and a B.A. at the Australian National University. She is admitted as a Solicitor in the Australian Capital Territory. Her research focusses on public international law and international dispute settlement.

Cordula Droege

International Committee of the Red Cross

The 70th anniversary of the Geneva Conventions: an ICRC perspective

Cordula Droege will make an appearance via Skype to discuss the 70th anniversary of the Geneva Conventions from the perspective of the ICRC and to talk more broadly about how ICRC is using systems of knowledge and drawing on multidisciplinary expertise to fulfil its mandate under the Geneva Conventions.

As the ICRC, we witness the everyday achievements of international humanitarian law (IHL) – a wounded person allowed through a checkpoint, a child who receives necessary food, detainees able to send a message to their families, and many other examples which may not always be visible to the public. In such instances, it is clear that respect for IHL is possible and that this implementation makes a meaningful difference. Created for the worst of times, the Geneva Conventions preserve the core of our common humanity.

As we know, in recent years there have been many shocking violations of IHL. The capacity of IHL to provide real protection for the victims of today's complex armed conflicts has even been questioned by some and significant challenges do lie ahead. Whilst acknowledging the devastating humanitarian consequences of lack of respect for the law, the ICRC is also aiming to reframe the dialogue IHL to highlight some of its successes, such as through the IHL in Action project. The ICRC is exploring new ways to promote compliance with IHL, for example, through work on the links between Islam and IHL and Buddhism and IHL. Tapping into these systems of knowledge promotes the universality of humanitarian principles, which transcend legal traditions, cultures and civilizations.

As chief of staff to the President, Cordula Droege heads the President's team, and leads the office's involvement in crafting the ICRC's strategic and diplomatic priorities.

Dr Cordula Droege joined the International Committee of the Red Cross (ICRC) in 2005 and has held a number of legal positions in the field and at Headquarters, most recently as the head of legal advisers to operations. She has some twenty years of experience in the field of international law, including positions at the International Commission of Jurists, the Inter-American Court of Human Rights and the Max Planck Institute for International Law.

She holds a law degree and a phD from the University of Heidelberg and an LL.M from the London School of Economics.

Lisa Ferris

New Zealand Defence Force

Respecting and ensuring respect for the Geneva Conventions – the New Zealand perspective

Brigadier Lisa Ferris will address the overarching obligation under Common Article 1 of the Geneva Conventions to respect and ensure respect for IHL. In the context of Common Article 1, she will examine what can small countries do in modern military operations to enhance compliance with IHL. Her presentation will touch on the potential for small militaries to implement obligations internally, in respect of policies, procedures and training. She will then external engagement in respect of conduct of operations, including influencing coalition and other stakeholders and supporting regional nations in their compliance objectives.

The Brigadier will focus on the recent practice of the New Zealand Defence Force (NZDF) as a case study. Examples will include the new Law of Armed Conflict (LOAC) Manual; conduct of updated LOAC training; the increasing use of IHL compliance injects in multinational exercises run by the NZDF; the strategic deployment of legal advisers down to the tactical level; and the mentoring of partnered forces.

The continuous improvement of compliance mechanisms demonstrates that the obligation imposed by Common Article 1 does not remain static. Rather it requires parties to actively engage and develop their own capacity and support other parties to do the same. Practically speaking, this may involve review of internal military justice systems, oversight mechanisms, access to restorative justice mechanisms, engagement with humanitarian actors, the development of principles for coalition operations, and navigating the differing interpretations of CA1. Ongoing complex issues continue to be in the realm of matters such as intelligence sharing and investigative mechanisms in coalition contexts for example.

Brigadier Ferris joined the New Zealand Army in February 2003 and has held a range of legal adviser positions over her career.

Brigadier Ferris deployed operationally numerous times, including in 2008 to the Arabian Gulf advising on maritime security operations aboard Her Majesty's New Zealand Ship TE MANA and, in 2009, to Afghanistan. She was deployed to Afghanistan again in 2012 as counsel

assisting a Court of Inquiry, and to Iraq in 2015 to support the planning for the deployment of NZ force elements.

In 2013 Brigadier Ferris was promoted to Lieutenant Colonel and appointed as the Deputy Director Operations Law and the Chief of Staff for Defence Legal Services. In April 2016 Brigadier Ferris was promoted to the rank of Acting Colonel and became the Acting Director of Defence Legal Services. In January 2017 Brigadier Ferris was substantiated in the rank of Colonel and confirmed as the Director of Defence Legal Services. Brigadier Ferris was promoted to her current rank on 23 January 2018.

Brigadier Ferris holds a Master of Laws and a Bachelor of Commerce and Administration from Victoria University of Wellington and completed United States Marine Corps Command and Staff College in 2014.

Yvette Zegenhagen

International Committee of the Red Cross

Seventy years on: the adaption of international humanitarian law dissemination methods for a modern audience

The need to disseminate IHL was certainly appreciated by those who drafted the four Geneva Conventions of 1949 and their Additional Protocols of 1977. In them, they inserted clear obligations on States parties to disseminate IHL not only throughout the international community but also "as widely as possible in their respective countries…"1 The International Red Cross Red Crescent Movement has had longstanding, complementary obligations under international legal frameworks and the Movement's own statutes to promote understanding of and respect for IHL.

Seventy years on from the adoption of the 1949 Geneva Conventions, the need to widely disseminate IHL has not in any way diminished; not least of all because the world has seen an increase in the number of protracted armed conflicts and fragile States over the past several decades. The nature of warfare has also changed dramatically with new technologies in the battlespace, the increasing urbanisation of conflict and civilians more vulnerable than ever in these situations. There is little doubt that the protective scope of IHL and, an understanding of this body of law by many, remains essential to minimising the harmful effects of conflict on civilians.

Whilst the need for IHL dissemination remains unchanged, information sharing is now increasingly complex and traditional forms of dissemination of IHL, including those methods used by National Societies of the Movement, may need to evolve to maintain relevance to a modern audience.

Yvette joined the Australian Red Cross IHL program in 2011 and has been the National Manager since 2014.

Prior to joining Australian Red Cross, Yvette worked as an Adjunct Teaching Fellow in the Bond University Law Faculty and as a commercial litigator in Melbourne. Yvette is currently the chair of the Asia-Pacific National Society Legal Advisers' Network and is a registered delegate with Australian Red Cross. Yvette has also acted as the ad-interim Common Law Legal Adviser within the Legal Advisory Service at the International Committee of the Red Cross (ICRC) in Geneva.

Yvette undertook a Bachelor of Laws and a Bachelor of International Relations at Bond University as an Australia Day Scholar, holds a Masters in Community and International Development from Deakin University and has also received IHL instruction through the Institute of IHL in San Remo and the Geneva Centre for Security Policy. Yvette is admitted to practice as a Legal Practitioner to the Supreme Court of Victoria and High Court of Australia.

Jesse Clarke

Attorney-General's Department

International criminal justice: a force for compliance with the Geneva Conventions

This presentation will offer a critical appraisal of the contribution of international criminal justice to compliance with the Geneva Conventions. The discussion will be situated in well-recognized structural limitations of international criminal justice; for example, the lack of compulsory jurisdiction of international criminal courts and tribunals, the length and legitimacy of the process, and the inability of international courts and tribunals to deal with a sufficient number of cases. However, the presentation will also offer an assessment of whether other features of international criminal justice help or hinder compliance with IHL, including:

- a focus on individual criminal responsibility rather than the responsibility of States (and armed groups)
- 'fragmentation' in the interpretation and application of IHL arising from the jurisdiction of international criminal courts and tribunals
- an emphasis on cure rather than prevention
- the level of acceptance of the decisions of international criminal courts and tribunals by the parties to an armed conflict

The presentation will advance the argument that the international criminal justice has made an important contribution to IHL compliance but has fallen short of the expectations and promise of the 1990s. Efforts to increase compliance with IHL will need an increasingly diverse set of approaches and mechanisms.

Jesse Clarke is an Assistant Secretary in the Office of International Law of the Attorney-General's Department where he is responsible for practice groups providing advice on international human rights and refugee law, international humanitarian law and security, international criminal law, and jurisdiction, immunities and international organisations. As a dual national, Jesse worked as a legal adviser for the United Kingdom Foreign & Commonwealth Office from 2007-2015, including serving as First Secretary (Legal Affairs) at the UK Mission to the United Nations in New York. In 2011-2012, he spent a year as a Visiting Lecturer at Harvard Law School where he taught courses on Government Lawyering and International Law. Jesse holds an LL.M. (International Law) from the University of Cambridge and an LL.B. and B.A. (Hons. Government) from the University of Sydney.

Christina Voigt

University of Oslo

International Law Futures: Climate Change, the Critical Decade and the Rule of Law

The future is shaped by the past. Today is tomorrow´s past, and our actions now will define the future – of our children, of people and the planet, and of international law.

While these are very general truths, they hold particular weight at this crucial moment where we still have a choice. Depending on whether or not the world is able to hold global temperature increases to safe levels, future scenarios will look very differently.

In this talk, I will first provide a brief scientific background of greenhouse gas emission pathways and possible scenarios – stressing the fact that we are facing the "critical decade" to create starkly different futures. In oversimplified terms, one scenario is runaway climate change and global warming above and beyond 2 degrees Centigrade which will lead to unprecedented disruptions with severe impacts on stability, the global order and, eventually, the rule of law. Another scenario is a global transition towards sustainable and clean energy systems through global cooperation while addressing inequalities.

International law is an important lever in the choice between these two ends of the scale of possible "futures". In the second part, I will therefore highlight the role of international law in addressing climate change and the means we currently have at disposal. Central in this context is the UN Paris Agreement with its logic of transformative change and its catalytic and facilitative nature.

In the third, and final part, the question will be raised of what the future of international law might look like in these different scenarios painted above; which tools we need in order to tilt the scale towards sustainable change and transition - and which if we don´t succeed. The ability to address complexity, global inequalities as well long-term guidance through in-built flexibility, science-based and dynamic developments are some of the features that international law of the future might have to exhibit in order to remain relevant and effective.

Dr. Christina Voigt is Professor at the Department of Public and International Law, University of Oslo, Norway, and an expert in international environmental law. She is also works at the Center of Excellence for the Study of the Legitimate Roles of the Global Judiciary – Pluricourts - at the

University of Oslo where she coordinates the research on “International Law and Global Commons”.

She works in particular on legal issues of climate change, environmental multilateralism and sustainability. Professor Voigt is the author of “Sustainable Development as a Principle of International Law” (Brill, 2009), numerous academic articles and several edited volumes. Her latest edited book is “International Judicial Practice on the Environment – Questions of Legitimacy” (CUP, 2019). In 2018, she co-drafted the UN Secretary General´s report on “Gaps in International Environmental Law and environment related instrument”.

Since 2008, she has been Norway´s lead legal negotiator in the UN climate negotiations, as well as REDD+ negotiator. She participated in the negotiations of the 2015 Paris Agreement and its Rulebook, adopted in December 2018. In 2018, she was co-chair of the negotiations on the rules for Agreement´s compliance committee.

Professor Voigt is the chair of the Climate Change Specialist Group of the IUCN World Commission on Environmental Law and a member of the IUCN Climate Change Task Force.

Sir Kenneth Keith

The advisory jurisdiction of the ICJ - a long view

This presentation will consider the various purposes for which the advisory jurisdiction has been used over almost a century and the decline in its use.

What are the limits on the assimilation of the advisory jurisdiction to the contentious, particularly when an interstate dispute is at the core of the request? Should the Court assess the value of the requested opinion to the requesting body? A related issue is the rewriting of the question.

Were Elihu Root, Judge J B Moore, the US Supreme Court and the High Court of Australia right in saying or deciding that the giving of an advisory opinion is obviously not a judicial function?

Ken Keith is professor emeritus at the Victoria University of Wellington at which he taught or more than 20 years and to which he has now returned. He studied law at the University of Auckland, VUW and Harvard. He was a legal officer in the Department of External Affairs and the UN Secretariat, a member of various national law and constitutional reform bodies and a member of the New Zealand legal team in the ICJ for the Nuclear Tests case in 1973, 1974 and 1995. He has served as a judge of appeal in Western Samoa, the Cook Islands, Niue and Fiji and in a number of international arbitral tribunals. Form 1995 until 2005 he was a judge of the New Zealand Court of Appeal and Supreme Court and of the Judicial Committee of the Privy Council. From 2006 to 2015 he was a Judge of the ICJ.

Bill Campbell PSM QC

Australian National University

The convergence of the advisory and contentious jurisdiction of the International Court of Justice

In its recent Chagos Archipelago Advisory Opinion the ICJ reiterated that there would be a compelling reason to decline to render a requested advisory opinion if to do so would circumvent the principle that 'a State is not obliged to allow its disputes to be submitted to judicial settlement without its consent'. Judge Donoghue in dissent noted that the Court's 'decision to render today's Advisory Opinion demonstrates this incantation is hollow. It is difficult to imagine any dispute that is more quintessentially bilateral than a dispute over territorial sovereignty…[t]he delivery of this opinion is a circumvention of the absence of consent.'

This presentation will examine whether the Court's more recent exercise of its advisory jurisdiction has become a de facto form of contentious jurisdiction thus undermining the integrity of the Court's judicial function. It will consider matters relevant to its discretion to refuse to render an advisory opinion including the absence of State consent, the adequacy of information before the Court and whether rendering of an opinion would assist the requesting body in the performance of its functions. Another question is whether, in a number of respects, the Court may be paying to much deference to the views of the requesting body at the expense of making its own assessment. Also, the substance of the findings made by the Court, at least in the Chagos Case, are more in the nature of the peremptory orders one would expect to be made in the exercise of the Court's contentious jurisdiction.

Until recently, Bill Campbell PSM QC was General Counsel (International Law), Office of International Law (OIL), Attorney-General's Department. Before that he was First Assistant Secretary of OIL. In both of those capacities he advised successive Australian Governments on international law and also had responsibility for the conduct of Australia's litigation before international courts and tribunals. He was Agent and/or Counsel for Australia in a number of cases including, more recently, the Whaling in the Antarctic, Questions Relating to the Seizure and the Detention of Certain Documents and Data and Chagos Archipelago Cases before the International Court of Justice and in the Tobacco Plain Packaging Arbitration (Philip Morris (Asia) v. Australia). He was, for a period, Vice-President of the Australian and New Zealand Society of International Law. He was recently appointed Honorary Professor in the ANU College of Law.

Alicia Lewis

Attorney-General's Department

Australia's recent engagement in the ICJ's Advisory jurisdiction

On 22 June 2017 Australia voted against General Assembly resolution 71/292 requesting an Advisory Opinion from the ICJ in the case of the Separation of the Chagos Archipelago from Mauritius in 1965, on the basis that it is not appropriate to use the ICJ's advisory opinion jurisdiction to resolve bilateral disputes.

Australia participated in both the written and oral phases of the advisory proceedings, arguing that the questions posed by the General Assembly were not "legal questions" within the meaning of Article 65 of the ICJ Statute and Article 96 of the UN Charter and that, even if the Court found that it did have formal jurisdiction to render an opinion, the Court should have exercised its discretion to refuse to do so.

The arguments that Australia made in this case were consistent with its submissions in previous cases including, most recently, the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory Advisory Opinion. The Court, however, did not accept these arguments and went on to consider the substantive issues in its advisory opinion, delivered on 25 February 2019.

Australia's involvement in cases such as these has been focused on the significance of fundamental principles, such as consent, for the proper functioning of the international legal system. Upholding these principles and maintaining trust in the Court is central to preserving the Court's authority and respect for its non-binding advisory opinions.

This presentation will focus on Australia's contributions in these cases, with a focus on the Chagos opinion, and the motivation for Australia's broader participation in past, present and future matters involving the Court's advisory jurisdiction.

Alicia Lewis is a senior legal officer in the Attorney-General's Department Office of International Law (OIL), providing advice to Government across a broad range of issues including international environmental law and international humanitarian and security law. During 2017-18 Alicia was closely involved in Australia's participation in the written and oral phases of the Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 (Request for Advisory Opinion).

She has completed a Master of Laws, specialising in international law, at the Australian National University. Prior to joining OIL in 2015, Alicia worked on domestic climate change policy in the Department of the Environment.

Frances Anggadi

Attorney-General's Department

From paper charts to digitised maps: a 'new' way of implementing maritime zones?

A working group comprising geoscientists, hydrographers and geospatial data experts commenced in 2004 a process of harnessing technological advances to improve the way that States can define and manage their maritime zones. Working under mandate from the UN General Assembly, and under the auspices of the International Hydrographic Organisation and the UN Division for Ocean Affairs and the Law of the Sea, the group will soon release a global data standard (S121) for the definition of States' maritime zones in co-ordinates-based digital format, which aims to achieve optimal accuracy in the location of maritime zones and facilitate the sharing of that information for all marine users. This paper will explore the extent to which implementation of the new S-121 data standard might either shed light on new trends in the law of the sea, or show continuity with old ideas, and in particular look at recent State practice in the Pacific as a case study. Given both legal and technical perspectives are essential to the implementation of maritime zones, the paper will consider the potential legal significance of the work of the S121 project team for the future of the international law of the sea on maritime zones.

Frances Anggadi is a Principal Legal Officer in the Office of International Law, Australian Government Attorney-General's Department, and has advised across a range of public international law issues, including international law of the sea, international human rights and refugee law, the use of force and international humanitarian law. Since 2017, Frances has also served as legal adviser to the Pacific Maritime Boundaries Project, an Australian aid-funded project that provides legal and technical assistance to Pacific countries to finalise their maritime zones.

Alex Lennox-Marwick

Ministry of Foreign Affairs and Trade

Shifting coastlines: can the law protect our maritime zones from rising seas?

Sea-level rise as a result of climate change is accelerating around the world. The Intergovernmental Panel on Climate Change predicts that the average global sea-level could rise by nearly a metre by 2100. Even if global warming can be held to 1.5°C, sea level rise is projected to continue well beyond 2100. While the exact quantum and impact of sea-level rise remains uncertain, we know the seas are rising and that our region will be particularly affected.

Rising sea-levels present a range of serious developmental, economic, and environmental challenges both now and in the future. It also presents a number of complex, future-focused questions for international law, from questions of statehood and maritime boundaries, to the rights of displaced persons. Many of these questions involve an important interface between scientific expertise and the law.

In the context of its commitment to taking early and collaborative action on Pacific climate migration, the New Zealand government has prioritised work on how international law could be developed to protect coastal States' maritime zones from changes caused by sea-level rise.

This presentation will consider the law of the sea questions raised by sea-level rise, including: what happens to a State's maritime zones when the low water mark (or "basepoint") shifts landward or an outlying island is inundated? And how States (including in the Pacific) facing the uncertain impacts of sea-level rise could go about developing international law to better protect and preserve their maritime zones and associated rights.

Alex has been working with the Ministry of Foreign Affairs and Trade (MFAT) for ten years across a variety of roles, both legal and policy. Alex is currently a senior legal adviser in the Environment and Resources Law Unit of the Legal Division of MFAT, where her role focuses on international fisheries and law of the sea, including maritime boundaries and disputes, shipping and the continental shelf. Alex has also served at New Zealand's Mission to the United Nations in New York, as well as in the Ministry's Americas Division, United Nations Division and its International Security and Disarmament Division. Alex holds a BA and LLB(Hons) from the Victoria University of Wellington.

Rebecca Brown

University of Sydney

Filling the gaps in the law of the sea: the role of systematic integration in treaty interpretation

The Vienna Convention on the Law of Treaties 1969 ('VCLT') was intended, in part, to solidify the rules of treaty interpretation. However, despite its ubiquitous role in disputes over treaty terms, pre-existing rules remain an essential aspect of the interpretative process; a result of permitting the consideration of 'relevant rules of international law' under Article 31(3)(c).

This paper investigates and tracks systemic integration specifically in adjudications concerning the law of the sea. This particular context is particularly fruitful for three reasons. First, it allows for a comparison across an array of interpreting bodies. Second, systemic integration in this arena occurs through both Article 31(3)(c) of the VCLT and Article 293 of LOSC: despite the similarity in wording, the use of each of these provisions differs. Third, the centrality of the United Nations Convention on the Law of the Sea 1982 ('LOSC') in disputes means that often similar interpretational issues arise, allowing inconsistencies to come to the fore. As noted by the tribunal in the Mox Plant case, systemic integration cannot extend the jurisdiction of the decision-making body to engage in discussions of obligations beyond the treaty. However, the varying approaches – from ITLOS' incorporation of principles on the use of force in the M/V Saiga (No 2), to the Tribunal's refusal to consider human rights issues in the Arctic Sunrise Case – indicates that this aspect of treaty interpretation remains uncertain.

Rebecca Brown completed her Bachelor of Laws (Honours) in 2018 at the University of Sydney, in addition to her Bachelor of Arts (Linguistics) in 2016. She has a strong interest in international and public law, and was a member of the National Champion team in the 2018 Philip C. Jessup International Law Moot Court Competition. Rebecca has worked at the Department of the Prime Minister and Cabinet as part of the Constitutional Recognition Taskforce, where she assisted in drafting the Final Report of the Referendum Council, delivered on 30 June 2017. She has previously written on Russia's involvement in international dispute resolution processes, in a paper to be published by Springer in 2019, and has won awards for her work both in Australian citizenship history and Linguistics. Currently, she assists Senior Counsel in researching a variety of practice areas, including international commercial arbitration, cross-jurisdictional issues and claims in foreign jurisdictions such as the United States, the United Kingdom and Papua New Guinea.

Luiza Leao Soares Pereira

University of Cambridge

Mapping networks of the 'invisible college of international lawyers' through obituaries

Since Oscar Schachter's famous articulation of the concept, scholars have attempted to know more about the composition and functioning of the 'invisible college of international lawyers' which makes up our profession. They have done this though surveying public rosters of professional sections(arbitrators, International Court of Justice counsel), providing anecdotal accounts about informal connections between members, or establishing certain individuals' influence in the development of discrete legal concepts. Departing from these approaches, we use the obituaries published in the British Yearbook of International Law(1920-2017) to draw a comprehensive map of the 'invisible college of international lawyers'. Obituaries are a unique window into international law's private inner life, unveiling connections between international lawyers and their shared career paths beyond single institutions. The Yearbook was chosen due to its tradition of publishing obituaries and undeniable importance as a long-running publication. Employing network analysis, a method commonly used in social sciences to describe similar phenomena, we are able to demonstrate the ubiquity of informal networks whereby ideas move, and provide evidence of the community's homogeneity. Exploring the connections between lawyers and their shared characteristics in this novel way, we shed light on the features of the community and the impact individual personalities have on the law. These characteristics of the profession and its members may be obvious to those at international law's epicentres of power but are not visible from the periphery. Such graphic representation based on empirical data is a powerful tool in bolstering critiques for diversity and contestation of mainstream law-making narratives.

Luiza Leão Soares Pereira is the primary author of this paper, and a third-year PhD Candidate at Hughes Hall, University of Cambridge. She graduated with a BA in Law from Universidade Federal do Rio Grande do Sul, Brazil, and, after a short internship at the International Criminal Tribunal for the Former Yugoslavia, began her LL.M. at Cambridge, for which she was awarded the Clive Parry Prize (Overseas) in International Law. Her research focuses on the role of individual members of the international legal profession in the development of international law.

Niccolò Ridi, the seconday author of this paper, is a Visiting Lecturer in Public International Law and International Investment Law at King's College London, where he is also completing his

PhD, and a collaborateur de recherche at the Graduate Institute of International and Development Studies, Geneva. His research deals with the idea of authority from prior decisions in international dispute settlement. Niccolò holds a combined LLB/MA in law from the University of Florence and an LLM in International law from the University of Cambridge. Niccolò has published on international dispute settlement, private international law, and international refugee law.

Carrie McDougall

University of Melbourne

Why international law academics should climb down from their ivory towers – and why government practitioners of international law should roll out the red carpet

Compared to other regions, the profession of international lawyering is divided in our part of the world. For the most part, one is designated either as an academic, or as a practitioner. While initiatives such as ANZSIL exist to bring the two communities together, such engagement has not been sufficient to overcome (mis)perceptions that academics 'don't get' the practice of international law, or that practitioners exhibit insufficient subject matter expertise. Rather than criticising either academics or practitioners, the paper dismantles imagined hurdles to cooperation, and identifies the reciprocal benefits of closer collaboration.

The paper examines the current expansive influence of academics on the development and application of international law. It is explained why such contributions need to be balanced by the views of States if the law's normative force is to be preserved, thus highlighting the benefits that would flow from academics gaining more nuanced understandings of government views, priorities, motivations, constraints, operational realities and ways of working.

On the flip side, in the context of current challenges faced by the existing international legal order, the paper examines the importance of knowledge as power. It is argued that deeper and broader cooperation with international law academics would: (i) objectively increase governments' knowledge in relation to novel international law issues and foreign country perspectives; and (ii) enhance external perceptions of the subject matter expertise of government lawyers. It is explained how this would in turn increase Australia and New Zealand's capacity to shape and influence international law.

Dr Carrie McDougall re-joined Melbourne Law School in 2018, after nearly a decade working for the Australian Department of Foreign Affairs and Trade (DFAT). At DFAT she served first as Assistant Director of the International Law Section, providing advice on the jus ad bellum, international criminal law, international humanitarian law, the responsibility to protect and the protection of civilians. Carrie regularly represented Australia in international meetings, including the International Criminal Court's Assembly of States Parties, and played a critical role in international negotiations, including those relating to the downing of Flight MH17. Immediately before re-joining the Law School, she served as the Legal

Adviser at Australia's Mission to the United Nations in New York. Prior to joining DFAT, Carrie was a Research Fellow at Melbourne Law School, Sessional Lecturer and solicitor. Carrie holds a PhD from Melbourne Law School. She graduated as University Medallist with First Class Honours in Law and Arts from the University of Tasmania. She is admitted as a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia and is the author of The Crime of Aggression under the Rome Statute of the International Criminal Court (Cambridge University Press, 2013).

Amy Maguire and Fiona McGaughey

University of Newcastle and University of Western Australia

Performance or performativity? Australia's membership of the United Nations Human Rights Council

Scholarship to date has analysed the politics surrounding the United Nations Human Rights Council ('the Council') and examined the Universal Periodic Review. Less has been uncovered about what states are really doing as Council members. Is their human rights 'performance', namely their behaviour, enhanced by Council membership? Or is Council membership more about 'performativity' – that is, the use of language as a form of action with the intention of effecting changes in the performance of other actors? This paper introduces these questions in the context of Australia's 2018-2020 Council membership term. The potential impacts of membership for Australia are particularly salient given its lack of a constitutional or statutory Bill of Rights and the lack of any regional human rights mechanism in the Asia-Pacific. Australia's bid for a seat on the Council was based on five pillars: gender equality, good governance, freedom of expression, rights of Indigenous peoples and strong national human rights institutions and capacity building. The paper assesses Australia's performance and performativity in relation to a selection of its voluntary pledges as a Council member, and in relation to key areas of human rights which Australia chose to de-emphasise in its bid. The paper aims to build understanding of Council membership as a means of generating knowledge and expertise regarding the human rights performance of UN member states. We reflect on the challenges inherent in holding states to account for their human rights obligations when international institutions struggle to require accountability, transparency and verifiability of voluntary commitments.

Dr Amy Maguire is an Associate Professor at the University of Newcastle Law School. She conducts research across a number of topical international law and human rights issues, including climate change and human rights, human rights institutions, refugee rights, Indigenous rights, international criminal law and capital punishment. Amy has published widely in highly-regarded journals and edited books, is frequently sought as an expert commentator in Australian and international media. In 2015, Amy's submissions influenced the recommendations of the federal parliamentary inquiry into 'Australia's advocacy for the abolition of the death penalty'. In 2018, Amy was one of four scholars chosen to represent the Australian and New Zealand Society of International Law at the Four Societies Conference in Tokyo. In 2019, Amy was

awarded an Australian Awards for University Teaching – Citation for Outstanding Contributions to Student Learning for leadership, innovation and scholarship that engages students in real-world human rights practice and empowers students to pursue law reform and social justice.

Dr Fiona McGaughey teaches international human rights law and other subjects on the Master of International Law at the University of Western Australia (UWA), where she also teaches in the undergraduate Law and Society Major. She publishes in Australia and internationally on the role of Non-Governmental Organisations (NGOs) in international human rights law, with a particular focus on the United Nations. Her other research areas are modern slavery, transitional justice, Indigenous and minority rights, and pedagogy.

Emily Jones

University of Essex

The crisis of autonomous weapons systems

In recent years, Autonomous Weapons Systems (AWS) have garnered a lot of attention. While those working on AWS are doing an important job in highlighting the many legal and ethical issues such systems pose, there is a need to consider, following Charlesworth, the silences crisis thinking has produced.

In this paper, I argue that the crisis of AWS has detracted attention from the general increase in human-machine life/death decision making in conflict situations, as will be exemplified through existing military technologies including the increasing use of human enhancement technologies. The core issues raised by AWS, both ethically and legally under IHL, around the role of machinic involvement in decision-making processes needs to be given more attention in relation to a far wider array of military technologies. The promotion of a narrative which poses AWS as inherently distinct, however, not only poses a problem in terms of what is seen and not seen but could also potentially compromise a ban. This is because state parties will likely use definitional ambiguities to sidestep a ban while delegating tasks to machines which arguably should not be delegated. The fault does not lie, however, with those calling for a ban but with the humanist underpinnings of the debate (which define the machine as falsely other to the human) as well as with the limited framework of ban or permit provided by disarmament frameworks.

I conclude this paper in search for alternative methods for dealing with the increase in machine-human life/death decision making.

Emily is a Lecturer in Law at the School of Law and Human Rights Centre at the University of Essex and is currently a Kathleen Fitzpatrick Visiting Fellow at the Laureate Program in International Law, University of Melbourne. Emily is a feminist international legal theorist working from a critical posthuman perspective. Her current work focuses on: military technologies including autonomous weapons systems and human enhancement technologies, international legal personality, feminist and queer methodologies, the granting of legal personality to the environment and the interplay between capitalism, work, technology and the law.

Natalia Jevglevskaja

Australian Defence Force Academy

Legal review of emerging military technology, the case of cyber capabilities and autonomous weapons systems

Today, the eagerness and zeal of many States to develop and enhance their arsenals of cyber capabilities is reflected not only in official rhetoric but is also amplified in national cyber strategies and policies as well as in the global upswing of dedicated funding to such efforts. Militarily advanced States have also begun developing increasingly autonomous weapon systems for use in armed conflict. That is, weapons which use advanced technologies including robotics and artificial intelligence to assist, supplement and, eventually, replace human soldiers in combat roles. In light of these developments, the importance of conducting legal reviews of new weapons technology on its compliance with international law under Article 36 of Additional Protocol I to the Geneva Conventions is increasingly stressed. However, because of the technological complexity of said systems, some States and many civil society organizations regard Article 36 reviews as insufficient to prevent the advancement and use of weapons that violate international law and suggest prohibiting certain types of emerging military applications altogether.

The proposed paper critically analyses this claim and addresses the challenges that States currently face in adopting procedures and standards allowing for an adequate review of autonomous weapon systems and military cyber capabilities. They include the timing of reviews, the question as to how such systems and capabilities should be tested and the extent to which advice on the law of targeting can be meaningfully incorporated in the review process.

Natalia is a Research Fellow at the University of New South Wales at the Australian Defence Force Academy in Canberra. As part of the collaborative research group 'Values in Defence & Security Technology' (VDST) based at the School of Engineering & Information Technology (SEIT) she is looking at how social value systems interact and influence research, design and development of emerging military and security technology.

Prior to Joining SEIT, Natalia was a Teaching Fellow and doctoral student at the University of Melbourne (2014-2018). Natalia's earlier academic appointments include Research Assistant to the editorial work of the Max Planck Commentaries on WTO Law and Junior Legal Editor of the Max Planck Encyclopedia of Public International Law. Natalia completed her undergraduate

studies in law at the University of Heidelberg (2011), and holds an LL.M in Public International Law from the University of Utrecht (2013).

Morgan Broman & Pamela Finckenberg-Broman

Queensland University of Technology/Griffith University, and University of Sydney

AWS & international law –the RAiLE© Project

This article critically examines the area of and contributes to the knowledge around laws and policy for a specific form of emerging technology - the military application of autonomous weapon systems (AWS). Some argue that any attempt to outright ban AWS is pointless, as they are considered to be in their early concept stage, and the shape or look these may take in the future are currently unknown. The debate on AWS can be divided into three broad approaches within the literature. First is the 'total ban' followed by the 'wait and see' and finally a more 'pre-emptive' approach. What this article will look to present is a short description of each, based on relevant literature for the subject matter including a selection of arguments raised by prominent authors in the field of AWS and international law. The question for this article is: How do we achieve AWS/AI programming which adheres to the LOAC's intentions of the 'core principles of distinction, proportionality, humanity and military necessity'?

Morgan M. Broman, LLM, MSSc, MSc, PhD Candidate in Technology and International Law Queensland University of Technology. With over 20 years of experience from international technology business at IBM, Hewlett-Packard and Xerox, Morgan has acquired plenty of practical experience in International Business Law & Technology in B-2-B relationships. Morgan is a lecturer in EU Law at Griffith Law School and works with the Law School's Future Center (LFC) as an Associate Research Fellow researching AI's, Robotics, Blockchain and Law. Together with Pamela Finckenberg-Broman he works on the Robotics/AI Legal Entity (RAiLE©) Project.

Pamela Finckenberg-Broman, LLM, PhD Candidate Griffith Law School. With a background as an international business woman Pamela is currently in Australia doing research on the conflict between international investment protection and EU legislation. Besides her PhD work Pamela also works as a lecturer in EU Law at Griffith Law School and together with Morgan M. Broman she works on the Robotics/AI Legal Entity (RAiLE©) Project.

Elizabeth Thomas

Ministry of Foreign Affairs and Trade

International Law and Cyberspace: Where to Next?

One of the most high-profile intersections between international law and knowledge, information and expertise is in cyberspace. While the application of existing international law to cyberspace has largely been accepted, significant questions remain as to the details of its application. Given the risk that a cyber incident may escalate and threaten international peace and security, the answers to these questions have real-world consequences.

The First Committee of the United Nations General Assembly recently voted on two separate resolutions dealing with the international security dimensions of cyberspace. As a result, an Open Ended-Working Group (OWEG) and a United Nations Group of Governmental Experts (UNGGE) will consider, in parallel, the intersection of international law and norms with state activities in cyberspace.

This presentation will be given from the point of a view of a practitioner. It will provide an overview of recent developments with respect to international law and cyberspace, touch on the importance of emerging State practice, and consider how the work of the UNGGE and OEWG could increase stability in cyberspace.

Elizabeth is currently a Policy Officer in the Legal Division of Ministry of Foreign Affairs and Trade (MFAT). Her role is focused on the international law related to peace and security, including sanctions, use of force, counter terrorism, cyber security, and international humanitarian law. Prior to working at MFAT, Elizabeth was a Senior Policy Advisor at the Department of Prime Minister and Cabinet, providing advice on cyber security policy and intelligence policy issues.

Elizabeth holds a BA (Hons) and LLB (Hons) from University of Otago and a Master of International Relations from the Australian National University.

Kerryn Brent

University of Tasmania

BBNJ: an opportunity to develop international law for marine geo-engineering governance?

The world's oceans are a site for solar radiation management (SRM) and carbon dioxide removal (CDR) geoengineering. Marine geoengineering proposals such as marine cloud brightening, ocean fertilization and ocean alkalinity enhancement could play an important role in meeting assumptions concerning future negative emissions in IPCC modelling scenarios and/or prevent overshoot of the Paris Agreement temperature targets. A key challenge for international law is therefore how to manage the environmental and social risks of marine geoengineering while also enabling responsible research to progress. The existing patchwork of international law for the world's oceans establishes broad rules generally applicable to marine geoengineering but provides little concrete guidance as to how marine geoengineering research activities ought to be conducted. In 2013, parties to the London Protocol for ocean dumping negotiated an amendment establishing specific rules for marine geoengineering governance, but this amendment is limited in its scope and is unlikely to enter into force anytime soon. It is therefore important to identify other opportunities to strengthen the capacity of international law to govern marine geoengineering. This paper highlights the potential of a new treaty for biological diversity beyond national jurisdiction (BBNJ) to contribute to marine geoengineering governance. In negotiating a new agreement for BBNJ, states and policymakers must specifically consider how it will apply to marine geoengineering research, to ensure that new rules are developed that provide more concrete guidance on how marine geoengineering research activities ought to be conducted and do not unduly restrict legitimate scientific research.

Kerryn Brent is a Lecturer in the Faculty of Law at the University of Tasmania. Kerryn researches in the field of international environmental law, specialising in the governance of solar radiation management and carbon dioxide removal technologies. In 2017, Kerryn was awarded her doctorate on the topic of customary international law and the governance of stratospheric aerosol SRM proposals. Since then, her research has also focused on the governance of marine SRM and CDR technologies. Kerryn is a Deputy Director of the Australian Forum for Climate Intervention Governance in the Faculty of Law at the University of Tasmania. Her research has been published in leading international journals, including Nature Climate Change. Kerryn has been invited to present her research on geoengineering and international law in Australia and overseas, including at the Centre for International Governance Innovation in Canada and Harvard

University. In 2016, Kerryn was one of four scholars to represent ANZSIL at the Four Societies Conference in Waterloo, Canada.

Jeffrey McGee

University of Tasmania

ENMOD and SRM governance: can you teach an old cold-war treaty new tricks?

As the earth's climate moves towards 1.5 degrees of warming, political, public and scientific interest in solar radiation management (SRM) is increasing. The IPCC's 1.5 degree report concludes that SRM's technical feasibility is still largely theoretical and awaits large scale field testing. Issues of governance, ethics, social acceptability, and distributional impacts pose significant challenges to research and implementation. Different solutions have been proposed to fill the lacuna in international law governing SRM, including the negotiation of a new geoengineering treaty, or a new protocol to the UNFCCC, UNCBD, or Ozone regime. Most scholars underplay or dismiss the potential application of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD), which has been in place for over 40 years. This paper challenges the assumption that ENMOD has little value. It argues that ENMOD might be able to significantly contribute to international cooperation on SRM research and deployment. It might provide a fast-track to international governance to keep pace with research activities, links climate change to global security and anchors SRM to the UN's core mission of maintaining international peace and security. It also has the potential to govern the use of large-scale weather modification techniques like cloud seeding and marine cloud brightening, which are conducted at national and sub-national scales, thereby avoiding limitations imposed by narrow conceptions of geoengineering that are limited to global-scale climate interventions.

Jeff McGee is a Senior Lecturer in Climate Change, Marine and Antarctic Law at the Institute for Marine and Antarctic Studies and Faculty of Law at the University of Tasmania, Australia. He is also the Director of the Australian Forum for Climate Intervention Governance at the Faculty of Law, University of Tasmania. Jeff's research focusses on SRM and CDR governance, international climate change law, climate security, oceans law and Antarctic law and geopolitics. He is an Associate Editor of the Carbon and Climate Law Review and serves on the editorial board of Case Studies in the Environment, the Australian Journal of Maritime and Oceans Affairs and International Environmental Agreements: Politics, Law, Economics.

Bin Li and Amy Maguire

University of Newcastle

Governance of geo-engineering activities in air and space law perspective

Solar radiation management (SRM) geoengineering poses significant governance challenges for the international law system. Two SRM proposals involve activities in the air space and/or outer space to enhance the earth's reflectivity to counteract increase global temperatures associated with climate change. One proposal is to create reflective aerosol particles in the stratosphere to mimic the climate effects of a volcanic eruption. Another proposal is to deploy "mirrors" or "disks" in space to shield the earth from a small percentage of the sun's energy. It is widely recognised that international law may play an important role in governing the research and development of SRM proposals, but there has been little scholarship on the relevance of air and space law. This paper therefore asks to what extent international air and space law can contribute to the governance of SRM research and development. This paper begins with a general examination of international air and space norms relevant to SRM and proceeds to argue that lex specialis should be considered by decision-makers during deliberations regarding the legal regulation of geoengineering. The second part of the paper focuses on the critical liability issues arising from geoengineering research and considers what air and space law might contribute towards the improvement of the international liability system. The paper concludes with the view that inputs from air and space law can valuably influence the development of the legal regulation regime for geoengineering research, thus providing a contemporary example of the fruitful intersection of law with knowledge, information and expertise.

Dr Bin Li is a lecturer at Newcastle Law School and the General Editor of The Newcastle Law Review. Before joining Newcastle, Bin worked as an academic at Beijing University of Aeronautics and Astronautics School of Law (Beihang Law School) in Beijing. Bin's research interests include international air and space law. In this regard, he has published a number of high-quality journal articles in Chinese and English language and completed several research projects funded by Chinese government as the chief investigator. Bin was invited by Chinese government to be an expert in drafting domestic space legislation, including Civil Airplane Industry Development Regulations and Interim Measures on Space Debris Mitigation and Management. In addition, Bin has a broad interest in the technology and law, particularly how technological advances have impacted on the access to justice. Bin is a member of ANZ Space Law Interest Group, an affiliated member of Australian Forum for Climate Intervention

Governance, the visiting scholar at The United Nations Regional Centre for Space Science and Technology Education, the visiting research fellow at Trilateral Cooperation Studies Centre based in Renmin University of China in Beijing.

Dr Amy Maguire is an Associate Professor at the University of Newcastle Law School. She conducts research across a number of topical international law and human rights issues, including climate change and human rights, human rights institutions, refugee rights, Indigenous rights, international criminal law and capital punishment. Amy has published widely in highly-regarded journals and edited books, is frequently sought as an expert commentator in Australian and international media, and has received multiple awards for her research and teaching. Amy is the top ranked international law contributor to The Conversation website, with over 364,000 readers of her 49 articles. In 2015, Amy's submissions influenced the recommendations of the federal parliamentary inquiry into 'Australia's advocacy for the abolition of the death penalty'. In 2018, Amy was one of four scholars chosen to represent the Australian and New Zealand Society of International Law at the Four Societies Conference in Tokyo. In 2019, Amy was awarded an Australian Awards for University Teaching – Citation for Outstanding Contributions to Student Learning for leadership, innovation and scholarship that engages students in real-world human rights practice and empowers students to pursue law reform and social justice.

Courtney Edwards and Milena Arsic

Department of Foreign Affairs and Trade

"Going with the data flow" – World Trade Organization disciplines in a digital era

This paper will explore one of the key questions for consideration by this year's ANZSIL Conference – the extent to which existing international legal frameworks are capable of effectively responding to technological change. It will examine how the suite of existing World Trade Organization (WTO) disciplines apply to digital trade and outline some of the issues with these disciplines in effectively combatting digital trade developments and practices which undermine trade. It will then explore attempts by certain countries (including Australia and New Zealand) to address these issues by developing more comprehensive disciplines in free trade agreements (FTAs) and discuss the associated challenges – in particular, intersections with sensitive matters of public policy and drafting which keeps pace with technological developments. Finally, based on the practical experience of the authors in negotiating these commitments in FTAs, it will reflect on the current WTO E-Commerce Initiative negotiations, and the likely challenges to, and opportunities for, developing comprehensive yet agile WTO rules on digital trade.

Courtney Edwards is an Assistant Director at the Australian Department of Foreign Affairs and Trade. She has spent the past six years in DFAT and the Department of Industry, Innovation and Science working as a lead negotiator on goods, services, e-commerce, dispute settlement and other legal issues in a range of free trade agreements negotiated by the Australian Government. Currently, she is the legal counsel for the current negotiations with the European Union and Hong Kong. She has a Masters of International Trade and Development, Bachelor of Laws (Hons.) and Bachelor of International Studies from the University of Adelaide.

Milena Arsic is a Senior Legal Officer at the Australian Department of Foreign Affairs and Trade. She works in the Office of Trade Negotiations on a range of legal issues in free trade agreements under negotiation, currently focusing on negotiations with the Pacific Alliance and European Union. She has a European Masters in Law and Economics from the University of Bologna/University of Vienna, and a Bachelor of Laws (Hons.) and a Bachelor of International Relations from Bond University. She recently completed her Graduate Diploma of Legal Practice at the Australian National University.

Anjali Sarma and James Lester

Ministry of Foreign Affairs and Trade

WTO under pressure: a diagnosis

The WTO is facing unprecedented systemic challenges, stemming from a lack of progress in multilateral negotiations and brought into sharp focus by the current impasse on appointments to the Appellate Body. A break-down in the rules-based trading system carries considerable risk for all WTO Members.

This presentation will provide an overview of the institutional pressures currently facing the WTO across its negotiation, dispute settlement, and transparency limbs. These issues include:

- Difficulty in achieving consensus among WTO Members in respect of amendments to existing disciplines or the creation of new ones;
- So-called "judicial overreach" by the WTO's Appellate Body, particularly in the areas of trade remedies and subsidies; and
- Compliance with notification obligations, and the ability of WTO Members to enforce disciplines on subsidies in the absence of full information.

Anjali is currently employed at New Zealand's Ministry for Foreign Affairs as a trade lawyer. She completed an LLM at the University of Cambridge in 2017, which included a specialisation in international law. Prior to this, Anjali worked as a commercial lawyer in New Zealand and Australia, providing advice to industry clients. Anjali has a BCA degree with a focus on Economics and Commercial Law as well as a LLB (Hons, First Class) from Victoria University of Wellington.

James is also a trade lawyer with the New Zealand Ministry of Foreign Affairs and Trade. Prior to this he worked on trade and economic issues at the National Assessments Bureau, within the Department of the Prime Minister and Cabinet, and as a solicitor at a commercial law firm. James holds a Bachelor of Commerce in Economics and a Bachelor of Laws (Hons, First Class) from the University of Canterbury.

Sharmin Tania

Curtin University

The role of WTO networks towards achieving sustainable development goals

The Doha Round of multilateral trade negotiations is approaching almost the end of the second decade since the Round was launched in 2001. However the failure of the Round to adopt a complete package as a Single Undertaking cannot be used as a ground to argue that WTO as an organization has failed to achieve the 'development' mandate of the Round. To the contrary, the WTO has established itself as an indispensable organisation to regulate and conduct international trade, not only for the narrow objective of trade liberalisation, but also to achieve sustainable development for the world community. The 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly in September 2015, created a framework of sustainable development with 17 goals, supporting targets and means of implementation. WTO is working towards mainstreaming trade to attain the sustainable development goals of reducing poverty and inequalities and eliminating hunger and achieving food security. Crucial to the achieving of sustainable development goals is the functioning of WTO networks to disseminate knowledge and information in international trade among the members and to ensure their active participation. This paper will examine whether the networking has empowered the least developed countries, the marginal section of the WTO members, to achieve communicative competence whereby they not only have access to the information but also gain the knowledge and expertise to evaluate them and pursue their trade interests towards achieving the sustainable development goals.

Sharmin works in diverse areas of international law, including international trade law, international refugee law, and law and development. She also works in consumer law and equity and has published journal articles in these areas. She is currently co-supervising PhD theses in the areas of international trade and investment law, and corporate accountability for the violation of human and environmental rights. Sharmin was awarded the 2018 Curtin Law School Teacher of the Year Award for excellence in learning and teaching. At Curtin Law School she teaches principles of equity, consumer and competition law and company law. She holds a PhD in Law from Macquarie University and LLM in International Law from the University of Cambridge.

Noelle Higgins

Maynooth University

Indigenous Knowledge and the World Heritage Protective Framework

This paper focuses on the engagement of indigenous peoples with the international legal framework which seeks to protect World Heritage. Significant concerns have been raised in recent years as to the role which indigenous knowledge can play in this framework. For example, there have been criticisms as to the openness of nomination processes in respect of World Heritage sites, and the participation of indigenous peoples in this process, as well as the eurocentrism of criteria for assessing world heritage sites. Due to these concerns, all three of the UN mechanisms specific to Indigenous peoples (UN Permanent Forum on Indigenous Issues, UN Expert Mechanism on the Rights of Indigenous Peoples and UN Special Rapporteur on the Rights of Indigenous Peoples) have called on the World Heritage Committee, UNESCO and Advisory Bodies to take curative measures. There have also been recommendations made as to how the World Heritage Committee, UNESCO and States can align the implementation of the World Heritage Convention with the principles and requirements of the UN Declaration on the Rights of Indigenous. As part of the move to be more inclusive of indigenous voices, an Indigenous Peoples' Forum on World Heritage was established in 2017. This paper addresses the role of indigenous knowledge in the world heritage framework and how international law-making concerning World Heritage has been, in the past, and can be in the future, influenced by this knowledge.

Dr Noelle Higgins is a Senior Lecturer in the Law Department at Maynooth University, Ireland. She undertook her PhD in international law at the Irish Centre for Human Rights, NUI Galway, Ireland, on the topic of wars of national liberation. She currently teaches and researches in a variety of fields of public international law, particularly international human rights law, including the rights of minorities, international humanitarian law and international criminal law, and has published widely in these areas. Her recent publications focus mainly on the field of cultural rights. She previously undertook a BA and MA in Irish language and literature, and has a particular interest in language rights. She is currently an 'Academic friend' of the United Nations Expert Mechanism on the Rights of Indigenous Peoples, and was previously the Vice-Chair of the Ethical, Political, Legal and Philosophical Studies Committee of the Royal Irish Academy and a member of the Irish Department of Foreign Affairs and Trade - NGO Forum on Human Rights.

Kate Owens

University of Sydney

Catalysing Interactions through Global Climate Funds

Global climate funds, such as the Green Climate Fund, the Adaptation Fund and the Climate Investment Funds, have the potential to play a key role in catalysing climate-resilient transformation. The funds have developed a range of progressive modalities, including in relation to devolved access, readiness and knowledge-sharing, which have the potential to intensify interactions between civil society organisations, multilateral institutions, private corporations and government, and to promote activities at a variety of scales and locations. There have also been ongoing efforts by climate funds to promote 'country ownership' and country-driven strategies where projects are supported by the host country, and are the outcome of a wide range of stakeholder consultations. Drawing on a variety of perspectives from regulatory and global governance, the paper will analyse the potential linkage role performed by the funds, and how fund modalities can be enhanced to operate as an essential 'hinge' between global, regional, national and subnational climate governance and a wide variety of actors.

Dr Katherine Owens is a Senior Lecturer at The University of Sydney Law School, and Deputy Director of the Australian Centre for Climate and Environmental Law. Her research focuses on Environmental and natural resources law, regulation and governance, with a focus on the role of law in sustainability transitions. Her areas of specialty include environmental water markets, global climate finance institutions and the regulation of coal and coal seam gas mining activities, and she is the author of Environmental Water Markets and Regulation: A Comparative Legal Approach (Earthscan/Routledge, 2017). Katherine was awarded her PhD from Sydney Law School in 2015 on the role of law in market-orientated water allocation frameworks. She also holds a Master of Law in Energy and Environmental Law from the Katholieke Universiteit in Leuven, Belgium (summa cum laude), and a Bachelor of Laws (First Class Honours) and Bachelor of Arts from the University of Canterbury in New Zealand. Prior to joining the University of Sydney, Katherine practiced for a number of years in State Government and leading commercial firms in Australia and New Zealand, specialising in environmental, planning, administrative, and public law matters.

Maria Pozza

Flick Energy

Outer space law: weighing up the liability provision in Australia and New Zealand

The realm of space law is not a clear or uniform regulatory regime, especially when one considers liability provisions. Outer space is governed by international law and thereafter its uses are limited through the legal and policy frameworks set-up under particular domestic jurisdictions. New Zealand has recently implemented space laws, and Australia is in the process of updating its own space laws. As neighbours and Five Eyes partners, one would naturally assume that the legislative provisions would be similar, if not, consistent with each other, in order to ensure harmonisation between neighbouring States. However, this has not been the case especially regarding those provisions that relate to issues of liability. This presentation will outline the inconsistencies between the two States' legislative provisions focusing on liability i.e. who will be liable in the event that a space asset damages another space asset? The presentation will discuss simple changes that might ensure better consistency between the two nations and elevate the growing State-based liability concerns that are increasingly relevant in the Asia-Pacific region

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Dr Maria A Pozza gained her PhD in Law and Politics at the University of Otago, specializing in Space Law and International Relations in 2013, and accordingly graduated in May 2014. In 2013 Dr Pozza was awarded a visiting Lauterpacht Fellowship from the Lauterpacht Centre for International Law at University of Cambridge UK, and also awarded a visiting Research Fellowship at the London Institute of Space Law and Policy. Dr Pozza was admitted as a Barrister and Solicitor in New Zealand in 2014. Dr Pozza holds a Masters in International Studies from the University of Otago in 2010, completed the New Zealand Law and Practice Exams in 2009, and was Called to the Bar by the Honourable Society of Lincoln's Inn in 2005.Beforethis, Dr Pozza completed her Bar Vocational course at the Inns of Court School of Law in London where she also completed a post-graduate Diploma in Legal Skills and Research (whilst studying Arabic part time), and completed her LLB Law (Hons) in 2004. Dr Pozza will act as panel chair for this conference

Joel Dennerly

Australian National University

Space objects

Human activity in outer space includes the use and operation of man-made space objects, such as the International Space Station as well as numerous artificial satellites in orbit around the Earth. These space objects are operated by, and serve, a variety of State and non-State actors. The jurisdiction over, and control of space objects is often either a State affair, or a multi-lateral and multi-party spatial endeavour. Therefore, when damage is caused by a space object in outer space, typically through a collision with another space object, international space law outlines a mechanism for compensation for injured States through the Liability Convention. However, unlike a typical liability regime, requiring proof of causation and damage, the Liability Convention also requires proof of fault for compensation to be owed to the victim State. Fault however, is a notoriously ambiguous term under international law, and is not defined under the Liability Convention. This presentation argues that the international liability regime applicable to space is incomplete, due to its inadequate extrapolation as to the meaning of fault under the Liability Convention. It is accepted that outer space is a region into which the laws and customs of general international law extend. Therefore, this presentation will argue that the proper meaning of fault can potentially be found from within the corpus of general international law.

Joel has authored several academic publications on international space law and policy, and delivered presentations on space law to organisations such as the Australian Government Solicitor and United Nations Youth. Joel's interest began with his thesis on international space law, undertaken at the Australian National University, which focussed on State liability under international law for space object collisions. After this, he was selected, through a competitive process, to undertake a space law course organised by the European Centre for Space Law, within the European SpaceAgency. He is also a member of several space industry groups, such as the Space Industry Association of Australia, the Australian and New Zealand Space Law Interest Group, and the Space Generation Advisory Council.

Tyson Lange

Clayton Utz

Space Activities Act 1998

The Space Activities Act1998 (Act) implements Australia's international obligations in respect of outer space into domestic law. The Act provides for registration and licensing of space objects and overseas launches, ongoing obligations in respect of space objects, insurance and liability and the return of space objects. While recently updated, the Act is largely unchanged despite the dramatic advances in space technology and the diversification of actors seeking to access and use space. The presentation will provide an overview of the Act and how it addresses liability. In addition, it will cover recent amendments, and the current progress towards developing 'rules' to replace the existing regulations. The presentation will then go on to consider how effectively the Act has implemented Australia's international obligations, and whether there are other obligations that ought to be reflected in the Act. Finally, the conclusion will summarise other areas and matters that the Act could address with a particular focus on how to better address liability between parties undertaking space activities.

Tyson is a commercial lawyer advising on transactions in complex regulated environments such as airports and light rail systems, or involving multiple jurisdictions. Tyson's background prior to legal practice was in the Australian Government focussing on trade, most notably developing and implementing the Australia United States Defence Trade Cooperation in the Department of Defence. In 2012, Tyson was awarded the Australian National University Thompson Reuters Prize for mooting on a space law topic. Undertaken in 2014, Tyson's honours thesis set out to reinterpret the Outer Space Treaty (OST) to derive binding obligations on nation states to ensure space remains truly a province of all mankind for future generations. In 2017, Tyson chaired a Working Group for the Space Generation Congress 2017 on the topic of developing the Outer Space Treaty for the next 50 years. In 2018, Tyson presented to the 18th Australian Space Research Conference 2018 on commercial aspects of space activities and co-authored an article in the Australian Quarterly on the Australian Space Agency. He is a member of the Space Industry Association of Australia, the Australian and New Zealand Space Law Interest Group and the Space Generation Advisory Council.

Blair McNamara

Bank Australia

Outer space insurance: it if all goes wrong, then who will be liable?

The uses of outer space have direct application on earth, and commercial space-based actors and their activities are a sector with an increasing footprint in space. The insurance industry is fast developing expertise specific to this sector in its quest to provide insurance coverage consistent with legislative requirements. However, there is a very real issue that the State where a space-based asset is launched from, will always act as an additional insurer. For example: insurance cannot ever cover infinite amounts of liability -rather insurance is limited to a finale amount of insurance money that is payable upon a claim. Under international law, the State is the only actor that can be held liable; therefore the amount of insurance needed by the operators of space-based assets will depend on domestic legislative provisions. This presentation will consider these nuances and discuss whether the Australian liability provisions under the present Act (under review) are enough to protect Australia if it all goes wrong.

Blair is an experienced lawyer known for his expertise in insurance law. As Head of Legal for Honan Insurance Group, Blair is in charge of both corporate and insurance legal issues. He overseas a team at Honan that deal with issues ranging across these fields. Blair has a demonstrated history of working in the insurance industry prior to re-training as a lawyer. Blair's expertise ranged from cyber insurance to large asset insurance brokerage. Blair dealt with large cross-border asset insurance. As a highly skilled lawyer in insurance law, Blair's expertise is sought after, especially as space activities are set to rise in Australia. His expertise in large asset insurance within the legal sphere, has seen Blair involved in a number of high-level legal issues pertaining to space. Blair was awarded an LLB Law (hons) from Victoria University in 2011 and gained a Grad Dip in legal Practice from the College of Law in 2012.Blair holds a degree in Business specialising in Banking and Finance as well as a Graduate certificate of management from Birkbeck University, London in 2008. Blair was awarded a Diploma in Financial Services specialising in insurance in 2007

Rain Liivoja and Isabel Robinson

University of Queensland and Australian Red Cross

Protection of medical personnel and units: challenges of contemporary armed conflicts

International humanitarian law (IHL), which provides for the protection of medical personnel, units and transports in an armed conflict, has been conceived with a particular model of health care delivery in mind. National armed forces are assumed to have a medical service, which in an armed conflict is assisted by volunteer services designated for that purpose (particularly national Red Cross societies) and medical teams seconded by neutral states. Today, medical services do not neatly fit within this model. For one, most contemporary conflicts are non-international, where at least one party is a non-state entity. This raises the question as to whether and how non-state armed groups can designate medical personnel under IHL. Second, health care services may be provided by non-state actors, such as international organisations, who may in some cases contract to private companies. Making the protected status of medical personnel employed and contracted by an international organisation dependant on the assignment of such personnel to medical functions by a State or a non-state armed group appears to conflict with the independence of that organisation. This scenario also raises policy questions about the role of private companies in conflict zones and privatisation of the humanitarian space. Third, peacekeeping operations have medical personnel. Should a peacekeeping operation be drawn into hostilities, it is not entirely clear what entity should be designating medical personnel – the UN, the peacekeeping operation or the individual troop-contributing States. This papers explores these problems in light of the practice of States, international organisations, and non-State actors.

Rain Liivoja is an Associate Professor at the TC Beirne School of Law, The University of Queensland. He also holds the title of Adjunct Professor of International Law at the University of Helsinki, where he is affiliated with the Erik Castrén Institute of International Law and Human Rights. Rain's research and teaching interest include the law of armed conflict, human rights law and the law of treaties, as well as international and comparative criminal law. Rain serves as Treasurer of ANZSIL and as a member of the Board of Directors of the International Society for Military Law and the Law of War. He is a Co-Editor-in-Chief of the Journal of International Humanitarian Legal Studies and Chair of the Australian Red Cross International Humanitarian Law Advisory Committee for Queensland.

Isabel Robinson is an Adviser within the International Humanitarian Law (IHL) Program of the Australian Red Cross. She is responsible for engaging with the Australian humanitarian and medical sectors, in order to ensure that conflict-facing people understand and can leverage IHL, and that Australian law and policy reflects IHL and Humanitarian Principles. Prior to joining the Australian Red Cross, Isabel worked with the Legal Division of the International Committee of the Red Cross (ICRC) from 2014–2017, including with the Arms Unit in Geneva, and as a Legal Adviser to the Operations in Nigeria and the Philippines. She holds a Bachelor of Arts/Law (Hons) from the Australian National University and a Masters in IHL and Human Rights from the Geneva Academy of International Humanitarian Law and Human Rights, Geneva, Switzerland.

Gabrielle Simm

University of Technology Sydney

Regulating humanitarian drones

Drones are known for their role in targeted killings in counter-terrorism operations. However, drones also have the capacity to help save the lives of people affected by conflict and disasters. This paper identifies key benefits and challenges of using information and communication technologies in humanitarian aid. It assesses the arguments for and against humanitarian drones against the backdrop of their military origins. It then explores four examples of humanitarian drone regulation: self-regulation by humanitarian technical volunteers; rules recommended by aviation experts; development of standards by the International Civil Aviation Organisation (ICAO); and regulation by software code. The paper aims to investigate the role of international law in regulating new humanitarian technologies and how this regulation in turn affects North-South relations. It argues that humanitarian drones put the South at the forefront of practice but that global regulation is dominated by Northern experts.

Dr Gabrielle Simm is Senior Lecturer at the University of Technology Sydney Faculty of Law. Her research interests include socio-legal approaches to international law, in particular, disasters and humanitarian response. She is co-editor of Peoples' Tribunals and International Law (with Andrew Byrnes, 2018) and author of Sex in Peace Operations (2013). She has taught law at UNSW, ANU and the University of British Columbia. Prior to commencing her PhD, she worked as a diplomat in South-east Asia, an international lawyer at the Department of Foreign Affairs and Trade and the Attorney-General's Department in Canberra and as a refugee lawyer in Melbourne.

Vivek Bhatt

University of Edinburgh

Voices of reason: law, knowledge, and nuclear disarmament

he ICJ's 1996 Nuclear Weapons Advisory Opinion has resulted in two decades' uncertainty regarding lawfulness of the possession, threat to use and deployment of nuclear weapons, a situation seemingly worsened by the Court's dismissal of the applicants' claims in the Marshall Islands cases.

In response to the 1996 Advisory Opinion, Koskenniemi argued that – sometimes – the law should be silent; the 'voice of justice' will not be heard in a legal prohibition of nuclear weapons, but in lawyers' and policymakers' recognition of the moral gravity of their possible use. This paper responds to Koskenniemi's argument with two decades' hindsight. It argues that the law's 'silence' on the application of existing frameworks to nuclear weapons is not filled by the 'voice of justice', but by the voices of defence intellectuals and world leaders. Invoking 'technostrategic language' relating to strike capabilities and tactical precision, these individuals claim, somewhat counterintuitively, that the existence of nuclear weapons guarantees security and world order. Knowledge and expertise are invoked to legitimise an 'international empire' in which nuclear weapons exist as a stand-in for law.

Thus, finally, the paper argues that the law is clear on one issue: States bear an obligation to negotiate for nuclear disarmament. From this obligation, it can be considered that the law is, in fact, intended to protect against uncertain futures by bringing about a world free of nuclear weapons.

Vivek Bhatt is a final year PhD candidate at the University of Edinburgh and visiting lecturer and tutor at the Universities of Strathclyde and Edinburgh. He holds a Bachelor of Arts (Honours) and Master of International Law from the University of Sydney, and an MSc in Political Theory from the London School of Economics. Vivek's research interests include use of force, law of armed conflict, counter-terrorism and international human rights law.

Fleur Johns

University of New South Wales

Panel chair – Material pasts and futures of international law; international law's objects

This panel considers the material pasts, and potential futures, of international law. The papers, stemming from a project on International Law's Objects, cast light on international law's material history, material culture, and on aspects of its relationship to objects and things through methodologies from life writing to insights from museum studies. These material aspects of international law have remained in the shadows, while intellectual histories, philosophical concepts and textual interpretation of doctrinal principles have taken centre stage. The papers collected here demonstrate the role of material things in international law's history, and in its potential future(s). They help to show how international law has been implicated in bringing things into being, ordering, and regulating them. But considering things and objects also points to the importance of understanding international law's materiality at the moment of its turn to a digital future, with the abstraction and dematerialisation that appears to accompany it.

Professor Fleur Johns is Professor and Associate Dean (Research) in the Faculty of Law at UNSW Sydney. Fleur studies patterns of governance on the global plane, employing an interdisciplinary approach drawing on the social sciences and humanities. Her current research focuses on changing modes of global relation emerging in the context of technological change. She is leading a 3-year Australian Research Council-funded project entitled 'Data Science in Humanitarianism: Confronting Novel Law and Policy Challenges' (with co-CI Wayne Wobcke, UNSW Computer Science). Fleur has held visiting appointments in Europe, the UK and Canada and is a graduate of Melbourne University (BA, LLB(Hons)) and Harvard University (LLM, SJD; Menzies Scholar). In 2019-20, she will be a member of the Institute of Advanced Study in Princeton in the School of Social Sciences. Her publications include Non-Legality in International Law: Unruly Law (Cambridge, 2013) and The Mekong: A Socio-legal Approach to River Basin Development (Routledge, 2016, with co-authors Boer, Hirsch, Saul and Scurrah). Before her academic career, Fleur practised as a corporate lawyer in New York, specialising in international project finance.

Jessie Hohmann

Queen Mary University of London

The lives of objects

This paper aims to bring into dialogue a number of materially astute theories and methodologies in the humanities and social sciences, to consider how we might conceive of the lives of objects in international law. It begins with everyday lives—the way law and objects are woven into daily existences, drawing on ethnographies of the lived experience of law. Second, it considers the social lives of objects and biographical approaches to the lives of things, making reference to anthropological ideas, museum studies, and history, as well as 'life writing' and biography. Third, it considers objects as vibrant, agentive actants, drawing on ideas from Actor-Network-Theory (ANT) and science and technology studies (STS), thing theory, and also recognising the long legal history of objects as agents. The paper deliberately seeks to unsettle the legal and ontological categories of subject and object, to provoke reflection on how they are constructed and contested in international law.

Dr. Jessie Hohmann joined UTS as Associate Professor of Law in June 2019. Her work encompasses international law and human rights, with particular expertise in the right to housing and the rights of Indigenous Peoples in international law. Her recent work harnesses interdisciplinary methodologies, particularly material methodologies, to understand international law in new ways. This research has resulted in an ISRF Early Career Fellowship (2017-18), and a number of publications including Hohmann & Joyce (ed) International Law's Objects (OUP 2018). Before joining UTS, Jessie was a senior lecturer in the Department of Law at Queen Mary, University of London (2012-19). She holds a PhD from the University of Cambridge, where she was a Poynton Australia Scholar, and where she subsequently completed a British Academy Post-Doctoral Fellowship. She also holds LLM, LLB, and BA degrees. Her monograph, The Right to Housing: Law, Concepts, Possibilities (Hart 2013) was shortlisted for the Society of Legal Scholars Birks' Prize for Outstanding Legal Scholarship in 2013.

Daniel Joyce

University of New South Wales

International law's cabinet of curiosities

This paper considers the significance of objects for international law through the lens of collecting and curation. It focuses upon the development of the cabinet of curiosities as a precursor to the modern museum. It explores the history of this form of the cabinet (also known as Wunderkammer) and parallels that with a history of international law which has tended to focus upon ideas and politics at the expense of culture and materiality. The metaphor of the cabinet of curiosities reveals the folly of international law's ambition to represent and order the world. Interpreting and critiquing the history of international law in light of its material culture, reveals its Eurocentricity and connection to empire. The paper connects the turn to history and the archive within international legal scholarship and its own broader project of considering international law's materiality by reference to its objects. This involves critical reflection upon a collection of international law's objects as a cabinet of curiosities, open to its limitations as a collection, but also offering innovation and contemporary insight through its idiosyncracy and personal form. It concludes by considering the turn to materiality in the context of broader anxieties generated by the digital era – another way in which the contemporary moment for international law is illuminated by the history of the Wunderkammer which also emerged in the context of the massive transformations associated with the Renaissance and the Early Modern period.

Dr. Daniel Joyce is a Senior Lecturer and Director of Research at UNSW Law. Daniel has an LLM and a PhD in Law from the University of Cambridge. He was the Whewell Scholar in international law and a Senior Rouse Ball Student at Trinity College, Cambridge. He also spent a year as a Visiting Research Fellow at Columbia Law School. Daniel then undertook postdoctoral research as the Erik Castrén Fellow in international law and human rights at the University of Helsinki, where he remains an Affiliated Research Fellow. He is a member of the Academic Review Board of the Cambridge Journal of International Law and a member of the Editorial Review Board of the Queen Mary Human Rights Law Review. He is a member of ESIL, ANZSIL and the Allens Hub for Technology, Law & Innovation.

Daniel was a Visiting Research Fellow at the Lauterpacht Centre for International Law at the University of Cambridge in 2013 and a Visiting Fellow at the Department of Law at the European

University Institute in 2016. Daniel is a Laureate of the Junior Faculty Forum for International Law in 2014. He has recent publications in law & history, Big Data & Society, the European Journal of International Law, the London Review of International Law and the Melbourne Journal of International Law. He is a co-author, with David Rolph, Matt Vitins and Judith Bannister, of Media Law: Cases, Materials and Commentary, Second Edition (OUP, 2015).

Daniel is admitted and practises as a barrister in New South Wales. He has a particular interest in free speech, protest and public interest litigation. Prior to his academic career Daniel worked in criminal law as a solicitor with the Office of the Director of Public Prosecutions in NSW. He has also volunteered with a range of human rights NGOs.

Douglas Guilfoyle

Australian Defence Force Academy

The Somali pirate skiff

This paper discusses the role of small uncovered boats powered by outboard engines in the Somali piracy crisis of 2003-2013; an unlikely and low-tech object which was for a period able to disrupt global commerce and challenge the might of major navies. It examines the tactics and economics of Somali piracy in some detail. It then reflects on the three-pronged international response involving naval patrols, law-enforcement piracy trials, and measures of industry self-protection. The paper examines the curious possibility that the response to Somali piracy involves probably the first widespread assertion of universal jurisdiction over pirates in practice. It concludes by considering the extent to which Somali piracy and counter-piracy may be emblematic of some of international law's current preoccupations: embodying both the potency of the asymmetrical non-State actor in challenging the established international order and also the 'new normal' of relatively informal, transnational coordination of State responses to transnational crime and non-traditional threats. It thus considers the extent to which the skiff transformed Somali pirates into international actors, catalysts for legal and institutional change.

Dr. Douglas Guilfoyle is an Associate Professor of International and Security Law at the University of New South Wales Canberra at the Australian Defence Force Academy. He is expert in the international law of the sea and international criminal law. His monograph Shipping Interdiction and the Law of the Sea is widely regarded as the leading scholarly work on maritime law-enforcement operations. He has extensive experience consulting to governments and international organisations and is a Visiting Legal Fellow at the Department of Foreign Affairs and Trade for 2019-2020. He holds honours degrees in Law and History from the Australian National University; and an LLM and PhD in international law from the University of Cambridge, where he was a Chevening and then a Gates Scholar. Prior to joining UNSW Canberra he worked at the Faculty of Laws at University College London (2007-2015); and the Faculty of Law at Monash University (2015-2018).

Sara Dehm

University of Technology Sydney

The passport as an object of international law

This paper traces the passport as an object of international law in relation to three distinct yet overlapping regimes of international law: international human rights law, civil aviation law, and the law of self-determination. While international human rights law proclaims that all individuals are equal and have a right to a passport, in practice, this right is subject to exceptions, and not all passports are treated equally by state authorities. Similarly, changing systems of technology, biometrics and identity documentation in civil aviation law have resulted in the increased surveillance and securitisation of individual travellers. This means that while the passport as an object of international law purports to identify a unique individual for the purpose of facilitating international travel, in effect a person's uniqueness is dismantled through international legal regimes that may render them immobile, subject to heightened scrutiny or confined to unauthorised, at time, dangerous forms of travel. And finally, while the principle of self-determination is a foundational concept of international law, Indigenous nations' use of the passport as a way of exercising their sovereign prerogative to control the movement of people within and outside of their territories remains contested by state authorities.

This paper will explore the passport as a material object of international law along each of these three registers. In doing so, it will argue that the modern international law's regulation of the passport has contributed to the maintenance of a 'global hierarchy of mobility' premised on particular forms of political belonging and conduct.

Dr Sara Dehm is a Lecturer in international law at the Faculty of Law, University of Technology Sydney. Her expertise is in the areas of the history and theory of international migration and refugee law, with a particular focus on how international institutions regulate labour migration from the Global South. Sara's research has been published in leading international journals such as the London Review of International Law and Social and Legal Studies, and appears in several edited collections including Andrew Byrnes and Gabrielle Simm (eds), Peoples' Tribunals and International Law (Cambridge University Press, 2018), Jessie Hohmann and Daniel Joyce (eds), International Law's Objects (Oxford University Press, 2018), and Matthew Craven et al (eds), International Law and the Cold War (Cambridge University Press, forthcoming 2019). Prior to joining UTS Law, Sara was a Senior Fellow at the Melbourne Law School (2013 – 2017), a

visiting researcher at the Faculty of Law, University of New South Wales (2014), and an associate of the Australian Human Rights Centre, UNSW (2015-2018).