2012 JOINT ANZSIL-ASIANSIL CONFERENCE PROGRAMME

Faculty of Law
The University of New South Wales
KENSINGTON. NSW

25 and 26 October 2012


DAY 1 (25 October 2012)

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>8.30am</td>
<td>REGISTRATION</td>
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<tr>
<td>9-9.15 am</td>
<td>CONFERENCE OPENING</td>
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<tr>
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<td>Location: Law Theatre, UNSW Law School</td>
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<tr>
<td></td>
<td>Andrew Byrnes, President, Australian and New Zealand Society of International Law, University of New South Wales</td>
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<td>V S Mani, President, Asian Society of International Law; National Jaipur University</td>
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Program updates will be available at www.anzsil-asiansil2012.unsw.edu.au.

Speakers and program are subject to change without notice.
<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Panel 1: International dispute resolution</th>
<th>Panel 2: International criminal law and justice</th>
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<tr>
<td>11.00-12.30pm</td>
<td><strong>OPENING PLENARY:</strong> Perspectives on International Law and Justice</td>
<td>Jiang Guoqing and Yang Huifang, China Foreign Affairs University <strong>The Jurisdictional Issues of the International Court of Justice in the Context of the Reform of the United Nations</strong></td>
<td>Firew Kebede Tiba, Deakin University <strong>Whose Justice and Justice for whom? Africa’s institutional response to the perceived targeting of Africans by the International Criminal Court</strong></td>
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<td><strong>Chair:</strong> Simon Chesterman, Secretary-General, Asian Society of International Law</td>
<td>Dan Liu, East China University of Politics and Law <strong>The 2010 ICJ Whaling Case and the International Law on the Regulation of commercial Whaling</strong></td>
<td>Damir Arnaut, Embassy of Bosnia-Herzegovina <strong>International Criminal Law and State Responsibility: Ensuring Regional Development After Genocide</strong></td>
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<td><strong>Gerry Simpson,</strong> University of Melbourne <strong>Against Justice</strong></td>
<td>Walter Woon, National University of Singapore <strong>Dispute Settlement the ASEAN Way</strong></td>
<td>Lorraine Finlay, Murdoch University <strong>Re-Building Iraq: The Role of the Iraqi High Tribunal in the State-Building Process</strong></td>
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<td><strong>Xue Hanqin,</strong> Judge, International Court of Justice</td>
<td>Natalie Klein, Macquarie University <strong>The Use of International Courts by States and Non-State Actors</strong></td>
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<tr>
<td>10.30-11am</td>
<td>MORNING TEA</td>
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<td>11.00-12.30pm</td>
<td><strong>PANEL 3:</strong> Regionalism and diversity in theory and practice</td>
<td>Toyoda Tetsuya, Akita International University</td>
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<td>11.00-12.30pm</td>
<td><strong>PANEL 4:</strong> International regimes: gaps, rights and regulation</td>
<td>Lucas Lixinski, UNSW <strong>Normative Clashes and Convergences in International Cultural Heritage</strong></td>
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Deconstructing Eurocentrism in Anti-Eurocentrism
Richard Burchill, University of Hull
Regional Arrangements and the Pursuit of Justice in International Law: The Value of Diversity
Catherine Renshaw, University of Sydney
The Role of Regionalism in the Pursuit of Justice

Law Regimes
Kanetake Machiko, University of Amsterdam
Human Rights Justice within the UN: Common Rules, International Personality, and Delegation Theories on the UN’s Obligation to ‘Ensure’ Respect for Human Rights
Andrew Byrnes and Gabrielle Simm, UNSW
Peoples’ Tribunals—Political Theatre, Juridical Farce or Meaningful Intervention

12.30pm  LUNCH

1.30–3.15pm  PANEL 5: Ingram Colloquium on Law and Development: Beyond Rio: New Perspectives on Embracing Development (I)
Chair: Rosemary Rayfuse, UNSW
Shawkat Alam, Macquarie University
The principle of common but differentiated responsibilities and operation of climate change adaptation funding: Implications for sustainable development, equity and environmental justice
Paul Govind, Macquarie University
The importance of distributive justice to the international climate change regime. A new perspective on embracing development and equity
Aaron Wu, Department of Climate Change and Energy Efficiency, Canberra [TBC]
The Elusive Quest for ‘Justice’: Deconstructing Sino-African Trade, the Beijing Consensus and the Emerging Right to Energy
Karen Scott, University of Canterbury

PANEL 6: International criminal law and justice
Steven Freeland, University of Western Sydney
International Law and Justice in the Asia-Pacific Region – The Role of the International Criminal Court Treaty Regime
Murai Nobuyuki, Ministry of Foreign Affairs, Japan
The Legal Basis of the Jurisdiction of the International Criminal Court of a Situation in a Non-Party State
Amrita Kapur, University of New South Wales
Complemenarity’s Subtle Influence: The Diffusion of International Criminal Standards into Domestic Practices
Chris Mahony, University of Auckland
Charles Taylor’s Conviction for “Aiding and Abetting”: Implications for the ICC

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## PANEL 7: International financial, economic and investment law

**Ross Buckley**, University of New South Wales  
*0.05% as the Ultimate Instrument of International Justice*

**Chi Manjiao**, Xiamen University  
*Confronting the Spill-Over Effects of WTO Dispute Settlement: China’s Perspective*

**He Ling Ling and Razeen Sappideen**, University of Western Sydney  
*Investor-State Arbitration: The Roadmap from the Multilateral Agreement on Investment to the Trans-Pacific Partnership Agreement*

**Muthucumaraswamy Sornarajah**, National University of Singapore  
*A Justice Based Regime for Foreign Investment Protection*

### 3.15-3.45 pm  
**AFTERNOON TEA**

### 3.45–5.30 pm

## PANEL 8: Ingram Colloquium on Law and Development (II): Beyond Rio: New Perspectives on Embracing Development

**Chair: Rosemary Rayfuse, UNSW**

**Rowena Maguire**, Queensland University of Technology, and **Sophie Chapman**, University of Cambridge  
*The Legal Nature of Justice in REDD+

**Prapanping Khumong**, University of the Thai Chamber of Commerce  
*The Fair Trade Movement as a New Global Justice: A Case for Thai Fair Trade Rice Producers*

**Rowena Maguire**, Queensland University of Technology, and **Sophie Chapman**, University of Cambridge  
*The Legal Nature of Justice in REDD+

**Prapanping Khumong**, University of the Thai Chamber of Commerce  
*The Fair Trade Movement as a New Global Justice: A Case for Thai Fair Trade Rice Producers*

## PANEL 9: International legal theory and justice

**André Nollkaemper**, University of Amsterdam  
*Sharing Responsibility: The Dual Relationship between Power and Justice*

**Nathan Kensey**, Attorney-General’s Department, Canberra  
*Scapegoating the Guilty: René Girard and International Criminal Law*

**Simon Henderson**,  
*Establishing a Victim Centered International Criminal Court – Providing More Effective Justice for Victims*

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| **Sara Seck**, University of Western Ontario  
*Extractive Industries, Environmental Justice and Human Rights: Jurisdictional Implications for International Law* | **Netta Goussac**, Attorney-General’s Department, Canberra  
*An Emerging Victim Assistance Regime? Implications for International Law* |
| --- | --- |

| **PANEL 10: Private international law**  
**Qi Xiangquan** [funding to be decided in early September]  
The Exploration of the Origination of China’s Private International Law  
**Niloufer Selvadurai and Rizwanul Islam**, Macquarie University  
Determining Jurisdiction in Defamation Proceedings Involving Internet Publication |  |
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| 5.30-6.15 pm | **Reception** |
| 7.00 pm | **Conference dinner (optional – separate payment and registration required)** |
### DAY 2
26 OCTOBER 2012

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<tr>
<th>DAY</th>
<th>Date</th>
<th>Time</th>
<th>Session</th>
<th>Location</th>
<th>Speakers</th>
<th>Topic</th>
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<tr>
<td>FRIDAY</td>
<td>26 October</td>
<td>9.00-</td>
<td><strong>PLENARY SESSION</strong></td>
<td>Law Theatre, UNSW Law School</td>
<td>Charles Sampford, Griffith University</td>
<td>Is justice the first virtue of international institutions? [TBC]</td>
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<td>Susan Lamb</td>
<td>Access to justice through ad hoc international tribunals [TBC]</td>
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<td>Ramesh Thakur</td>
<td>Droning On About Human Rights: Balancing the Rights of Individuals to International Justice against the National Security Imperatives of Targeted Assassinations [TBC]</td>
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<td>10.30-</td>
<td><strong>MORNING</strong></td>
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<td><strong>PANEL 11: International law in a rising Asia</strong></td>
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<td>Sarah McCosker, Damien van der Toorn, Attorney-General’s Department, Canberra</td>
<td>The role of international law in a rising Asia: lessons and opportunities for the coming decades</td>
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<td>David Leary, University of Technology Sydney</td>
<td>International Law and Antarctica in the Asian Century</td>
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<td>Other speakers TBA</td>
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<td>11-12.30-</td>
<td><strong>PANEL 12: International environmental law</strong></td>
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<td>Laely Nurhidiyah, Macquarie University and Indonesian Institute of Sciences</td>
<td>The Role of International Environmental Law in addressing Haze Pollution in the ASEAN Region</td>
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<td>Nizamuddin Ahmad Siddiqui, South Asian University</td>
<td>Regional Environmental Programs amid Proposals for Environmental Organization: Does this Bring Environmental Justice for South Asia?</td>
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<td>Jakerul Abedin, Macquarie University</td>
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<tr>
<th>PANEL 13: Transnational criminal law</th>
<th>PANEL 14: International human rights</th>
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| **Chat Le Nguyen**, University of Canterbury  
*Vietnam – Joining War on Transnational Crime and the Need to Make Changes in its Criminal Laws* | **Dorota A Gozdecka**, Centre for European Studies, Australian National University  
*Borrowing the Margins of Justice – the European court of Human Rights, Judicial Borrowing and Cultural Diversity in Europe* |
| **Melanie O’Brien**, Griffith University  
*Conceptions of Justice in the UN Declaration on the Rights of Indigenous Peoples* |
| **Holly Cullen**, University of Western Australia  
*Realising International Justice within Domestic Law: Renewed Efforts to Enforce the Transnational Crimes of Slavery and People Trafficking in the Australian Commonwealth Criminal Code* | **Beth Goldblatt**, University of New South Wales  
*Rethinking the International Right to Social Security to Address Gender Inequality* |

12.30-1.30 pm  
**LUNCH**

1.30-3:15pm  
**PANEL 15: International law and security**  
**Natalia Yeti Puspita**, Atmay Jaya Catholic University of Indonesia  
*The Application of the Doctrine of Responsibility to Protect in the Frame of Legal Protection to IDPs in Time of Natural Disasters*  
**Paula Wojcikiewicz Almeida**, Getulio Vargas Foundation, Rio de Janeiro  
*Brazilian View of Responsibility to Protect: From ‘Non-indifference’ to ‘Responsibility While Protecting’*  

**PANEL 16: Movement of people across borders and international law**  
**Song Lili**, Victoria University of Wellington  
*The Door Behind the Bamboo Curtain: The Definition of Refugees in the People’s Republic of China*  
**Bassina Farbenblum**, University of New South Wales  
*Access to Justice for Migrant Workers in the Asia Middle-East*  

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| David Berman and Christopher Michaelsen, University of New South Wales  
\*Intervention in Libya: Another Nail in the Coffin for the Responsibility-to-Protect?*  
Andrew Garwood-Gowers, Queensland University of Technology  
\*International Law and Global Justice: China and the ‘Responsibility to Protect*  
| Susan Kneebone, Monash University  
\*State Accountability under International Law and Access to Justice for Trafficked Persons in ASEAN States – A Double Jeopardy*  

| PANEL 17: Law of the sea  
\*Ajay Kumar, Amity Law School, New Delhi  
\*Maritime Law and India: A Critical Analysis*  
\*Derya Aydin Akur, TC Istanbul Kultur University  
\*The Legal Regime of the Area and the Principle of ‘Common Heritage of Mankind [check – cultural heritage?]*  
\*Stathis Palassis, University of Technology Sydney  
\*International Shipping and the Environmental Protection of the Arctic Region*  
\*Harry L Roque Jr, University of the Philippines  
\*Examining the UNCLOS Dispute Settlement Procedure in the Settlement of the Scarborough Shoal Dispute*  

| 3.15–3.45pm  
\*AFTERNOON TEA*  
| 4.0–4.30 pm  
\*CLOSING SESSION  
\*Reflections*  

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