

Pushing the Envelope:

ADF Contributions
to the Development of
International & Operations Law



Melbourne Law School
The University of Melbourne
20-22 February 2002



Asia-Pacific
Centre for
Military Law



THE UNIVERSITY OF
MELBOURNE

Defence Legal Service

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Melbourne Law School

The Melbourne Law School is one of Australia's oldest law schools teaching law continuously since 1857. The Law School has maintained its reputation as one of Australia's leading law schools with an innovative approach to teaching and research. Since the establishment of the Australian Red Cross Chair of International Humanitarian Law in 1996, the Law School has developed Australia's strongest graduate program in the Law of Armed Conflict and related subjects. The Law School has also developed Australia's first dedicated graduate coursework program in Military Law covering the core areas of Military Administrative Law, Military Discipline Law, Military Operations Law and Advocacy for Military Lawyers.

Asia-Pacific Centre for Military Law

The Asia-Pacific Centre for Military Law is a new collaborative venture between the Defence Legal Service and the Melbourne Law School. The aim of the Centre is to facilitate cooperation amongst military forces in the Asia-Pacific Region in the research, training and implementation of the laws governing military operations through academic research, conferences, workshops, seminars and training programs in Australia and in other regional countries. The Centre will have a University-based node in the new purpose-built Law School building and a Defence node at a facility yet to be determined. The inaugural Director is Professor Tim McCormack and the first Deputy Director is Lieutenant Colonel Michael Kelly AM.

Keynote Speakers

Lieutenant General Peter Cosgrove AC MC

General Cosgrove is Chief of the Australian Army and Australian of the Year for 2001. He was made a Companion in the Military Division of the Order of Australia and a Companion in the New Zealand Order of Merit in 2000 for his successful leadership of the INTERFET Operation in East Timor. He was awarded the Military Cross for his leadership of his infantry platoon in Vietnam.

Colonel W Hays Parks

Hays Parks is Special Assistant for Law of War Matters to the US Army Judge Advocate General in Washington DC.

Professor W Michael Reisman

Michael Reisman is the Myres S. McDougal Professor of International Law at Yale Law School, New Haven, Connecticut. Professor McDougal has published extensively on a wider range of International Law issues including on the Law of Armed Conflict. He is currently a member of the UN Boundary Commission for Ethiopia and Eritrea.

The Right Honourable Sir Ninian Stephen AK KG GCMG GCVO KBE

Sir Ninian Stephen is a former Governor-General of Australia, judge of the High Court of Australia and Appeal Judge of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. He is also the Foundation Patron of the Asia-Pacific Centre for Military Law.

Provisional Program

Day 1 - 20 February 2002

	THEME The Use of Force
8.30am	Registration
9.00am	Welcome & Introduction Commodore Michael Smith AM RAN Director General The Defence Legal Service Australian Defence Force Professor Michael Crommelin Dean, Faculty of Law The University of Melbourne
9.20am	Opening Remarks TBC Mr Michael Rowe Senior Legal Adviser Department of Foreign Affairs
10.00am	Morning tea
10.20am	Keynote Address Responses to Terror: The New "War" TBC
11.30am	Panel Response to the Keynote Address Commodore Michael Smith Colonel W Hays Parks Special Assistant for Law of War Matters to the US Army JAG
12.20pm	Lunch
1.30pm	Use of Force in War Commander David Letts RAN Fleet Legal Officer, Maritime Command
2.00pm	War in the Air Wing Commander Ian Henderson Staff Officer Legal, RAAF Air Commander
2.40pm	Afternoon Tea
3.00pm	The Crime of Aggression Lieutenant Colonel Paul Muggleton Executive Officer, Asia-Pacific Centre for Military Law
3.40pm	Individual Self-Defence Mr Bruce Oswald Lecturer in Law, The University of Melbourne & Former Deputy Director, International Law, ADF
4.20pm	Law of Armed Conflict Training Lieutenant Colonel Michael Kelly Director, Military Law Centre, ADF
5.00pm	Close of Day 1
7.30pm for 7.45pm	Conference Dinner After Dinner Speaker Rt Hon Sir Ninian Stephen

Day 2 - 21 February 2002

	MORNING THEME East Timor: A Case Study
8.30am	Keynote Address The Role of Legal Advice in the Success of the INTERFET Mission TBC
9.30am	Peacekeeping Agreements and Arrangements Dr David Lloyd Director of Agreements The Defence Legal Service, ADF
10.00am	Morning Tea
10.20am	East Timor from a non-Australian Perspective · Coalition Partner · ICRC – Dominique Dufor · UN OCHA Jakarta
11.00am	East Timor Detainee Management Unit Colonel Ian Westwood ADF Judge Advocate Administrator
11.40am	East Timor Rules of Engagement Lieutenant Colonel Andrew Dunn Director of Military Justice
12.20pm	Lunch
	AFTERNOON THEME Law of the Sea
1.20pm	Law of the Sea Issues for the ADF Professor Ivan Shearer Challis Professor of Law University of Sydney
2.00pm	Archipelagic Sea Lanes Commander Robin Warner RAN Former Director International Law
2.40pm	Afternoon Tea
3.00pm	Maritime Border Protection Lieutenant Commander Cameron Moore RAN Legal Officer International Law
3.40pm	Fisheries Enforcement Professor Stuart Kaye Professor of Law, James Cook University
4.30pm	Close of Day 2

Day 3 - 22 February 2002

THEME

Contemporary Concerns

- 8.20am **International Criminal Court**
Mr Geoff Skillen
Commonwealth Attorney-General's Department
- 9.00am **Certain Conventional Weapons Convention**
Professor Tim McCormack
Australian Red Cross Professor of International Humanitarian Law
- 9.40am Morning Tea
- 10.00am **Keynote Address**
**ADF Contribution to the Law of Armed Conflict
and International Law**
Colonel W Hays Parks
Special Assistant for Law of War Matters to the US Army JAG
- 11.00am **Panel Discussion**
Future Trends
Colonel W Hays Parks
Professor Tim McCormack
- 12.20pm **Closing Remarks**
Group Captain Simon Harvey
Director of Operations &
International Law, ADF
- 12.30pm Lunch

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