Contents

Director’s Report 5
Overview 6
Management Structure & Members 7
Members’ Profiles 9
Publications 23
Research Programs 29
Visitors 32
Workshops & Roundtables 34
Seminars 36
Courses & Workshops 38
It is with pleasure that I present the Annual Report on the work of the Asia Pacific Centre for Military Law (APCML) for the year 2016.

The Centre’s year began with welcoming Professor Sang-Hyun Song in late February as the Sir Ninian Stephen Visiting Scholar. Professor Song has had a long association with Melbourne Law School and it was a pleasure to host him at the Centre and Law School. Other highlights included the APCML and ICRC Operations Law Workshop. The APCML and Columbia Law School Human Rights 2016 IHL Roundtable, held in Washington DC in April, in September we were very pleased to co-host, with National University of Singapore, Faculty of Law, the Asia-Pacific Military Justice Workshop.

Our military node in Sydney conducted eight courses and workshops and trained or engaged with more than 300 military officers and civilian personnel from the following countries: Australia, Bangladesh, Brunei, China, Djibouti, Egypt, Fiji, India, Indonesia, Jordan, Lebanon, Malaysia, Mongolia, Nauru, New Zealand, Pakistan, Philippines, Papua New Guinea, Sri Lanka, Thailand, Timor Leste, Tonga, Uganda, the United States of America and Vanuatu. Our military courses are a key component of our outreach to military forces in the Asia Pacific region and beyond. Further details about the Centre’s outreach programs with regional defence forces can be found at pp. 37–39. Our outreach would not be possible without the support from the International Policy Division, Department of Defence, in particular the Assistant Director of the Defence Cooperation Liaison Office, Ms Paige Wirtanen, and her team; and the International Committee of the Red Cross.

Another major component of our outreach is the APCML webpage: http://apcml.org/. We continue to update our research page on that site weekly in the hope that it is useful to those studying and practicing in areas such as military justice, peace and security, conflict, and post-conflict. The ‘tweets’ on that site are a tool to keep up-to-date with developments in relation to, among other things, international humanitarian law.

In 2016 we welcomed Professor Hilary Charlesworth, Melbourne Laureate Professor to the APCML. Hillary’s research includes the structure of the international legal system, peacebuilding, human rights law and international humanitarian law, and international legal theory, particularly feminist approaches to international law. We also welcomed four scholars to undertake research, and engage in Centre and Law School life: Ms Leanne McKay, Ms Ashika Singh, Dr Kate Grady and Ms Leticia Villeneuve.

The APCML congratulates Madelaine Chiam (Maddy) on her 2017 appointment as Lecturer at the LaTrobe University School of Law. Maddy has contributed a great deal to the Centre’s life and we will miss her presence a great deal.

At the end of 2016 we said farewell to Captain Fiona Sneath (RAN), the Deputy Director of the Centre. Captain Sneath was appointed Deputy Director of the Centre in 2015 and, during her two year appointment, contributed a great deal to the Centre. Captain Sneath is taking Command of HMAS Albatross and we wish her the very best in her new role.

Earlier this year we also said farewell to Ms Suzanne Varrall, the Centre’s Associate Director at the Military Node in Sydney. Suzanne started her appointment in August 2012 and made a very important contribution to our Centre’s management and outreach programs. Group Captain Enrico (Ric) Casagrande undertook Associate Director responsibilities from early March to early June 2016, and we are grateful to him for his contributions and commitment to the Centre’s work.

There are many others who contributed to our Centre’s aims. My most sincere thanks to all of you. We would not have been able to contribute to developing a better understanding of military law without your assistance.

Professor Bruce Oswald CSC APCML Director 2016
Overview

The APCML was established in 2001 as a collaborative initiative of Melbourne Law School, University of Melbourne and Defence Legal, Department of Defence. It operates from a University and a Military Node, in the cities of Melbourne and Sydney respectively.

Aims
The APCML aims to provide a locus for critical engagement with the international and national law of war and armed conflict, to facilitate cooperation amongst military forces of the Asia Pacific Region in the research, training and implementation of the laws governing military operations, and to promote greater understanding of and increased respect for the Rule of Law in all aspects of military affairs both within the Australian Defence Force and amongst militaries in the Asia Pacific Region. To this end we:

- Organise conferences, workshops, seminars and other activities
- Prepare and deliver training programs
- Promote academic research and publications in relevant fields, including international humanitarian law, the law of peace operations, international criminal law, and arms control and disarmament
- Undertake and support initiatives to promote and improve the flow of information to legal officers
- Develop relevant relationships within the Asia Pacific Region, and
- Develop contacts and mutual exchanges with other academic/military centres and with leading subject matter experts.

Partners
Melbourne Law School is one of Australia’s oldest law schools, teaching law continuously as a Faculty of the University of Melbourne 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.

Defence Legal is responsible for the provision of legal advice and other legal services to the Australian Defence Force, the Australian Department of Defence, and the Minister for Defence. Its head office is in Canberra.

Locations and Functions
The University Node is located within the Melbourne University Law School and supports academic staff, visiting fellows and Research Higher Degree students by organising activities such as conferences, workshops, lectures and seminars relating to international, humanitarian and military law. In addition to teaching, and supervision of postgraduate students, staff of the Centre publicly engage with the wider community by speaking at public forums, taking part in radio and television debates, and writing opinion pieces for newspapers and journals.

The Military Node at Victoria Barracks in Sydney comprises military and civilian staff of the Australian Defence Force’s (ADF) Legal Services. It provides the linkage between the military forces of the Asia Pacific region and the academic and humanitarian communities. The Military Node has the responsibility for the coordination, formulation and delivery of the APCML’s core suite of courses. APCML military staff regularly lecture to military and non-government organisations that may be involved in contemporary military operations.
Patron
Rt Hon Sir Ninian Stephen KG AK GCMG GCVO KBE, former Justice of the High Court of Australia, Governor-General of Australia and Appeal Judge for the International Criminal Tribunals for the former Yugoslavia and Rwanda.

Steering Committee
The control of policy, practices and overall management and operation of the Centre is vested in the Steering Committee.

Management Team
The direction, control, supervision, overall management and performance of the Centre and the planning and implementation of centre activities are the responsibility of the Director and Deputy Director, assisted by two Associate Directors, one for each node of the Centre. The Director, a Melbourne University Law School employee of an academic rank not lower than Associate Professor or his or her delegate. The Deputy Director, an Australian Defence Force Legal Officer of a military rank not lower than Lieutenant Colonel (or equivalent rank) or his or her delegate.

Centre Administrator
The Administrator of the Centre is based at the University node and is responsible for establishing and maintaining a professional, efficient and well-managed environment for the functioning of the Centre.

Members of the Steering Committee
Dean, Melbourne University Law School
Professor Carolyn Evans
Head, Defence Legal
Mr Mark Cunliffe PSM
Director General, Australian Defence Force Legal Service
Air Commodore Chris Hanna CSC and Bar
Dean’s nominee
The Hon Alastair Nicholson AO RFQ QC

Members of the Management Committee
Director
Associate Professor Bruce Oswald CSC
Deputy Director
Captain Fiona Sneath RAN
Associate Director University Node
Associate Professor Alison Duxbury
Associate Director Military Node
Group Captain Enrico (Ric) Casagrande, RAAF, CSM
Ms Suzanne Varrall
Centre Administrator
Mr Hamish Carr, University Node
Ms Amy Johannes, University Node
Administrative Staff Military Node
Ms Kerrie Sanders, Business Manager
Mrs Sandra Pile, Training Administrator
Management Structure & Members

Faculty Members
Associate Professor Bruce Oswald
Associate Professor Alison Duxbury
Professor Hilary Charlesworth
Dr Inbar Levy
Dr Rain Liivoja
Professor Tim McCormack
Professor Dianne Otto
Professor John Tobin
Professor Tania Voon

Senior Fellow
Dr Helen Durham

Research Fellows
Dr Narrelle Morris

Professorial Fellows
The Hon Alastair Nicholson AO RFQ QC
Major General Ian Westwood

Principal Fellows
Dr Mike Kelly AM
Associate Professor Robert Mathews OAM

Graduate Research Degree Students
Ms Florence Adong
Ms Marie Aronsson
Ms Madeline Chaim
Ms Monique Cormier
Ms Treasa Dunworth
Ms Maria Elander
Ms Jennifer Hasselgard-Rowe
Assistant Professor Chris Jenks
Ms Magda Karagiannakis
Mr Jonathan Kolieb
Mr Tim McFarland
Ms Sasha Radin
Ms Sophie Rigney
Ms Cait Storr

Asia Pacific Military Justice Workshop, 20–21 September, National University of Singapore
Director

Associate Professor Bruce Oswald CSC

Bruce “Ossie” Oswald is an Associate Professor in the Melbourne Law School at the University of Melbourne.

His interests in law and practice are in the areas of international humanitarian law, peace operations, state building, accountability and responsibility, and the application of human rights law to military operations. More specifically, his interests are in examining the law and practice surrounding the protection of civilians, the taking and handling of detainees during military operations, and militias undertaking law and order functions.

Ossie has served in the Australian Regular Army as a legal officer. He has seen operations service in Rwanda, the Former Yugoslavia, East Timor, Iraq and Afghanistan. He has provided legal advice and held staff appointments as a legal officer at tactical, operational and strategic levels. Ossie continues to serve in the Army Reserves as a legal officer.

For his service as the Legal Officer for the Australian Contingent serving in Rwanda, Ossie was awarded the Conspicuous Service Cross (CSC).

Ossie was a Jennings Randolph Senior Fellow (October 2012–June 2013) at the United States Institute of Peace in Washington DC, USA.

Deputy Director

Captain Fiona Sneath, RAN

Fiona commenced her career as an Australian Federal Police (AFP) officer in 1986 and during her time with the AFP obtained her initial qualifications in law. In 1994 she joined the Royal Australian Navy (RAN) and, except for a two-year sojourn with the former National Crime Authority, has spent the last 20 years in the Defence Force.

Fiona has experienced a wide range of postings as an Australian Defence Force Legal Officer, including at training institutions (HMAS Cerberus and the Australian Defence Force Academy); as the Deputy Registrar of the former Australian Military Court; Chief Legal Advisor Navy Headquarters and on operational deployment. She has also been seconded to the NSW Police Prosecutors Branch and the Office of the Commonwealth Defence Force Ombudsman; and has been Counsel Assisting Defence Boards and Commissions of Inquiry. From September 2011 to December 2014, Fiona was the Staff Legal advisor to the Chief of the Defence Force.

Fiona commenced duty as the Director Military Law Centre/Deputy Director Asia Pacific Centre for Military Law in February 2015. She is responsible for managing the legal training requirements of specialist and generalist ADF officers as well as contributing to ADF regional engagement and promotion of the rule of law in the Asia Pacific region through the design and delivery of operations law and related courses in the region.

Fiona’s tertiary qualifications include Master of Studies in International Human Rights Law (University of Oxford); Master of Laws (University of Sydney); Australian Command and Staff College (PSC(J)); Graduate Diploma of Management in Defence Studies (ACSC); Graduate Certificate in Maritime Studies (University of Wollongong); and Graduate Certificate in Dispute Resolution (Charles Sturt University).
Members’ Profiles

Associate Director University Node

Professor Alison Duxbury

Alison Duxbury is a Professor at Melbourne Law School and a member of the International Advisory Commission of the Commonwealth Human Rights Initiative and the Board of Directors of the International Society for Military Law. Alison’s major teaching and research interests are in the fields of international law, international institutional law, human rights law and public law. Her publications include The Participation of States in International Organisations: The Role of Human Rights and Democracy (Cambridge, 2011) and a co-edited book, Military Justice in the Modern Age (Cambridge, 2016). She is currently a member of the ASEAN Integration through Law Project coordinated through the National University of Singapore.

Alison has undertaken advice work in the areas of international law and human rights law. She has been a Visiting Fellow at the Lauterpacht Centre for International Law in Cambridge, the Centre for Comparative and Public Law at the University of Hong Kong, the Oxford Institute for Ethics, Law and Armed Conflict, and the Institute of Commonwealth Studies in London. She has also taught international humanitarian law and international institutions at the Centre for Transnational Legal Studies in London.

Associate Director Military Node

Group Captain Enrico (Ric) Casagrande, RAAF, CSM

Ric is a Royal Australian Air Force (RAAF) officer, currently residing in Vienna, who served as the Acting Associate Director of the Asia Pacific Centre of Military Law between February and May 2016. He is an international and operations law specialist who has also developed his interest in the legal issues associated with the application of military power, particularly air power. He holds a BA.LLB (Macquarie University); MDefStud (UNSW), and is a graduate of the RAAF Staff College and the Centre for Defence and Strategic Studies (Canberra).

During his career he has served as General Counsel for the Australian Federal Police (AFP), Defence Department, Director of Operations and International Law, RAAF Director of Air Force Legal Services and the Air Power Development Centre. He was also a pool delegate to the armed forces for the International Committee of the Red Cross (ICRC), participating in missions in the Pacific and Asia. He has over 24 years full time service in the RAAF completing the usual range of air force postings, including a two year posting as an exchange officer with the United States Air Force based in the Pentagon. For the last 8 years has continued to serve as a member of the RAAF Reserve.

He is the primary author of the RAAF Commanders Guide on Operations Law and has contributed to numerous other manuals relating to the law of armed conflict and military operations. He has extensive international experience, including frequent engagement with military and police forces around the world, both in his capacity as the Chief Lawyer for the AFP and with the Australian Defence Force. He was also the Australian Defence Attaché, Southern Europe (Rome) covering Turkey, Israel, Greece, Nth Africa and Italy between 2005–2009.

Ric has broad field experience, including serving on active operations in Baghdad in 2004 as a legal adviser to the Multi-National Forces-Iraq, and as a justice adviser in Bagram, Afghanistan, 2012–13. During his time in Defence and with the AFP, he provided legal advice on many operational and international law matters, including negotiations with the UN, border protection, peacekeeping, arms control and human rights treaties, and other security related issues, including the treaty establishing the International Criminal Court.
Associate Director Military Node

Ms Suzanne Varrall

Suzanne Varrall joined the Commonwealth Department of Defence as the Associate Director of the Asia Pacific Centre for Military Law (APCML) in August 2012. In this role, she manages the design and delivery of regional engagement activities which aim to promote a greater understanding of international humanitarian law throughout the Asia Pacific region. Suzanne is also a member of the NSW Branch of the Red Cross International Humanitarian Law Advisory Committee.

Before joining Defence, Suzanne worked as a national security and international policy specialist at the Department of the Prime Minister and Cabinet and the Department of Finance and Administration.

In addition to her public service career, Suzanne has lived and worked throughout the Asia Pacific region, including spending a year in Cambodia as an Australian-Government funded adviser to international and locally-based NGOs. Suzanne has a Bachelor of Economics and Social Sciences (with first class Honours in Government and International Relations) from the University of Sydney, and a Master of International Affairs (with merit) from the Australian National University. She is currently completing a Juris Doctor part-time at the University of New South Wales.

Professor Hilary Charlesworth

Hilary Charlesworth is a Melbourne Laureate Professor at Melbourne Law School. She is also a Distinguished Professor at the Australian National University. Her research includes the structure of the international legal system, peacebuilding, human rights law and international humanitarian law and international legal theory, particularly feminist approaches to international law. Hilary received the American Society of International Law’s award for creative legal scholarship for her book, co-authored with Christine Chinkin, The Boundaries of International Law. She was also awarded, with Christine Chinkin, the American Society of International Law’s Goler T. Butcher award for ‘outstanding contributions to the development or effective realization of international human rights law’. Hilary has held both an Australian Research Council Federation Fellowship (2005–2010) and an ARC Laureate Fellowship (2010–2015).

Hilary has been a visiting professor at various institutions including Harvard Law School, New York University Global Law School, UCLA, Paris I and the London School of Economics. She is a member of the Executive Council of the Asian Society of International Law and a past President of the Australian and New Zealand Society of International Law. Hilary was appointed by the Australian government in 2015 to a second term as a member of the Permanent Court of Arbitration. She is an associate member of the Institut de Droit International and served as judge ad hoc in the International Court of Justice in the Whaling in the Antarctic Case (2011–2014). In 2016 Hilary was awarded an Honorary Doctorate by the Université Catholique de Louvain in Belgium.
Members’ Profiles

Dr Rain Liivoja
Rain Liivoja is a Senior Lecturer and Society in Science – Branco Weiss Fellow at Melbourne Law School. He is also an Affiliated Research Fellow of the Erik Castrén Institute of International Law and Human Rights, University of Helsinki, where he was based before joining the University of Melbourne. Rain’s current research focuses on the regulation of emerging military technologies, in particular biotechnology.

Rain is a member of the board of directors of the International Society for Military Law and the Law of War, member of the council of the Australian and New Zealand Society of International Law, and chair of the Australian Red Cross (Victorian Division) International Humanitarian Law Committee. He is a Fellow of the Royal Society of Arts.

Rain holds an undergraduate degree in law from the University of Tartu and postgraduate degrees in public international law from the University of Helsinki. He has completed a Graduate Certificate in University Teaching at the University of Melbourne.

Dr Inbar Levy
Dr Inbar Levy joined Melbourne Law School as a Lecturer in 2015 having completed her DPhil in Law at University College, Oxford. Before going to Oxford, she served as a legal advising officer in the Military Advocate General unit of the Israeli Defense Forces (IDF). Inbar has also held visiting research appointments at Harvard Law School and Columbia Law School, New York. Her primary research areas are procedural justice and empirical legal research, with a particular interest in behaviour and decision-making, access to justice and institutional design.
Members’ Profiles

Professor Tim McCormack

Tim McCormack is a Professor of Law at Melbourne Law School and the Special Adviser on International Humanitarian Law to the prosecutor of the International Criminal Court in The Hague. He is also an Adjunct Professor of Law at the University of Tasmania Law School. He recently returned from the US where he was a Fulbright Senior Scholar, the Charles H Stockton Distinguished Scholar-in-Residence at the US Naval War College in Newport, Rhode Island and the James Barr Ames Visiting Professor at Harvard Law School. He was the Foundation Australian Red Cross Professor of International Humanitarian Law (1996–2010) at Melbourne Law School and the Foundation Director of the Asia Pacific Centre for Military Law (2001–2010).

From 2002 – 2006 he acted as amicus curiae on international law matters to the judges of Trial Chamber III of the International Criminal Tribunal for the Former Yugoslavia in The Hague for the trial of Slobodan Milošević. From 2003 – 2007 he provided expert International Humanitarian Law advice to Major Mori for the defence of David Hicks. From July 2011 – March 2013 he served as one of two international observers for Phase 2 of the Turkel Commission of Enquiry into Israel’s processes for investigation of alleged violations of International Humanitarian Law.

He developed Australia’s first graduate coursework specialisation in International Humanitarian Law and a specialist coursework graduate program in Military Law at Melbourne Law School. He has also regularly lectured to graduate recruits in the Department of Foreign Affairs and Trade (DFAT) and to ADF officers as well as to legal officers, operators and planning staff from militaries in the Asia Pacific Region.

He is co-editor-in-chief (with Sir Christopher Greenwood) of the world’s first academic book series dedicated to International Humanitarian Law Series (with Martinus Nijhoff Publishers in Leiden) and has recently co-edited the forty-eighth volume of the series: Australia’s War Crimes Trials 1945–51.

Professor Dianne Otto

Dianne Otto holds the Francine V. McNiff Chair in Human Rights Law at Melbourne Law School and was Director of the Institute for International Law and the Humanities (IIILAH) 2012–2015. Her research, in the field of public international law and human rights law, aims to meld critical legal theory with transformative practice. Dianne’s research covers a broad field including addressing gender, sexuality and race inequalities in the context of international human rights law, the UN Security Council’s peacekeeping work, the technologies of global ‘crisis governance’, threats to economic, social and cultural rights, and the transformative potential of people’s tribunals and other NGO initiatives. She is editor of the forthcoming collection, Queering International Law: Possibilities, Alliances, Complications, Risks (Routledge, 2017). Recent publications include Rethinking Peacekeeping, Gender Equality and Collective Security (co-edited with Gina Heathcote, Palgrave-Macmillan 2014); three edited volumes, Gender Issues and Human Rights (Edward Elgar Publishing, Human Rights Law Series, 2013); and ‘Feminist Approaches to International Law’ in Anne Orford and Florian Hoffman (eds), Oxford Handbook of International Legal Theory (2016).

Dianne has held visiting positions at Columbia University, the School of Oriental and African Studies, New York University and the University of British Columbia. In 2004, she was the Kate Stoneman Endowed Visiting Professor in Law and Democracy, at Albany Law School in New York. She taught in the Oxford-George Washington University International Human Rights Law Summer School Programme at Oxford University in July 2012. She sits on the Advisory Boards of International Human Rights Law Review, Third World Legal Studies, The London Review of International Law, Melbourne Journal of International Law and The Third World and International Law. She was a member of the Expert Panel at the Asia-Pacific Regional Women’s Hearing on Gender-Based Violence in Conflict held in Phnom Penh in 2012 and sat on the Judicial Council of the Women’s Court: Feminist Justice, held in Sarajevo in 2015.

http://apcml.org/ | 13
Members’ Profiles

Professor John Tobin

John Tobin is a Professor in the Melbourne Law School at the University of Melbourne. He has a combined commerce/law degree with honours and a PhD from the University of Melbourne. He also has an LLM with distinction from the University of London. He has designed and taught several subjects in areas of international law, human rights, children’s rights and public interest lawyering. He coordinates the MLS Human Rights Alumni Network. In 2010 he was awarded the Barbara Falk Award for Teaching Excellence by the University of Melbourne and in 2011 he was awarded a national citation for outstanding contribution to student learning in the area of human rights. In 2006 he was a Visiting Professor at both the American Academy of Human Rights and Humanitarian Law, Washington College of Law, American University and in the Law School at New York University. In 2011 he was the Senior Scholar in Residence at the Center for Human Rights and Global Justice at NYU Law School.

John is currently working on an ARC Discovery Grant with Professor Philip Alston from NYU titled ‘Children’s Rights: From Theory to Practice’ which will produce a comprehensive commentary on the Convention on the Rights of the Child. He has also published numerous reports and articles on human rights, especially children’s rights. His book, The Right to Health in International Law, was published by Oxford University Press in January 2012. John has provided human rights training and advice as a consultant and on a pro bono basis on numerous occasions to organisations such as UNICEF, Law Reform Commissions, the Law Institute of Victoria, Judicial College of Victoria, the Victorian Equal Opportunity Commission, NGOs, statutory bodies, Government Departments and community groups. He is an Advisory Board member to the Melbourne Journal of International Law and International Journal of Children’s Rights. He is also a member of several Advisory Committees and working groups for government bodies and NGOs. Prior to becoming an academic John worked as a commercial lawyer, legal aid lawyer with Victoria Legal Aid, and was a legal officer with the Department of Justice.

Professor Tania Voon

Tania Voon is a former Legal Officer of the Appellate Body Secretariat of the World Trade Organization (WTO) and a graduate of Cambridge University (PhD in Law), Harvard Law School (LLM), and the University of Melbourne (LLB, BSc, Grad Dip Intl L). She has previously practised law with Mallesons Stephen Jaques and the Australian Government Solicitor, and she has taught law in Australia, Canada and the United States.

Tania has published widely in the areas of public international law, international trade law, and international investment law. She is the author of Cultural Products and the World Trade Organization (Cambridge University Press, 2007), editor of Trade Liberalisation and International Co-operation: A Legal Analysis of the Trans-Pacific Partnership Agreement (Edward Elgar, UK, 2013), a member of the Editorial Board of the Journal of International Economic Law, and a member of the Indicative List of Governmental and Non-Governmental Panelists for resolving WTO disputes.

In addition to her core focus on international economic law, Tania has previously conducted research in the areas of humanitarian intervention, the laws of war, and the constitutional validity of military service tribunals. She has also supervised PhD candidates in fields including international humanitarian law, self-determination, and disarmament. In 2016 she was Visiting Fellow at the Lauterpacht Centre for International Law in Cambridge.
Members’ Profiles

SENIOR FELLOW

Dr Helen Durham

Dr Helen Durham is Director for International Law and Policy at the International Committee of the Red Cross (ICRC) headquarters in Geneva. She was elected by the Assembly of the ICRC into this position in 2014. In her role she oversees a large global network of international lawyers, policy advisers, armed forces delegates, weapons specialists, sociologists, researchers and academic experts who work towards the respect of international humanitarian law (IHL).

Helen regularly represents ICRC at venues such as the UN Security Council, major international conferences, and in bi-lateral engagements with Minister, senior government officials and military decision makers. In the last few years she has undertaken missions including Baghdad and wider Iraq, Ramallah, Tel Aviv, Nairobi, Moscow, Beijing, Dakar, London, Vienna, New Delhi and Brussels to engage on matters relating to the protection of civilians during times of armed conflict.

Previously Helen worked for Australian Red Cross as Director of IHL, Strategy, Planning and Research and has also been Head of Office for ICRC in Australia and Legal Adviser for the ICRC Regional Delegation in the Pacific. She has been involved in ICRC operational work in the field (in Burma, Aceh, the Philippines and the Pacific) and has been part of negotiations for international treaties in New York, Geneva and Rome.

Admitted as a Barrister and Solicitor of the Supreme Court of Victoria, she has a law degree with honours (Melb Uni) and an SJD (Melb Uni with research at NYU) in international law, with a focus on IHL and international criminal prosecution. Helen is widely published on IHL topics, in particular those relating to women and armed conflict.

From 2006–2008 Helen was Director of Research at the Asia Pacific Centre of Military Law, Melbourne Law School, and continued to teach in the Master of Laws program at Melbourne Law School until she left Australia. In 2014 she was inducted into the Victorian Honour Roll of Women and in 2015 Helen was awarded as an Australian Centenary Peacewoman.
Members’ Profiles

PROFESSORIAL FELLOW

The Hon Alastair Nicholson AO QC RFD

The Honourable Alastair Nicholson graduated Melbourne University Law School in 1960 and was admitted as a Barrister and Solicitor of the Supreme Court of Victoria in 1961 and signed the Roll of Counsel of the Victorian Bar in 1963. He was appointed Queens Counsel in 1979, a Justice of the Supreme Court of Victoria from 1982–88, and Chief Justice of the Family Court of Australia and a Justice of the Federal Court of Australia from 1988 until his retirement in 2004. He was Judge Advocate General of the Defence Force from 1987–91 and held the rank of Air Vice Marshal in the RAAF and is an Officer of the Order of Australia.

Alastair has long been a children’s rights campaigner. He has chaired several international conferences on child protection and child justice systems, and served as a consultant to the Royal Children’s Hospital International Vietnam, and to UNICEF Vietnam. He has also been a consultant to the Queensland Government on legal recognition of Torres Strait Islander traditional child rearing practices. He was the recipient of the Human Rights Award at the Fifth World Congress on Family Law and Children’s Rights held in Canada in 2009.

He has been an Honorary Professorial Fellow of the University of Melbourne since 2003 and is currently Chair of Children’s Rights International.

PROFESSORIAL FELLOW

Major General Ian Westwood AM

Ian Westwood read Law at the Universities of Brisbane and Sydney, graduating in 1977. He was admitted to practise as a solicitor of the Supreme Court of NSW in June 1978, following completion of two years articles of clerkship. Major General Westwood was appointed to the Australian Army Legal Corps (Regular Army) in August 1983 as a Direct Entry Officer, leaving private practice in Sydney, where he was an associate with Messrs Smithers Warren Davenport Mant. He had previously served in the Citizens Military Forces, firstly with Queensland University Regiment in 1972 and 1973, and subsequently in the Australian Army Legal Corps from 1981.

Major General Westwood has been Legal officer at Headquarters 1st Brigade, Chief Legal Officer 3rd Military District, Legal Officer to the Headquarters Logistic Command Commercial Support Project, as well as holding various staff appointments in the Directorate of Army Legal Services. As Chief Legal Officer 3rd Military District, he managed Army’s legal resources within Victoria and the Albury/Wodonga military area.

Since 1992, Major General Westwood has sat as a Judge Advocate and as a Defence Force Magistrate. In 1993 he obtained an LL.M from the US Army Judge Advocate General’s School.

In 1999–2000 he served with INTERFET in East Timor, establishing and commanding the Detainee Management Unit (DMU). Pending the establishment of a court structure under the authority of the UN, the DMU provided an interim review of the detention of civilians suspected of committing serious offences.

He was promoted to Major General in October 2012.

On 1 Oct 07, Major General Westwood was appointed as the first Chief Military Judge of the former Australian Military Court. When the legislation purporting to establish that Court was struck down in 2009 as being outside the Constitution, he was re-appointed as Chief Judge Advocate in conjunction with the interim legislative arrangements re-establishing the system of courts martial and Defence Force magistrates.

Major General Westwood was appointed a Member of the Order of Australia in the 2007 Australia Day Honours for exceptional service in the field of military law, particularly as Chief Judge Advocate.
PRINCIPAL FELLOW

Associate Professor Robert Mathews OAM

Robert (Bob) Mathews is an honorary Associate Professor at the University of Melbourne Law School, and until recently was Head of the Nuclear Biological and Chemical (NBC) Arms Control Unit in the Australian Defence Science and Technology (DST) Group.

Bob has been actively engaged in the Asia-Pacific region since the late 1980s. He has organised several regional workshops, including the first Biological Weapons Convention (BWC) Regional Workshop, co-hosted by the APCML in 2005. He has also made many visits to regional countries for arms control and disarmament consultations, including providing guidance in their preparations for national implementation of the Chemical Weapons Convention (CWC) and BWC, and in developing strategies to raise the barriers to CB- terrorism.

Bob has been collaborating with the University of Melbourne Law School since 1991, which has included the development of model legislation for the domestic implementation of disarmament treaties, the study of various scientific / legal aspects of arms control agreements, and providing lectures and seminars. He has recently become involved (as Partner Investigator) in the APCML Programme on the Regulation of Emerging Military Technology which is funded by an ARC Discovery Grant, and also involves collaboration with DST Group and the Defence Science Institute. This research project includes consideration of the challenges to the Law of Armed Conflict (International Humanitarian Law) and disarmament and arms control law posed by advances in science and technology and the resulting emerging military technologies.

Since the early 1990s, Bob has been a member of various committees, including the Australian Red Cross International Humanitarian Law Committee, the International Verification Consultant Network of the Verification Research, Training and Information Centre (VERTIC), the Organisation for the Prohibition of Chemical Weapons (OPCW) Scientific Advisory Board, the Advisory Board of the National Centre for Biosecurity at the Australian National University, and various OPCW Temporary Working Groups.

Bob was awarded the Department of Foreign Affairs and Trade Secretary’s Award in 1993 and an Order of Australia Medal in 1994 for his contribution to chemical disarmament. He was elected Fellow of the Royal Australian Chemical Institute in 1995, and in 2003 was awarded a Doctor of Science degree for his contribution to chemical defence and disarmament. In 2013, he was appointed a Fellow of the International Union of Pure and Applied Chemistry (IUPAC), and in 2014 was named as the first Recipient of the ‘OPCW-The Hague’ award, based on his contribution to achieving a world free of chemical weapons.

PRINCIPAL FELLOW

Dr Mike Kelly AM

Dr Kelly is a former Minister for Defence Materiel and Parliamentary Secretary for Defence in the Australian Government from 2007–2013. During his tenure he was responsible for transition issues relating to the Australian involvement in Afghanistan and the capability of the Australian Defence Force. One of his key initiatives was the establishment of the Australian Civil Military Centre, to improve the civil/military planning and management of complex operations. Prior to entering the Australian Parliament in 2007, Dr Kelly served for 20 years in the Australian Army, retiring as a Colonel and having been awarded the Order of Australia and Chief of the General Staff’s Commendation for his work. During his military service he deployed on missions to Somalia, Bosnia, Timor-Leste, Iraq and a hostage recovery mission in Kenya. He has written and spoken extensively on peace, stabilisation and counter insurgency operations, including a doctoral thesis. Dr Kelly is the Member for Eden Monaro in the Federal Parliament, Shadow Assistant Minister for Defence Industry and Support and a member of the Parliamentary Joint Committee on Intelligence and Security.
Members’ Profiles

POST-DOCTORAL FELLOW

Dr Rosemary Grey

Dr Rosemary Grey is a Postdoctoral Fellow at Melbourne Law School. Her research focuses on gender issues in international criminal law, particularly the evolving law and practice regarding the prosecution of sexual and gender-based crimes.

In June 2016, Rosemary joined Melbourne Law School to commence a two-year postdoctoral research project titled ‘Prosecuting Gender Crimes at the International Criminal Court’. Informed by feminist critiques of international law, this project aims to identify and challenge gender discrimination in the interpretation of crimes within the jurisdiction of the ICC.

Prior to coming to Melbourne, Rosemary completed her PhD at the University of New South Wales (UNSW). Her PhD thesis, titled ‘Prosecuting sexual and gender violence crimes in the International Criminal Court: Historical legacies and new opportunities’, presented an in-depth study of all cases before the ICC from 2002-2014.

While completing her PhD, Rosemary taught international criminal law to LLB and JD students at UNSW, and assisted in coaching students competing in the Hague-based International Criminal Court mooting competition. She also worked and volunteered with a number of Hague-based organisations including Women’s Initiatives for Gender Justice, the International Bar Association, and the International Criminal Court.

RESEARCH FELLOW

Dr Narrelle Morris

Narrelle Morris was appointed as an APCML Research Fellow in January 2009 to work on the ARC Linkage Grant for ‘Australia’s Post World War Crimes Trials: a Systematic and Comprehensive Law Reports Series’, headed by Professor Tim McCormack. She is currently an honorary Research Fellow in Melbourne Law School and a Senior Lecturer in the Curtin Law School, Western Australia. In 2013 she was awarded an ARC DECRA grant for 2014–17 to conduct research on the Australian jurist Sir William Flood Webb.

She holds an LLB, a BAsian St and a BA (Hons) from Murdoch University. She completed her PhD in Japanese Studies at Murdoch University in 2007. She is the author of Japan-bashing: Anti-Japanism since the 1980s, London: Routledge, 2010 and a co-editor and contributing author to Australia’s War Crimes Trials 1945–51, Leiden: Brill Nijhoff, 2016. Her next journal article is ‘Gross inefficiency and criminal negligence’: the Services Reconnaissance Department in Timor in 1943–45 and the Darwin war crimes trials in 1946’, Intelligence and National Security, forthcoming.
RESEARCH HIGHER DEGREE STUDENTS

Florence Odora Adong
*Responsibility to Prevent Concept in International Law and its Application in Africa*

My thesis explores the implications of the adoption of responsibility to prevent concept for the practice of international institutions operating in Africa. In order to do so, it will analyse the history of practices of conflict prevention by international institutions in the UN era, the meaning of responsibility in international law, and the potential effects of the application of the notion of responsibility to the concept of prevention in the work of international institutions, particularly the World Bank. The core argument of the thesis is that the indeterminacy and malleability of the concept of responsibility as interpreted in international law means that it offers nothing of value to African states seeking to constrain or shape the conduct of international institutions in ways that might contribute to peace, stability, and the protection of life in Africa.

Supervisors: Professor Anne Orford, Professor Bruce Oswald

Marie Aronsson
*The Role of Covert Action in the Development of Jus ad Bellum*

The aim of this thesis is to illuminate the role that covert action plays in the formation of the law regulating the resort to force in international relations. In connecting theories of international custom formation with the methodological debates on jus ad bellum, it argues that unacknowledged conduct plays a substantial, though often indirect, role in the development of the law.

Supervisors: Professor Anne Orford, Associate Professor Kevin Jon Heller (SOAS, University of London)

Madelaine Chiam

This thesis uses close readings of the debates over Australia’s participation in the 2003 Iraq War, the Vietnam War and the First World War to examine the role of international legal language in public debate. This thesis argues that the contemporary prominence of international law in these debates is not new. Rather, the 21st century interest in legality is part of a longer practice of speaking international legal language, in different forms, in public debates about war.

Supervisors: Professor Hilary Charlesworth, Associate Professor Ann Genovese, Professor Gerry Simpson

Monique Cormier
*The Jurisdiction of the International Criminal Court over Nationals of States that are not Party to the Rome Statute*

The thesis looks beyond the Rome Statute to determine whether there is a basis for ICC prosecution of nationals of non-party states in customary international law. In particular, I analyse how the principles of jurisdiction that allow states to prosecute foreign nationals in domestic courts (territoriality, nationality, universality) may be exercisable by a treaty-based court with or without the consent of the state of nationality.

Supervisors: Professor Tim McCormack, Associate Professor Alison Duxbury, Dr Rain Liivoja

Treasa Dunworth
*The Resurrection of Human Security in Disarmament*

The idea of human security—that people, not states, should be at the centre of security discourse—has started to inform the disarmament community. The Landmines and Cluster Munitions Conventions are well-known examples. There are also a number of initiatives to reframe the nuclear weapons disarmament debate in “human security” terms. However, many human security advocates ignore the complexities within the term itself, it’s poor track record in earlier disarmament attempts, and the risk that it will be called in aid of militarization, rather than disarmament. I consider each of these difficulties (and others) but nonetheless advocate a human security lens for disarmament.

Supervisors: Professor Tim McCormack, Professor Tania Voon
**Chris Gevers**

*African states’ engagement with International Law: A theoretical exposition*

My research project aims to consider the influence of ‘black internationalism’ and ‘Pan-Africanism’ on international law, and vice versa. The study focuses on the period from 1900–1963, beginning with the inaugural Pan African Conference and ending with the formation of the Organization of African Unity. It will provide an intellectual history of international law during this period, based on the writings of figures such as WEB Du Bois, Marcus Garvey, Nnamdi Azikiwe, George Padmore, CLR James, Kwame Nkrumah, Jomo Kenyatta and Taslim Olawale Elias, and the decisions of anti-colonial formations such as the Pan African Congresses, the League Against Imperialism, the West African Students Union and the International African Service Bureau.

Supervisor: Professor Anne Orford, Professor Gerry Simpson

**Jennifer Hasselgard-Rowe**

*Ending detention of drug users in Cambodia: International and domestic factors influencing the country’s substance use policies and practices*

The thesis focuses on the substance use-related laws and policies in Cambodia, and in particular the practice of detention in the government compulsory ‘drug rehabilitation centres’. It explores the international (multilateral and bilateral) and domestic factors that influence the Royal Government of Cambodia’s engagement with the international community and with international human rights norms and treatment practices surrounding illicit substance use.

Supervisors: Professor Tim McCormack, Professor Sarah Biddulph, Professor Nick Crofts

**Chris Jenks**

*The American Way of War Crimes: Reconceptualizing the United States’ Approach to Service Member Violations of the Law of Armed Conflict*

The thesis is a comprehensive study of the effects of the U.S. decision to prosecute its service members who violate the law of armed conflict through an enumerated article of the Uniform Code of Military Justice and not a war crime charge. The thesis considers the historical origins of this charging preference and then traces its effects throughout the US military criminal process: reporting, investigating/ fact finding, and trial. The thesis also considers both internal and external perceptions of the US process in terms of fairness and accountability.

Supervisor: Professor Bruce Oswald, Associate Professor Kevin Jon Heller (SOAS, University of London)

**Natalia Jevglevskaja**

*States’ Weapons Review Obligations under Article 36 of the 1977 Additional Protocol I to the Geneva Conventions and beyond*

The thesis is focused on the duty of States Parties to the 1977 Additional Protocol I to the Geneva Conventions to conduct legal reviews of weapons under Article 36 of the Protocol.

In analysing the implementation of this norm by States known to have established a formal weapons review procedure (such as Australia, Sweden, Norway, the Netherlands, Belgium, and Germany), as well as the drafting history of Article 36 AP I, the thesis seeks to identify the content of the review obligation under treaty law.

Potential alternative review processes will be considered in examining the extent to which an obligation to conduct a legal assessment of weapons might have advanced to customary international law. Review mechanisms established in the US will be the focus of particular attention because the US is not a State Party to AP I and yet has established a systematic weapons review process. Using the example of cutting edge and emerging military technologies the thesis ultimately aims to identify and expose lacunae in the extant legal framework and evaluate their implications for praxis.

Supervisors: Professor John Tobin, Dr Rain Liivoja

**Magda Karagiannakis**

*Corporate Officials and International Criminal Law*

The thesis examines the questions of how individual private economic actors such individual business people or
corporate officials such as directors, managers, contractors, associates and employees can be held individually liable under international criminal law. In doing so it addresses which substantive crimes and forms of liability are the most likely to be applied to these actors under the ICC statute. It also addresses the difficulties in successful prosecution of such actors.

Supervisors: Professor Gerry Simpson, Professor Christine Parker

Jonathan Kolieb
Corporate Peace-building: Regulating the private sector for conflict transformation

Transnational corporations have the capability and capacity to contribute to the prevention and resolution of armed conflicts around the globe. However, the potential of “corporate peacebuilding” remains unrealised. This thesis argues that unlocking this potential requires legal and regulatory innovation. A novel regulatory framework is developed for this purpose and its constitutive components examined in relation to the problem and promise of corporate peacebuilding. It encompasses three key components: minimum legal standards for corporate conduct in conflict-affected areas, robust legal means of enforcement and incentives for businesses to go “above and beyond” and become partners, alongside government and civil society, in peacebuilding efforts.

Supervisors: Professor Christine Parker (from January 2016), Professor Gerry Simpson, Professor Sean Cooney (from September 2013)

Kobi Leins
Military Regulation of Nanotechnology: Governing the Molecular (or Does Size Matter?)

Nanotechnology is a rapidly developing area of science, and the military is very keen to make use of its applications. Concerns have been expressed regarding the adequacy of the current legal framework to respond to potential military applications of nanotechnology. This research explores potential legal issues being raised by military applications of nanotechnology.

Supervisors: Professor Tim McCormack and Dr Rain Liivoja

Tim McFarland
Autonomous Weapon Systems and the Law of Armed Conflict

Many States are developing or acquiring increasingly autonomous robotic weapon systems for use by their armed forces. These systems promise vast operational changes in the conduct of armed conflict over the next few decades, but to date there has been no comprehensive assessment of the associated legal implications. This thesis draws on legal and technical sources as well as the development proposals that have been made public by relevant organisations, identifies key factors that may give rise to novel problems under the law of armed conflict, and discusses the major doctrinal and policy implications for States which operate autonomous weapon systems.

Supervisors: Professor Tim McCormack, Dr Rain Liivoja

Simon McKenzie
Israeli Settlements and the ICC: Could there be a successful prosecution for the continued existence and expansion of Israeli Settlements in the West Bank?

This thesis addresses the complex legal problems that the International Criminal Court (ICC) would confront when considering whether the Israeli settlements in the West Bank of Palestine gave rise to individual criminal responsibility. It will focus on are three potentially relevant crimes in the Statute: the crime of the transfer of population, and the crimes of appropriation or seizure of property. This analysis of the crimes of the Rome Statute, while being grounded in a real factual situation, will allow for an exploration of the relationship between the law of occupation (a subset of international humanitarian law) and international criminal law. The thesis will carry out a doctrinal analysis of the legal problems that arise under the Rome Statute of the ICC, starting with identifying which legal framework applies, and then addressing the definition and elements of three crimes in the Rome Statute that are relevant to the settlements, and finally identifying what is necessary to find individual criminal responsibility. The aim of this thesis is to explain the operation of the crimes, and to better understand the impact of the incorporation of the law of occupation into international criminal law.
Members’ Profiles

Joshua Paine
The International Judicial Function: A Comparative Study through the Lens of Environmental Cases

This thesis uses the category of environmental cases to compare certain features of the judicial function across four sites of international adjudication: dispute settlement within the World Trade Organization and the United Nations Convention on the Law of the Sea, investment treaty arbitration, and International Court of Justice litigation. The key argument emerging is that international adjudicators are not alone: while the treaty and institutional contexts differ, across the settings studied international adjudicators face similar functional problems and develop similar doctrinal solutions. One point of comparison focuses on how adjudicators use a range of similar legal techniques to manage the inherent tension between providing sufficient legal certainty and adjusting the law to address the need for change. Another point of comparison focuses on the intensity with which international adjudicators review state conduct, the legal techniques used for reviewing (e.g. proportionality analysis) and the broader style of adjudicatory review emerging.

Supervisors: Professor Anne Orford, Associate Professor Margaret Young

Sophie Rigney
The Impact of Fair Trial Rights of the Accused on the Perceived Legitimacy of International Courts and Tribunals

The thesis examines the links between fairness, the rights of the accused, and particular procedural rules governing the conduct of international criminal trials. This thesis analyses how the concept of fairness is used in the determination of procedural issues in international criminal trials, and how this aligns with the rights of the accused. The thesis asks: how can we understand fairness in international criminal trials? What are the links between fairness, the rights of the accused, and procedural rules, in international criminal trials? How does fairness and the rights of the accused feature in procedural questions in these trials?

Supervisor: Professor Tim McCormack, Associate Professor Peter Rush, Peter Morrissey SC

Cait Storr
Nauru: Imperial Form, International Status, and the Histories of International Law

This thesis responds to an apparently simple question: how did the island of Naoero become the Republic of Nauru? Considering in turn the declaration of the German protectorate in 1888, the designation of Nauru as a C Class Mandate in 1920, and the transition to independence in 1968, I argue that sovereign statehood is the latest stage in the rationalisation of a fundamentally imperial administrative form imposed on the island and its people. This thesis demonstrates that writing from place ‘up’ to ‘international law’, as opposed to writing from ‘international law’ ‘down’ to the world, radically reconfigures the perspective of ‘international law’ that emerges.

Supervisors: Professor Sundhya Pahuja, Associate Professor Shaun McVeigh, and Professor Gerry Simpson (external).
Books
Charlesworth, H & Farrall, J (eds), *Strengthening the Rule of Law through the UN Security Council*, (Routledge), 2016
Duxbury, Alison and Groves, Matthew (eds), *Military Justice in the Modern Age* (Cambridge University Press, 2016)
Liivoja, Rain and McCormack, Tim (eds), *Routledge Handbook of the Law of Armed Conflict* (Routledge, 2016)
Rose, Greg and Oswald, Bruce (eds), *Detention of Non-State Actors engaged in Hostilities: The future law* (Brill, 2016)

Chapters
Durham H and Massingham E, ‘Moving from the mechanics of accountability to a culture of accountability; what more can be done in addition to prosecuting war crimes?’, in Jadranka Petrovic (ed.), *Accountability for Violations of International Humanitarian Law: Essays in Honour of Tim McCormack*’ (Routledge, 2016), pp.267–282


Oswald, Bruce, ‘The UN Security Council and the Force Intervention Brigade: Some Legal Issues’ in Jeremy Farrall and Hilary Charlesworth (eds), Strengthening the Rule of Law through the UN Security Council (Routledge, 2016)


Otto, Dianne, ‘Queering Gender [Identity] in International Law’ in Anne Hellum (ed), Human Rights, Sexual Orientation and Gender Identity (Routledge, 2016)

Otto, Dianne, ‘Transnational Homo-Assemblages: Reading “Gender” in Counter-terrorism Discourses’ in Oishik Sircar and Dipika Jain (eds), New Intimacies, Old Desires: Law, Culture and Queer Politics in Neoliberal Times (Zubaan 2016) 73–96


Articles in Journals


Jenks, C, ‘False Rubicons, Moral Panic & Conceptual Cul-De-Sacs: Critiquing & Reframing the Call to Ban Lethal
Publications


Leins, Kobi, ‘Shining a Regulatory Spotlight on New Lasers: Regulation of the Use of Nanolaser Technologies in Armed Conflict’ (2016) 56 Jurimetrics 263–278


Reports

Publications

Book Launch | Hidden Power: The Strategic Logic of Organized Crime
Melbourne Law School | 3 August 2016

Hidden Power: The Strategic Logic of Organized Crime reveals criminal mafias determining political outcomes to suit their own agendas, and explores how they do it – by influencing elections, changing constitutions, fomenting terrorism, waging war, negotiating peace deals and working behind the scenes in pivotal historical moments such as the Second World War and the Cuban Missile Crisis. Drawing on unpublished government documents and mafia memoirs, James Cockayne reveals a century of forgotten political-criminal collaboration in New York, Sicily and the Caribbean and explains how such links persist globally, from the drug wars in Mexico, to smuggling routes in West Africa, to political instability in Russia, Ukraine and Central Asia. Forcing us to rethink our distinctions between politics, conflict and crime, Hidden Power reveals a world in which states and mafias compete – and collaborate – for power.

Dr. James Cockayne is a strategist, international lawyer and author. He is currently the Head of Office at the United Nations for United Nations University (UNU), a global thinktank created by the UN General Assembly. He also serves as Vice-Chair of the International Legal Foundation, and has been Chair of the Editorial Committee of the Journal of International Criminal Justice. He was previously a Senior Fellow at the International Peace Institute, Co-Director of the Center on Global Counterterrorism Cooperation, and Principal Legal Officer in the Transnational Crime and Extradition Units of the Australian Attorney-General’s Department. His book, Hidden Power: The Strategic Logic of Organized Crime will be published by Hurst at the end of July.

Book Launch | Sexual Violence as an International Crime: Reflections from The Hague Tribunals
Melbourne Law School | 25 October 2016

The Asia Pacific Centre for Military Law hosted Michelle Jarvis, Principal Legal Counsel and Deputy Prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY), at the Melbourne launch of Prosecuting Conflict-Related Sexual Violence at the ICTY, edited by Serge Brammertz and Michelle Jarvis (Oxford University Press, 2016).

Michelle Jarvis was joined by Melbourne Law School Postdoctoral Fellow Dr Rosemary Grey to discuss the ICTY’s track record in prosecuting conflict-related sexual violence crimes, and its contribution to the future of international criminal justice.

Following this discussion, two leading experts reflected on the prosecution of sexual violence as an international crime:

Professor Louise Chappell, Professor of Politics, University of New South Wales;

Professor Tim McCormack, Professor of Law, Melbourne Law School & Special Adviser on International Humanitarian Law to the ICC Prosecutor.

Michelle Jarvis is an Australian lawyer with extensive international experience covering litigation, rule of law, women’s access to justice and senior management roles. She has worked at the International Criminal Tribunal for the Former Yugoslavia (ICTY) for over fifteen years and is presently the Deputy to the Prosecutor with oversight of legal issues across the Office of the Prosecutor for the ICTY and the Mechanism for International Criminal Tribunals. Michelle directed an extensive legacy project on prosecuting conflict-related sexual violence, culminating in the publication of ‘Prosecuting Conflict-Related Sexual Violence at the ICTY’ (OUP 2016). She is the Coordinator of the Prosecuting Conflict-Related Sexual Violence (PSV) Network of the International Association of Prosecutors and a trainer for the Institute for International Criminal Investigations in The Hague as well as for the Strathmore Institute of Advance Studies in International Criminal Justice (SIASIC) in Nairobi.
The Asia Pacific Centre for Military Law hosted the launch of *Military Justice in the Modern Age* edited by Alison Duxbury and Matthew Groves (Cambridge University Press, 2016).

The book was launched by Major General Ian Westwood AM, Chief Judge Advocate, Australian Defence Force and Professorial Fellow of the University of Melbourne.

Military justice systems across the world are in a state of transition. These changes are due to a combination of domestic and international legal pressures. The domestic influences include constitutional principles, bills of rights and the presence of increasingly strong oversight bodies such as parliamentary committees. Military justice has also come under pressure from international law, particularly when applied on operations. The common theme in these many different influences is the growing role of external legal principles and institutions on military justice. This book provides insights from both scholars and practitioners on reforms to military justice in individual countries (including the UK, Canada, the Netherlands and Australia) and in wider regions (for example, South Asia and Latin America). It also analyses the impact of ‘civilianisation’, the changing nature of operations and the decisions of domestic and international courts on efforts to reform military justice.

**Alison Duxbury** is a professor in the Melbourne Law School and an Associate Director of the Asia Pacific Centre for Military Law. She teaches and researches in international law and public law.

**Matthew Groves** is a professor in the Faculty of Law, Monash University, where he specialises in the areas of administrative law and public law.
The Asia Pacific Centre for Military Law in conjunction with the Australian War Memorial hosted the launch of 
*Australia’s War Crimes Trials 1945–51* by Dr Georgina Fitzpatrick, Prof. Tim McCormack and Dr Narrelle Morris
(Brill Nijhoff, 2016).

The book was launched by Sir Gerard Brennan AC KBE, former Chief Justice of the High Court of Australia and former Associate to Justice Athol Townley who presided over the final batch of Australian war crimes trials on Manus Island 1950–51.

This unique volume provides a detailed analysis of Australia’s 300 war crimes trials of principally Japanese accused conducted in the immediate aftermath of the Second World War. There has been no previous systematic and comprehensive analysis of these trials and so relatively little has been known of this important aspect of Australia’s military legal history. This volume helps redress that lamentable gap, and offers scholars and practitioners an important and groundbreaking resource.

Dr Georgina Fitzpatrick is an Honorary Fellow at the School of Historical and Philosophical Studies, University of Melbourne.

Tim McCormack is a Professor of Law at the Melbourne Law School and a Faculty member of the Asia Pacific Centre for Military Law. He is also an Adjunct Professor of Law at the University of Tasmania Law School and the Special Adviser on International Humanitarian Law to the Prosecutor of the International Criminal Court in The Hague.

Dr Narrelle Morris is a Lecturer in the Curtin Law School and an Honorary Research Fellow in the Asia Pacific Centre for Military Law, Melbourne Law School. She holds an Australian Research Council Discovery Early Career Researcher Award to conduct research into the Australian war crimes investigator and jurist Sir William Flood Webb.

Research for the book was made possible with the financial support of the Australian Research Council, the Australian War Memorial and Defence Legal.
Research Programs

Program on the Regulation of Emerging Military Technologies (PREMT)

GPCAPT Ian Henderson, Natalia Jevglevskaja, Kobi-Renee Leins, Dr Rain Liivoja, A/Prof Robert J Mathews, Prof Tim McCormack, Tim McFarland, Angus Willoughby

Advances in technology are quickly adapted for military ends. Yet the legal implications of using emerging technology for offensive purposes are often under-examined. At APCML, the Program on the Regulation of Emerging Military Technologies (PREMT) seeks to identify hostile uses of computer networks, robotics, nanotechnology and biotechnology that raise concerns in light of the humanitarian objectives of the law of armed conflict and evaluate the compatibility of these technologies with the existing law. With the aim of suggesting improvements to the current regulatory framework, the research group devotes particular attention to the challenges that these technologies pose to the central tenets of the law of armed conflict, such as the protection of civilians and individual accountability for violations.

A particular feature of this research program is the involvement of three Research Higher Degree Students who are engaged in research on the following topics:

Natalia Jevglevskaja – States’ Weapons Review Obligations under Article 36 to the 1977 Additional Protocol I to the Geneva Conventions and Beyond

Kobi Leins – Nanotechnology and the Law of Armed Conflict: Governing the Molecular

Tim McFarland – Autonomous Weapon Systems and the Law of Armed Conflict

For an up to date list of funding sources and research outputs, please visit www.premt.net

Regulation of Private Military Contractors in Australia

Dr Rain Liivoja, Prof Tim McCormack, Mr James Ellis

This project entailed a comprehensive analysis of Australian law on the regulation of private military and security companies (PMSCs). This included law relevant to companies contracted by the Australian Defence Force while serving abroad or security contractors to other Australian Government agencies working overseas, as well as PMSCs operating out of Australia. The aim of the project was to make policy recommendations for the enhancement of the legal regime governing PMSCs.

Publications


Nelleke van Amstel and Rain Liivoja, ‘Private Military and Security Companies’ in Rain Liivoja and Tim McCormack (eds), Routledge Handbook on the Law of Armed Conflict (Routledge, in print)

Rain Liivoja, ‘Trying Civilian Contractors in Military Courts: A Necessary Evil?’ in Alison Duxbury and Matthew Groves (eds), Military Justice in the Modern Age (Cambridge University Press, in print)


Funding

This research was supported under Melbourne Research Office’s Research Collaboration Grants funding scheme (2011–2013) in the amount of $19,738.20.
2016–2017 NUS Law-MLS Research Partnership | Military Justice in the Asia-Pacific Region

Professor Bruce Oswald, Professor Alison Duxbury, Dr Rain Liivoja and Professor Simon Chesterman Dean at the National University of Singapore

A joint research project between the APCML, Melbourne Law School and the National University Singapore.

This research partnership aims to explore developments in military justice systems in the Asia Pacific region from a comparative perspective. In particular, it seeks to identify and analyse the domestic and international law factors that have driven change in the region. The project began with a joint conference at the National University in Singapore (see page 35). Some of the papers from the conference will be published in a special issue of the Journal of International Peacekeeping, 2017.
Hindsight Bias in Military Investigations

Dr Inbar Levy APCML Melbourne Law School, Professor Tomer Broude Hebrew University of Jerusalem

This research project entails a theoretical and empirical analysis of military investigations from the behavioural perspective. The project examines whether decision makers involved in military investigations could be influenced by the ‘hindsight bias’, and more specifically, whether decision makers with military expertise and experience are less likely to judge events in hindsight comparing to lay people.

Research was undertaken with collaborators from the Hebrew University of Jerusalem, and will continue in 2017 with the aim of completing data collection with Israeli students who are army veterans and Australian Defence Force participants.
Sir Ninian Stephen Visiting Scholar

Professor Sang-Hyun Song

Sang-Hyun Song started his legal career as a judge advocate and military judge for criminal cases in the Korean Army. After that he was an attorney in New York and Korean law firms. Serving for over a quarter of the century as a member of the advisory committee to the Korean Supreme Court and the Ministry of Justice, Song contributed to the major reform of the national litigation systems, particularly in relation to criminal procedure, and advised the Minister of Justice on criminal procedure, criminal investigation, prison reform, human rights protection, and eradication of corruption, among other things.

In 2003 Song became one of the first judges of the International Criminal Court (ICC) and in 2009 he was elected President of the Court. During his six-year strategic leadership of the ICC he encouraged states to join the ICC and strengthen their cooperation with the Court, while also building the ICC’s global profile and changing its focus towards victims.

As an academic, Song taught at the Seoul National University Law School for over thirty years and authored and contributed to a significant amount of law-related publications. His extensive experience as a professor of law and dean includes visiting professorships at a number of law schools, including Harvard, NYU, Melbourne and Wellington, as well as educating the national police cadets for twenty years. Song is currently president of UNICEF/KOREA and co-founder of the Legal Aid Centre for Women and of the Childhood Leukemia Foundation in Seoul.

During his time at the APCML, Melbourne Law School, Professor Song engaged with academics, students, ADF personnel, government officials and the general public through lectures, seminars and presentations. He shared his experiences in his role as President of the International Criminal Court from 2009, which followed his election to ICC’s first bench in 2003.
Visitors

Ashika Singh
Tulane University Law School, U.S.A
Ashika Singh is the Forrester Fellow at Tulane University Law School, where she writes on the relationship between international humanitarian law and human rights law and teaches legal research and writing. Previously, she was an Attorney-Adviser at the U.S. Department of State, where she handled legal issues related to detention at Guantanamo Bay and other law of war matters.

Host: Asia Pacific Centre for Military Law

Dr Kate Grady
University of London, SOAS
Dr Kate Grady is a Lecturer in Law at SOAS, University of London where she teaches criminal law and international criminal law. Prior to joining SOAS, Kate practised at the bar specialising in criminal defence and human rights cases, and was a lawyer at the Law Commission of England and Wales.

Kate’s research interests lie predominantly in criminal law, international criminal law, military law, and peace and security, and the relationship between these areas. Kate’s PhD was undertaken with an Arts and Humanities Research Council Doctoral Scholarship.

Host: Asia Pacific Centre for Military Law

Léticia Villeneuve
Oxford University, University College
Léticia Villeneuve is a doctoral candidate in International Relations at University College, Oxford University. She holds an MPhil in International Relations from Oxford and a BA in International Relations and International Law from the Université du Québec à Montréal (Canada).

Host: Asia Pacific Centre for Military Law

Leanne McKay
International Lawyer
Leanne McKay is a lawyer, and a rule of law practitioner with more than a dozen years’ experience implementing and managing projects to enhance rule of law, access to justice, and legal empowerment in conflict-affected and transitional countries. These countries have included Sudan, Somalia, the occupied Palestinian territories, Indonesia, Pakistan, Myanmar (Burma), Yemen, and Libya. Most recently, she has designed and conducted rule of law workshops and training courses in several of these countries and in the United States for local government officials, civil society representatives, and international practitioners. This work led to the recent publication of a practical guide for practitioners titled, ‘Toward a rule of law culture: exploring effective responses to justice and security challenges’ available online at www.usip.org.

Host: Asia Pacific Centre for Military Law
Workshops & Roundtables

APCML/ ICRC Operations Law Workshop
Melbourne Law School | 7–11 March 2016

The APCML and ICRC hosted an Operations Law for Legal Advisers Workshop from 7–11 March 2016. The Workshop focused on legal issues relevant to military legal advisers providing operations law advice. The topics covered included the role of the legal adviser in planning and conduct of military operations, the law of naval and air warfare, the law of targeting, weapons law, the application of human rights during armed conflict, undertaking investigations in military operations, the legal status and treatment of PoWs and detainees, children in armed conflict, and legal issues arising from coalition operations. Legal advisers from 10 nations attended the course, and presentations were given by military and civilian practitioners and academics. The participants agreed that the course was a great success with many stating that they would like to see a similar course being conducted in their own countries.

Asia Pacific Centre for Military Law & Columbia Law School Human Rights Institute

2016 IHL Roundtable – Challenges in International Humanitarian Law: Perspectives from International Organisations

An invitation only event at George Washington Law School, scheduled during the ASIL (American Society for International Law) annual conference/meeting. This is the third year the workshop has been held and in 2016 it was chaired by Associate Professor Bruce Oswald.

Panel speakers:

Mr Steven Hill, has served as the Legal Adviser to the NATO Secretary General and Director of the NATO Office of Affairs since 2014. He took up these duties after serving as Counselor for Legal Affairs at the U.S. Mission to the United Nations in New York. Before that he was Head of the Legal Unit at the International Civilian Office in Kosovo and served in the Office of the Legal Adviser at the U.S. Department of State. He has also been Visiting Professor of Law at the Hopkins-Nanjing Center in China. He graduated from Yale Law School and Harvard College.

Ms Katarina Grenfell, is a Legal Officer in the United Nations Office of Legal Affairs at United Nations Headquarters in New York. She graduated from The London School of Economics and Political Science (LSE) (LL.M.), and the University of Adelaide, LLB with Honours.

Mr Stephen Mathias, is the Assistant Secretary-General for Legal Affairs, United Nations. Before joining the United Nations, he served at the United States State Department, including as Assistant Legal Adviser for United Nations Affairs and Legal Counsellor at the U.S. Embassy in The Hague. Mr. Mathias was educated at the School of Foreign Service at Georgetown University and Columbia Law School.
Asia Pacific Centre for Military Law Roundtable w/ Professor Marco Sassòli

Melbourne Law School | 27 June 2016

Professor Marco Sassòli visited Melbourne Law School on Monday 27 June. Professor Sassòli is Professor of International Law and Director of the Department of International Law and International Organization at the University of Geneva. He is, without doubt, one of the leading scholars of the law of armed conflict today.

APCML organised an informal roundtable which allowed Professor Sassòli and interested MLS students and staff to discuss their ongoing work.

Professor Sassòli also delivered a lecture on 27 June, entitled “Is the Law of Armed Conflict in Crisis?”. The lecture was hosted by the Australian Institute of International Affairs (in conjunction with the International Committee of the Red Cross and the Australian Red Cross) at Dyason House, 124 Jolimont Road, East Melbourne.

Asia Pacific Military Justice Workshop

National University of Singapore | 19–21 September

(A joint initiative between the National University of Singapore and Melbourne Law School, APCML)

The aim of the workshop was to explore developments in military justice systems in the Asia Pacific region from a comparative perspective. An important contextual aspect is that comparative studies of military justice have predominantly focused on Europe and the Americas. The workshop was an opportunity to address this perceived imbalance.

In particular, the workshop sought to identify and analyse the domestic and international law factors that have driven change in the region.

Specific topics included consideration of the military law and civilian law divide, the requirements of independence of military tribunals, jurisdiction over military personnel and civilians and the perceived civilianization of military justice systems. Practical issues affecting military justice, such as the suppression of sexual misconduct (including on UN peacekeeping operations), the use of classified evidence and the provision legal counsel to accused members), were also addressed.

Topics involving a strong international law perspective included the exercise of extraterritorial jurisdiction and immunities (including under status of forces agreements), the application of laws of armed conflict (LOAC) principles such as combatant immunity, as well as the prosecution of breaches of LOAC and the application of human rights law (including in relation to military personnel aged under 18).

Overall, the workshop not only identified common issues affecting most military justice systems, but also issues that may not have received comprehensive study and attention outside of a specific national system.

The workshop speakers included academics and practitioners from the Asia Pacific and United Kingdom as well as Defence Personnel from the Asia Pacific, Brazil, Canada and the USA.
Seminars

The US Approach to the Convention Against Torture in Armed Conflict
Ashika Singh, Forrester Fellow, Tulane University Law School
Melbourne Law School | 8 June 2016

A seminar addressing the US approach to the convention against torture in armed conflict.

Ashika Singh served for four years as an attorney-adviser in the Office of the Legal Adviser, most recently in the Office of Political-Military Affairs, U.S. State Department. At the State Department, Ms. Singh worked on a range of sensitive legal issues relating to national security, including detention at Guantanamo Bay and other law of war matters.

Sex, Statistics, Peacekeepers and Power
Dr Kate Grady, University of London, SOAS
Melbourne Law School | 19 October 2016

The UN Secretariat provides annual statistics on allegations of sexual exploitation and abuse made against peacekeeping personnel, with reduced numbers of allegations leading to claims of success for the UN’s ‘zero tolerance’ policy. This seminar explored the use of data as ‘technologies’ of global governance, in order to examine the function that these annual statistics serve for the UN and the impact that they have on calls for legal reform. Thus far, the statistics have attracted little academic appraisal. Yet, they have been used to establish the UN’s authority to resolve the ‘problem’ of sexual exploitation and abuse, diminishing the space for critique of UN policy and undermining the quest for improved legal arrangements.

The Obligation to Respect and Ensure Respect of International Humanitarian Law in Contemporary Conflicts
Jean-Marie Henckaerts
Melbourne Law School | 8 November

International Committee of the Red Cross legal adviser Jean-Marie Henckaerts delivered a thought-provoking reflection on the challenges of ensuring respect for IHL. This special lunchtime event marked the launch of the updated Commentary on the First Geneva Convention. Drawing on the last 60 years of State practice and scholarship, this long-awaited commentary has exposed a range of developments in the interpretation and application of the Geneva Conventions since their adoption in 1949.

Seminars w/ Defence

Melbourne@Defence Seminar
Rethinking rule of law: recognising the role of people, power and politics
Canberra ADF | 3 May 2016

APCML visiting scholar and International Lawyer Ms Leanne McKay

The rule of law is frequently heralded as a panacea for the many problems facing post-conflict societies. It is lauded as a tool for protecting human rights and human security, promoting law and order and economic development, addressing poverty, and more. In the area of peace and security, it is considered the surest way to manage and prevent the recurrence of conflict, to promote peace, and to rebuild post-conflict societies. On this basis, the
international community has spent billions of dollars and decades of effort on promoting rule of law abroad. Yet the results have been less than impressive. Global rule of law indices reveal that the state of rule of law is in decline or has remained static in the majority of countries. Over 90% of the civil wars that began since 2010 have been in countries that previously experienced civil war. The traditional approach to rule of law promotion – one that is technical, legal, state-focused and apolitical – is inadequate. This is because efforts to strengthen rule of law do not happen in a vacuum, but in a specific context of state and social institutions and of complex political, power, and human dynamics and interactions. A different approach is needed – one that is holistic, adaptive, systematic, and people-centric. An approach that challenges us to rethink our assumptions about rule of law.

**Defence@Melbourne Seminar**

**The 2016 Defence White Paper: Some Reflections**

Melbourne Law School | 4 May 2016

Captain Ric Casagrnade, RAAF, CSM

A seminar which addressed the following,

- How important is international law to Australia’s security strategy?
- What are the international law challenges for Australia’s national security strategy?
- How will this strategy be implemented?
- What does this mean for Australian military international policy?

**Melbourne@Defence Seminar**

**The US Approach to the Convention Against Torture in Armed Conflict**

Canberra ADF | 28 July 2016

APCML visiting scholar Ashinka Singh, Tulane Law

A seminar addressing the US approach to the convention against torture in armed conflict.

Ashika Singh served for four years as an attorney-adviser in the Office of the Legal Adviser, most recently in the Office of Political-Military Affairs, U.S. State Department. At the State Department, Ms. Singh worked on a range of sensitive legal issues relating to national security, including detention at Guantanamo Bay and other law of war matters.

**Melbourne@Defence Seminar**

**Contemporary Issues in IHL**

Canberra ADF | 8 August 2016

Naz Modirzadeh, Founding Director of the Harvard Law School Program on International Law and Armed Conflict (PILAC)

Naz Modirzadeh discussed some contemporary IHL issues such as medical care in armed conflict; the end of NIAC; foreign terrorist fighters and IHL with defence personnel and DFAT.
Maritime Operations Law Course
15–19 February 2016

Understanding the legal environment applicable to maritime operations is fundamental to the effective planning and conduct of operations.

The APCML Maritime Operations Law Course provided an introduction to the law of the sea, maritime law enforcement issues, the law of naval warfare and the application of rules of engagement to maritime operations. It aimed to develop a sound understanding of key international law principles that govern maritime operations and produce an appreciation of how to apply those principles in a military and naval context.

The course was conducted over five days at Victoria Barracks in Sydney, Australia. The program was structured around a series of core learning modules taught by highly qualified instructors, and complemented by syndicate exercises and examination of case studies designed to illuminate and consolidate the issues raised during instructors’ presentations. The core learning modules included: Introduction to Law of the Sea; Maritime Zones; Use of Force; Regulation and Enforcement; Terrorism and Proliferation at Sea; Law of Naval Warfare; and Rules of Engagement.

The course was also designed to promote engagement and interaction between military personnel from across the Asia Pacific region and to build greater understanding and commonality in the application of international law to military operations.

In 2016, the course was attended by 33 participants comprising 25 International delegates from 14 countries, 8 Australian Defence Force (ADF) members including 3 Army members and 1 Royal Australian Air Force (RAAF) member.

Maritime Security Cooperation Workshop
14–18 March 2016

The legal environment applicable to maritime security is dynamic and ever-changing, especially in the Asia Pacific region where there has been considerable multilateral and bilateral dialogue on maritime legal issues in recent years. Regional cooperation on maritime security issues remains critical to ensuring the stability and prosperity of the region in the future.

The Maritime Security Cooperation Workshop was a joint collaboration between the APCML and the International Law Department of the United States Naval War College. The program was structured around a series of core learning modules taught by highly qualified instructors, and complemented by syndicate exercises and examination of case studies designed to illuminate and consolidate the issues raised during instructors’ presentations.

The course was conducted over five days at Victoria Barracks in Sydney, Australia. Topics included, but were not limited to: maritime security operations; international law and the use of force; freedom of navigation; rules of engagement; maritime environmental law and resource protection; and multinational operations and interoperability.

The course was also designed to promote engagement and interaction between military personnel from across the Asia Pacific region and to build greater understanding and commonality in the application of international law to military operations.

In 2016 the workshop was attended by 23 participants comprising 18 International delegates from 12 countries, 1 ADF Navy reservist and 2 Department of Foreign Affairs and Trade (DFAT) members.

Law of Peace Operations Workshop
4–8 April 2016

Modern peace operations are increasingly complex and multidimensional. Thus a sound understanding of the legal frameworks that underpin and frame them is crucial – not only for those deployed as uniformed or civilian personnel on peace operations, but also for legal officers and policy makers involved in the planning and delivery of these missions around the world.

The APCML Law of Peace Operations Course explored the legal issues relevant to the creation and conduct of peace operations. The program was designed to build on the foundations of the relevant international legal frameworks and work through key legal considerations such as: host and contributing nation law; Status of Forces and Status of Mission Agreements; Rules of Engagement; use of force; and law of detention. Specific issues were also addressed such as policing, the role of private security companies, and civil-military cooperation and coordination on peace operations.

The course was conducted over five days at the Defence International Training Centre in Laverton, Australia. The program was structured around a series of core learning modules and complemented by examination of case studies, group work and an extended scenario exercise. The curriculum was designed to provide the flexibility for participants to contribute their own experiences and shape discussions through the more interactive sessions.

The course was also designed to promote engagement and interaction between military personnel from across the Asia Pacific region and to build greater understanding and commonality in the application of international law to military operations.
In 2016, the workshop was attended by 24 participants comprising 20 International delegates from 13 countries and 4 ADF members, consisting of 2 RAAF, 1 Army and 1 Navy member.

**Cyber Law and Emerging Technologies Workshop**

9–13 May 2016

The Cyber Law and other Emerging Technologies Workshop was a foundation level course. The workshop was intended to provide an introduction to those legal issues related to cyber conflict and computer network operations, ranging from cyber espionage to cyber warfare. It focused on the impact of new technologies on the legal landscape, and how the law of war is applied to military operations in cyberspace.

Specific topics covered during the workshop included:

a. the international legal environment for cyber and space operations;
b. an overview of computer network operations, including issues relating to the use of force and armed attack;
c. the application of the law of armed conflict to actors (state and non-state) and military activities in cyberspace;
d. the challenge of state responsibility in cyberspace;
e. the purpose and objectives of the National Cyber Strategy;
f. weapons law and the evaluation of new weapons under Article 36 of Additional Protocol I;
g. developments in weapon technology, including unmanned and autonomous weapon systems, and associated legal issues;

In 2016, the workshop was attended by 24 participants comprising 17 International delegates from 8 countries and 7 ADF members, consisting of 3 Army, 2 Navy and 2 RAAF members.

**Command and Staff Operations Law Course**

16–27 May 2016 & 7–18 November 2016

For the Law of Armed Conflict to be useful in times of war it must be understood during times of peace – and it must be understood by the commanders and troops who will be directly impacted by it, and enforcing it, on the ground.

The APCML Command and Staff Operations Law Course gave an accessible yet comprehensive introduction to the laws of war, the application of the law in an operational context and the ramifications of breaching the law.

The objective of this two week course was to raise the awareness of commanders and their staff about key operations law issues that impact on contemporary military operations. The course familiarized participants with the law applicable to the conduct of a wide spectrum of operations and with the planning tools that assist with mission success in compliance with the rule of law.

The course was also designed to promote engagement and interaction between military personnel from across the Asia Pacific region and to build greater understanding and commonality in the application of international law to military operations.

In 2016, the course in the Philippines was attended by 163 participants comprising 73 Philippines Army, 25 Philippines Airforce, 25 Philippines Navy, 18 Philippines Technical and Admin Services, 13 Non-Resident Instruction, 1 Coast Guard and 8 International delegates from 4 countries. The course in Sydney was attended by 26 participants comprising 24 International delegates from 11 countries and 2 ADF members consisting of 1 Navy and 1 RAAF.

**Rules of Engagement Workshop**

23–29 July 2016

Increasing political control over the use of force and the rules of engagement (ROE) used to regulate the conduct of armed forces by individual nations, and alliances and coalitions around the world have created a need to train in and understand the development of effective and appropriate rules of engagement.

The ROE workshop was a joint collaboration between the APCML and the International Institute of International Law, Sanremo. The workshop was designed as an advanced session that provides participants with a sound understanding of the ROE process, the ability to use the Sanremo ROE handbook and to draft ROE for a wide range of military operations.

The workshop was conducted over five days at Victoria Barracks in Sydney, Australia. In addition to core modules, the program included briefings on lessons-learned by military officers and legal advisors who have been involved in the drafting and implementation of ROE for national and multinational operations in the land, maritime, and air environments. It also included ROE case studies and syndicate exercises in order to explore contemporary ROE and ROE-related issues.

The workshop was also designed to promote engagement and interaction between military personnel from across the Asia Pacific region and to build greater understanding and commonality in the application of international law to military operations.

In 2016, the workshop was attended by 24 participants comprising of 20 International delegates, 2 Border Force members, 1 ADF member and 1 Australian Public Service (APS) member.