

Coordinators' Report 2019

International Justice Initiative

University of Tasmania Law School
November 12, 2019

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OVERVIEW

The *International Justice Initiative* enables students to experience the practice of international law and policy first-hand, through legal research, analysis and service in the public interest. It empowers a group of UTAS law students to tackle diverse issues of justice in the international arena, by contributing to the work of influential organisations and alumni on contemporary issues of international law.

THE *INITIATIVE* HAS 4 MAIN OBJECTIVES:

- Advancing the practice of international law in the public interest
- Providing students with opportunities in international law and policy
- Supporting poor and vulnerable countries and groups with pro-bono advice
- Further strengthening the UTAS Law School's international profile

2019 STUDENT PARTICIPANTS

- India Beecroft
- Molly Bird
- Felix Craig
- Matthew Etherington
- Nina Hamasaki
- Rachel Hay
- Kate Raffety (Coordinator)
- Salman Shah (Coordinator)

CONVENORS

- Matthew Stilwell
- Brook Dambacher
- Rebecca Byrnes

FACULTY ADVISORS

- Matias Thomsen
- Rick Snell

The *Initiative's* program for 2019 included four tasks, four seminars and two trips on various topics of public interest international law. This included topics which the Initiative has worked on in previous years like climate change law, climate justice and international humanitarian law (IHL). The *Initiative* created new connections with the College of the Atlantic, the Convention against Torture Initiative, the Inglis Clark Centre, and with Diakonia – connections which allowed *Initiative* Participants to engage in new areas of human rights law.

TASKS

- Climate Justice Syllabus
- Foreign Fighters Memo
- Medical Objects Brief
- WIM Governance Brief

SEMINARS

- Introduction to Climate Justice (Matthew Stilwell)
- Introduction to International Humanitarian Law and International Criminal Law (Matias Thomsen)
- Alumni Seminar with Camilla More
- Practicing in the Public Interest (Robin Banks and Rodney Croome)

TRIPS

- Convention Against Torture Initiative Conference in Suva, Fiji (February 2019)
- UN Climate Change Conference in Madrid, Spain (December 2019)

TASKS

CLIMATE JUSTICE SYLLABUS (CJS)

Initiative Participants were tasked with collecting resources on an assigned topic that forms part of the CJS and summarising them into a table. This required participants to write a blurb for each resource, as well as noting whether the resource presented a particular viewpoint, the level of expertise needed to engage and whether the resource discussed other topics in the CJS. Additionally, Participants created a covering brief and an outline for their topics. Participants were connected with experts in their topic areas to fill gaps they identified in the resources collected and ensure that the work produced contributed to productive and compassionate conversations.

The topics that IJI participants contributed to are: Carbon markets; Energy; Equity; Finance & Debt; Human rights; Climate justice history and background; Corporations; Migration and movement; Hope; Water. CJS was developed in collaboration with students from the College of the Atlantic. The resource is available online at <https://www.climatejusticesyllabus.org/>

FOREIGN FIGHTERS MEMO

Initiative Participants Felix, India, Matt and Salman assisted Matias Thomsen in drafting a legal brief for Diakonia's IHL Resource Desk in Lebanon, a Swedish NGO engaged in local capacity building work in International Humanitarian Law (IHL). The brief concerned legal aspects of issues arising from the detention of ISIS foreign fighters by the Syrian Defence Force. The Participants were tasked with researching specific topics like the legality of detention and the human rights obligations of the detaining forces. The research was later incorporated into the brief which Matias co-wrote with his NGO colleagues. The brief which is to be

published by Diakonia credits the *Initiative* for their research assistance and is to be used for Diakonia's capacity building work for the Syrian conflict.

MEDICAL OBJECTS BRIEF

Initiative Participants Felix, India, Matt, Molly and Salman drafted a brief about the legal protections which medical objects (like hospitals, ambulances and medical equipment) have in occupied territory. The legal brief was produced for UTAS Tim Hawkins scholar Siobhain Galea who is a research assistant at the International Criminal Court (ICC). The brief was produced in the context of ongoing investigations by the ICC Prosecutor and informs the Prosecutor's office whether and when medical objects are protected from attacks in occupied territories.

WIM GOVERNANCE BRIEF

Initiative Participants Nina and Rachel drafted a legal brief in preparation for the review of the Warsaw International Mechanism for Loss and Damage (WIM) at COP25 in Madrid, Spain, considering the governance of the WIM. The brief analyses whether the Conference of the Parties (COP) should govern the WIM solely or jointly with the Conference of Parties meeting as the Parties to the Paris Agreement (CMA). It was decided at the conference that the WIM would be governed jointly by the COP and CMA.

SEMINARS

INTRODUCTION TO CLIMATE JUSTICE

Matthew Stilwell

Initiative participants attended a seminar by Convenor Matthew Stilwell about the historical and social context in which UN Climate Change negotiations takes place. This included an introduction to the climate movement and the various converging and diverging interests which complicate the negotiations. Particular attention was paid to the interests of least developed countries and the obstacles created by the influence of vested interests such as the fossil fuel industry. The seminar provided Participants with relevant knowledge to begin working on the Climate Justice Syllabus task.

INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL CRIMINAL LAW

Matias Thomsen

Initiative participants attended a seminar by Matias Thomsen (UTAS Law PhD candidate and former researcher at the International Criminal Court). Matias introduced the Participants to core concepts in the law of armed conflict, the work of the international criminal court and the global context in which prosecutions are conducted.

ALUMNI SEMINAR

Camilla More

Former *Initiative* Participant Camilla More spoke to current participants about her experience through University and her career since graduation. Camilla also advised students about possible pathways they could take in their public interest careers.

PRACTICING IN THE PUBLIC INTEREST

Robin Banks and Rodney Croome

Initiative participants attended a seminar by Robin Banks and Rodney Croome who founded the Inglis Clark Centre for Human Rights and Democracy. The seminar focused on the various ways lawyers can assist in broader social movements and the appropriate uses of legal process as compared to political ones. Robin and Rodney also spoke about uses of international law and process in pursuit of domestic legal outcomes, drawing on the experience of Tasmania's LGBT movement in the 1990s.

TRIPS

CONVENTION AGAINST TORTURE INITIATIVE CONFERENCE

Suva, Fiji (February 2019)

2018 *Initiative* Participants Rosie Evans and Siobhain Galea assisted the Convention Against Torture Initiative (CTI) during a weeklong conference of Pacific Island states which was aimed at securing ratifications of an anti-torture protocol from those states. Rosie and Siobhain assisted both with general administrative support and in producing a report of the conference proceedings. The *Initiative's* involvement in the conference followed on from a task assisting CTI in 2018.

UN CLIMATE CHANGE CONFERENCE

Madrid, Spain (December 2019)

Initiative Participants Kate, Nina and Rachel attended the 25th Conference of the Parties of the UN Framework Convention on Climate Change (COP) in Madrid to support civil society advocates. During the negotiations, Kate & Nina focused on loss and damage, while Rachel focused on carbon trading & offsetting. They provided advise in pursuance of creating equitable legal frameworks which do not disadvantage least developed countries and small island states.