

International Law Association (Australian Branch) Annual General Meeting

President's Address 2008

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The Association has continued to prosper in 2008. It has been an active year for the Branch, although perhaps not as active as in some previous years which have set a standard to which we should aspire. The central work of the Branch of the Association has remained the publication and discussion of significant topics of international law, and the promotion of international law among younger scholars by way of scholarship and prize.

Seminars of note during the year included a very successful seminar held with the Red Cross at which Professor Martin Scheinin spoke on human rights after 9/11. An equally successful seminar was held under the auspices of the arbitration committee on the topic of investment treaty arbitration in September with speakers from the Attorney-General's Department, Freshfields in Paris and our Vice President, Mr Damian Sturzaker.

In March we announced the winners of the Nygh essay prize for Private International Law and the Brennan essay prize for Public International Law. The Nygh and Brennan essay prizes continue to attract extremely high class entries and serve a valuable role in fostering the development of international law in both disciplines in Australia.

The winning entry for the Nygh Prize was awarded to Ms Belinda Robilliard, who wrote on 'Jurisdiction and Choice of Law Rules for Defamation Actions in Australia following the Gutnick case and the Uniform Defamation Legislation'. The winner of the Brennan Prize was Ms Sonja Cenic, who wrote on 'State Responsibility and Self Defence in International Law Post 9/11: Has the Scope of Article 51 of the United Nations Charter Been Widened as a Result of the US Response to 9/11?'.

The Association also continued its sponsorship of the Jessup moot with the award of the Harold Snelling Awards to the members of the winning Australian team and the Johnson Shield for the best placed Australian team in the international rounds.

The Nygh Internship to the Hague Conference on Private International Law, offered in partnership with the Australian Institute of International Affairs and the Attorney General's Department, was again blessed with extremely high calibre applicants. The winner of the 2007 Internship, Ms Zoe Justice, was very well regarded by the Hague Conference Secretariat, and by all accounts the winner of the 2008 Internship, Katie Price, has been at least as highly regarded. The Internship is a very significant award and again our special thanks must go to the Nygh family, particularly Nicola, and to the members of the jury who give so freely of their time.

During the year it was discovered that although the Association has since 1988 operated on the basis that it is exempt from income tax as a not for profit entity, the Australian Taxation Office (ATO) had no record to that effect. Informal legal advice

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suggests that the recording of status by the ATO is not determinative of status, as an entity either satisfies the relevant criteria under the Act or it does not, and there is no doubt at all that the Association does satisfy the relevant criteria. Nevertheless, it is clearly necessary to regularise the position and the ATO has advised that a fresh application for exemption should now be made.

It was determined that the first step to resolve the situation was to put a constitutional amendment to an extraordinary general meeting. That meeting was held in August, and it was resolved to include in the constitution a clause to the effect that in the event that the Association were wound up, the assets of the Association would be distributed to a like organisation. A fresh application to the ATO is now in progress and it is hoped that by next year the position will be entirely regularised.

Internationally, the ILA held its Biennial Conference in Rio de Janeiro in August. Although I was unable to attend for health reasons, it was by all accounts a very successful conference both academically and socially. It was attended by a number of our members including Ivan Shearer, Greg Marks and Jennifer McKay. The conference reports are well under way at the time of writing and will form a valuable record of the conference proceedings and the ongoing development of international law across all its fields.

Australians continue to be extremely active in the international committees of the Association which is where the central work of the Association takes place. I express my thanks to all active Australian members of working committees and ask that they continue to remain engaged and pro-active in their contributions, as it is by their efforts that the Association assists in the identification and development of international law.

During late 2007 and 2008 our Co-Director of Studies Professor Andrew Byrnes implemented a review of international committees with the result that we have now achieved a balance of younger and more experienced members, and have done much to ensure that our members are actively engaged at all times. We intend to develop a similar review during 2009 of national committees, and to develop fresh work programs for those national committees with the assistance of Dr Natalie Klein.

Our refereed Journal has continued to go from strength to strength under the guidance of editor Dr Ben Saul. Our great thanks must go to Ben and his editorial team who have continued to develop and strengthen the Journal. Although it has had a long history, it is fair to say that the Journal now sits on a high pedestal, and perhaps more importantly, is turning a profit!

Thanks are due to our Treasurer, Matthew Mallos, who has taken over that very onerous role from Megan Valsinger-Clarke who left to have her first child mid way through the year. Thanks are also due to our secretary, Louisa Fitz-Gerald, and after her departure on leave late this year, Liz Day. We welcome our new secretary-elect Katherine Lake. The support given to this Association by the profession remains strong and we are grateful to Baker & McKenzie, Gadens, Allens and other firms who so freely give of their facilities and staff.

Finally, I must thank the Association's Committee of Management who meet monthly at the ghastly hour of 8.00am. Without their efforts the Association would swiftly founder. Particular thanks are due to the Vice Presidents, Damian Sturzaker and Professor Rosemary Rayfuse, and to the tireless co-directors of studies, Keith Suter and Professor Andrew Byrnes.