



AMUNC 2010

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AMUNC 2010 International Law & Security Panel

The AMUNC 2010 Law and Security Panel is one of four panels held as part of the conference speaker program. This program's purpose is to bring together a range of professionals with vast experience in their field to enable delegates to develop a more nuanced understanding of the array of issues they will confront at the conference and in their careers. The Law and Security Panel will examine the legal status, effect and work of various UN agencies while considering two case studies, sex offences among peacekeepers and asylum seekers.

Speaker Biographies

Moderator: Associate Professor Ben Saul (Co-Director- Sydney Centre for International Law)

Associate Professor Ben Saul is Co-Director of the Sydney Centre for International Law (SCIL). He has taught law at UNSW, Oxford, and in Nepal, Hong Kong and Cambodia and is Editor in Chief of the *Australian International Law Journal*. Ben has been active in public debates about terrorism, sedition, torture, refugees and human rights, and regularly appears in the international and national media on international law issues. Ben has been often involved in public interest litigation, including on challenges to the Israeli security barrier in the Palestinian Occupied Territories, the treatment of Guantanamo Bay detainees (including David Hicks), war crimes against journalists in East Timor (the Balibo inquest), and the trial of the 'Pine Gap 4'. He is President of the Refugee Advice and Casework Service, and Vice-President of the International Law Association (Australian Branch). He has also previously lectured at the University of New South Wales and at the University of Oxford. He has a doctorate in law from Oxford and honours degrees in Arts and Law from the University of Sydney.

The Honourable Michael Kirby AC CMG

Michael Kirby has served in many international and United Nations positions including two expert groups of the OECD, Paris, many bodies of the Commonwealth Secretariat, London and positions in the ILO, UNDP, UNESCO, UNODC, WHO Global Commission on AIDS, and UNAIDS. He was President of the International Commission of Jurists 1995-1998 and served as Special Representative of the Secretary General of the United Nations for Human Rights in Cambodia 1993-1996. Michael Kirby was Australia's longest serving judicial officer having served terms as the Inaugural chairman of the Australian Law

Reform Commission, on the Federal Court of Australia , as the President of the New South Wales Court of Appeal and President of the Court of Appeal of Solomon Islands and as a justice of the High Court of Australia 1996-2009. He holds honorary degrees of Doctor of Letters, Doctor of Laws and Doctor of the University from twelve Australian and foreign universities and various other appointments.

Dr Christopher Michaelsen (Convenor- International Law & Policy Group, University of New South Wales Faculty of Law)

Dr Christopher Michaelsen is a Senior Research Fellow at the UNSW Law Faculty. He teaches and specialises in public international law, human rights and international security. He has served as a Human Rights Officer (Anti-Terrorism) at the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) in Warsaw, Poland. He has previously worked for the United Nations Department for Disarmament Affairs in New York City, and at the Strategic & Defence Studies Centre of the Australian National University in Canberra. Chris is the convenor of the UNSW International Law & Policy Group, a member of the Gilbert + Tobin Centre of Public Law and a member of the Australian Human Rights Centre.

Prashanth Shanmugan (Geopolitical Strategist, journalist and humanitarian)

With a background in strategic management and global politics Prashanth Shanmugan is a geopolitical and business strategist, journalist, and humanitarian. Considered as one of Australia's most inspirational leaders in international humanitarian law, he is recognised as a 'Face to Watch' by *The Sydney Morning Herald*. A recipient of numerous awards, including the Centenary Medal, he was selected by the United Nations as an Ambassador for the Global Atlas of Human Rights. A writer and commentator his works have appeared in several international publications. He lives in the Netherlands and maintains a blog at: www.shanmugan.com.

Key Issues

The Legal Status of United Nations Organisations

As a founding member, Australia has always had an active engagement with the United Nations, with representation at the UN by three major diplomatic missions in New York, Geneva and Vienna. Yet despite being party to all major UN human rights treaties, Australia has at times struggled to make international law work on a domestic level, with complaints in regards to detaining of asylum seekers, and the mistreatment of children by placing them in detention centres. Controversy remains over the extent to which international law can influence the interpretation of or even gain precedence over domestic law.

Different types of UN Organisations

The UN System contains a whole network of specialised agencies that operate as autonomous organisations working with each other under the banner of the UN in order to focus on a wide range of issues. These agencies were formed with specific agendas, and often coordinate with other UN agencies in order to achieve their mandate.

The United Nations Environment Programme (UNEP) for example, charged with coordinating the UN's environmental activities, often coordinates with the World Meteorological Organisation (WMO), which is the UN system's authoritative voice on the state and behaviour of the Earth's atmosphere and climate.

Similarly, agencies such as the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) hold various humanitarian responsibilities, while the International Monetary Fund (IMF) and the International Labour Organisation (ILO) are responsible for varying aspects of regulating the global economy.

However while the UN offers many functions, questions remain about countries willingness to contribute the financial, human and material resources required to fulfil their mandates and harnessing the political will to ensure compliance with UN edicts.

UN Organisations, Peacekeeping, and Human Rights

The UN plays an important role in international security, and the panel will be examining issues related to peacekeeping and sex, as well as asylum seekers and refugees.

Peacekeeping and Sex:

UN peacekeeping forces play an important role in maintaining stability in fragile regions of the world. Peacekeepers and their relations with local people, however, remains a complex issue. The presence of peacekeepers has, in some cases, fuelled local sex industries. More problematic, there have been instances in which UN workers have allegedly traded aid for sex such as in West Africa in 2002 and the Democratic Republic of Congo in 2004. Due to the immunity from prosecution peacekeepers often hold, questions have been raised over the ethical and legal ramifications of sex crimes that occur in peacekeeping missions.

While the UN holds a zero tolerance policy with regards to sexual exploitation, allegations of misconduct in this area are often hard to prove, and such accusations not only breach the trust that local communities have towards peacekeepers, but also damage the reputation of the UN.

Asylum Seekers and Refugees:

The issue of asylum seekers has been at the forefront of Australian domestic politics for some time. While those who arrive in Australia by sea are but a miniscule proportion of migration overall, and only a small proportion of those seeking asylum, they capture the public interest uniquely and almost exclusively.

The Howard government's Pacific Solution saw the transportation of asylum seekers to detention camps in small island nations in the Pacific Ocean (such as Nauru and Manus Island). While the policy largely reduced the amount of illegal migrants arriving in Australian waters by boat, human rights groups such as Amnesty International criticised the policy for failing to meet Australia's international obligations. They argue that this is against the Convention Relating to the Status of Refugees, (which Australia is a party to) which not only protects the rights of those forced to flee their home countries, but also prohibits refoulement.

While the Pacific Solution was abandoned after the election Rudd's Labor Government in 2007, Australia's current Prime Minister, Julia Gillard recently announced plans for a Timor Solution, a similar policy whereby asylum seekers would be sent to a regional processing centre in East Timor.