Announcements

Sir Kenneth Keith Collected Papers Part V: International Law (I)

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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES
VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Tutti Fratelli? Perspectives and Challenges for International Humanitarian Law"
Victoria University of Wellington Law Review, Vol. 41, pp. 123-134, 2010

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This article is based on addresses given in The Hague, Wellington and Auckland in 2009 to mark the 150th anniversary of the beginnings of the International Red Cross and Red Crescent Movement. It charts the development of international humanitarian law and discusses some of the challenges that the body of law faces. The author explains the origins of the Red Cross at the Battle of Solferino, emphasises the universality and simplicity of international humanitarian law, and reflects on its stability over time in spite of criticism. He considers the challenges of implementation and enforcement and concludes with some wider statements on the values and principles which inform this body of law.

"John Dugard Lecture - 2015: The International Rule of Law"
(2015) 28 Leiden Journal of International Law 403
Victoria University of Wellington Legal Research Paper

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The 'rule of law' is a concept at the very heart of the United Nations (UN) mission declared its Secretary-General, Kofi Annan. What does the concept mean internationally? The paper considers its role in international adjudication; in the UN more generally; in terms of the acceptances of the compulsory jurisdiction of the International Court of Justice (ICJ); the difference between thick and thin definitions of the concept; equality before the law; the requirement of clarity and certainty by reference to interpretation of treaties and maritime delimitation; compliance by Governments with international law; and the peaceful settlement of international disputes; and concludes with the importance of personal qualities and professional qualities.

"International Humanitarian Fact-Finding Commission: Its Potential"
(1999) 5 Australian Journal of Human Rights 101
Victoria University of Wellington Legal Research Paper

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This article considers the development and operation of the International Humanitarian Fact-Finding Commission. Although the Geneva Conventions provide in a general way for the possibility of an inquiry into alleged breaches of the Conventions, they provide no body or mechanisms for doing so. The Commission was therefore intended to provide a permanent body available for that purpose. In this text, the author outlines the establishment of the Commission, its operation, processes, membership and jurisdiction. The author notes that one of the Commission's strengths is its emphasis on the consent of the parties, and the flexibility this brings. However, its ability to function is stifled by the lack of political will to use the Commission in particular cases and, consequently, its full potential is yet to be reached. Abstract by Juliet Bull.

"The Present State of International Humanitarian Law"
(1985) 9 Australian Yearbook of International Law 13
Victoria University of Wellington Legal Research Paper

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The paper is concerned with highlighting some of the principal issues in international humanitarian law; issues which have arisen both in practice and in the preparation of the two additional protocols to the 1949 Conventions. Five topics are discussed during the course of the paper. The author first explains the general principles and fundamental rules of international humanitarian law, including their sources. Secondly, he outlines the categories of armed conflict. The third topic is the protection of the civilian population against the effects of hostilities. Fourthly, he describes the status of combatants and the crucial distinction between combatants and civilians. In the final section, the author considers an area fraught with difficulty – the methods for enforcing and implementing the body of law.
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Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

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