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## Announcements

### Lord Cooke of Thorndon: Collected Papers Part XII: An International Common Law

The Cooke Series forms part of the Victoria University of Wellington Legal Research Paper Series (VUWLRPS). Lord Cooke (1926-2006) was one of New Zealand's most prominent jurists and the first and only New Zealander to sit as a judge in the House of Lords. He was a Distinguished Fellow of the Victoria University of Wellington Law Faculty. The faculty gratefully acknowledges the generous support of the Cooke family for their sponsorship of the series. Lizzie Chan and Tim Cochrane, Wellington solicitors, abstracted and posted Lord Cooke's papers.

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

### "The Judge in an Evolving Society"

*Robin Cooke, "The Judge in an Evolving Society" (1995) 28(2) HKLJ 145*

*Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 54/2017*

**ROBIN COOKE**, Victoria University of Wellington - Faculty of Law (Deceased), House of Lords (Deceased)  
Email: [robincookevuw@gmail.com](mailto:robincookevuw@gmail.com)

This is the text of Lord Cooke's address to Hong Kong's judges and judicial officers in 1997. Lord Cooke begins by reflecting on his experience as a judge in several jurisdictions: New Zealand, the United Kingdom, Samoa, Fiji and Hong Kong. The problems may be different but the role of the judge is, or should be, almost the same everywhere. The role of the judge is not to mould society, but to play an identifying and balancing function in resolving disputes. Drawing on his experience in different jurisdictions, Lord Cooke identifies three main areas that demonstrate the development of a "common law of the world". These areas are: first, the use by national courts of overseas precedents; secondly, the development of general principles of international commercial law; and thirdly, the strengthening of international human rights. Lord Cooke comments on these areas in light of Hong Kong

constitutional change from British to Chinese governance, and concludes with the observation that Hong Kong may be a "pioneering bridge between western and eastern legal systems".

## "The Dream of an International Common Law"

Cheryl Saunders (ed) *Courts of Final Jurisdiction: The Mason Court in Australia* (Sydney, Federation Press, 1996) 138-145

*Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 55/2017*

**ROBIN COOKE**, Victoria University of Wellington - Faculty of Law (Deceased), House of Lords (Deceased)

Email: [robincookevuw@gmail.com](mailto:robincookevuw@gmail.com)

In this paper, Lord Cooke discusses the concept of an international common law. As an example, he uses the High Court of Australia case in *Australian Capital Television Pty Ltd v Commonwealth* (1992) 177 CLR 106 as evidence of an implied right to freedom of expression about public affairs forming part of international common law. Lord Cooke then discusses the new *lex mercatoria* controversy arising largely out of international arbitration as further evidence of the existence of an international common law. He concludes his discussion by outlining how an international common law may be seen developing by referring to examples that show various appellate courts around the world considering overseas jurisprudence in deciding topical issues. These topics include economic loss in relation to torts of negligence and human rights treaties that have been ratified but not yet implemented.

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## About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

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.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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