

PUBLICATIONS, PAPERS & RESEARCH

Publications

Multinational Corporations and Human Rights

Kinley, D., Joseph, S., & McBeth, A., 'The Human Rights Responsibilities of Multinational Corporations: A Legal Study', *New Academy Review*, Vol 2 No 1, 2003.

Joseph, S., 'Pharmaceutical Corporations and Access to Drugs: The 'Fourth Wave' of Corporate Human Rights Scrutiny', (2003) 25 *Human Rights Quarterly*: 425-452

Joseph, S., 'Accountability beyond Borders: Corporations and Human Rights Litigation', *Futureye Newsletter*, June 2003.

Bill of Rights

Debeljak, J., 'Rights and Democracy: A Reconciliation of the Institutional Debate', in Tom Campbell, Jeffrey Goldsworthy and Adrienne Stone (eds.), *Human Rights Protection: Boundaries and Challenges*, Oxford: Oxford University Press, 2003: 135-159

Debeljak, J., 'The Human Rights Act 1998 (UK): The Preservation of Parliamentary Supremacy in the Context of Rights Protection', (2003) *Australian Journal for Human Rights* (in press)

Indigenous Rights

Castan, M & Kee, S. 'The Jurisprudence of denial', (2003) 28 *Alternative Law Journal* 2: 83.

International Covenant on Civil and Political Rights

Joseph, S., 'Human Rights Committee: Recent Cases,' (2003) 3 *Human Rights Law Review*: 91-103.

Refugees

Kneebone, S. (ed), *The Refugees Convention 50 Years On*, Aldershot: Ashgate, 2003.

STOP PRESS!!
BOOK LAUNCH
The Refugees Convention 50 Years On
edited by Susan Kneebone
Ashgate Publishing

In September 2003

Details to be Advised



Korea, 1951 (US National Archives)

Relationship between International Human Rights Law and Domestic Law

Gaze, B., "Privacy and Research Involving Humans" (2003) 10 *Journal of Law and Medicine*: 410-434.

Reports/Submissions

Trade and Human Rights

McBeth, A., Joseph, S. & Kinley, D., *Submission to the Senate Foreign Affairs, Defence and Trade Committee 'Inquiry into the General*

Agreement on Trade in Services and the Australia/ United States Free Trade Agreement', May 2003.

HREOC Bill

Gaze, B & Schmidt, C. (on behalf of the Castan Centre), *Submission to the Senate Legal and Constitutional Committee Inquiry into the Provisions of the Australian Human Rights Commission Legislation Bill 2003*, May 2003.

Human Rights Education

Kinley, D. and Davis, T., *Response to Additional Questions of 29 May 2003 from the Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade, Human Rights Sub-Committee, 'Inquiry into Human Rights and Good Governance Education in the Asia-Pacific Region'*, 27 June 2003.

Conference Papers & Public Speeches

Bill of Rights

Debeljak, J., 'Human Rights in Australia: A Conversation about Values', The Law Institute of Victoria's Bill of Rights Committee, Melbourne, 19 June 2003.

Human Rights in Burma

Kinley, D., Presented at a Forum on *The Struggle for Democracy in Burma: Policy Options for Australia*, held by AsiaLink Centre and Melbourne Institute of Asian Languages and Societies, Melbourne, 8 May 2003.

Indigenous Rights

Castan, M. 'International Law And Indigenous Claims', Centre For Australian Indigenous Studies

Seminar Series, 30 April 2003. Plus additional lectures for 'Koorie Studies' and 'Aborigines and the Law' in May 2003

Economic, Social & Cultural Rights

Kinley, D., 'Economic, Social and Cultural Rights' presented at the CLA/Interights Conference *Enforcing Economic Social and Cultural Rights: Rhetoric or Reality?*, Melbourne, 16 April 2003.

Joseph, S., 'Corporations and Human Rights', presentation at the DFAT/NGO Human Rights Consultations, Parliament House, Canberra, 5 March 2003.

Human Rights Litigation

Joseph, S., 'Transnational Human Rights Litigation against Corporations', *Futureeye Seminar*, Melbourne, 19 May 2003.

Joseph, S., 'Transnational Human Rights Litigation against Corporations', University of Tasmania, Law Faculty, Hobart, 6 May 2003.

International Human Rights Law

Kinley, D., Presented at the *Melbourne Asia Policy Papers Workshop 'Enforcing International Human Rights Post September 11th'*, at the invitation of AsiaLink Centre, Australian Centre for International Business and Melbourne Institute of Asian Languages and Societies, Melbourne, 6 March 2003.

Joseph, S., Interview regarding the Australian Governor-General, SBS Radio, *World View*, 9 May 2003

Prisons

Naylor, B., 'Just Prisons: researching prison disciplinary processes and the scope for justice in prisons', Melbourne University, Department of Criminology, 3 July 2003.

Freedom of Speech

Litaba, O., "Criticising Judges – Should Contempt of Court by 'Scandalising' be part of the Modern Law of Australia?", Presented at Washington College of Law, Washington DC, 21 April 2003.

(Selected) Research

ARC Large Grant

Multinational Corporations and Human Rights

Human rights abuses are perpetrated by multinational corporations, yet they are subject to few laws protecting human rights. Given the global power of these bodies, it is imperative and inevitable that greater legal accountability mechanisms will be developed. Working with a consortium of major industry partners, this project will identify current legal obligations on corporations to protect human rights, their means of enforcement and investigate their likely future extension in Australia and internationally. Best practice models for corporate compliance with these laws will be constructed and all results will be widely disseminated and accessible in a variety of formats.

Researchers: D. Kinley, A. McBeth, S. Joseph

Research Unit on Cultures & Technologies in Asia Grant

Linking Human Rights and Human Development in Asia: Facilitating sustainable human development through a rights-based approach to the regulation of tourism

This research tests the broad argument that a 'human rights way to human development' approach is necessary for tourism to be a less ambiguous force for change. How can the nature of the economic and cultural transactions between tourism consumers (usually tourists from the developed world) and suppliers

(operators based in both the developed and the developing world) be altered to better support human development? How can the profit imperative be re-worked so consumer demands and supplier responses no longer encourage practices that abuse human rights through cultural commodification and political disempowerment? This project will explore the possibility of reconfiguring incentives in the tourist industry via regulatory frameworks so as to better reflect international human rights principles. It will evaluate the merits of industry self-regulation regimes, international regulatory bodies and policy-making domestic governments in observing human development related rights. Finally, the participation of affected communities in tourism-related decision-making processes will be assessed as a means of achieving these rights (and also as a human rights end in itself).

Researchers: D. Kinley & M. McAdam

[Proposed Research]

Human Rights, Privatisation & Private Sector Development in Developing Countries: Law, Policy and International Development Bank Practice

The proposed research seeks to define a set of broad policies, and more specific institutional and programming recommendations for development banks, that are supportive of privatisation and private sector-oriented approaches toward development yet also ultimately promote the core economic and social rights enshrined in the international human rights law regime. The research aims to do more than just offer legal prescriptions, it is an interdisciplinary attempt to integrate the law and ideals of human rights with a clear-eyed appreciation of the economic, political, cultural and administrative realities of Third World development.

Researchers: T. Davis, G. Hodge, D. Kinley