

## Digest of Journal Articles Published October 2009 to October 2010

Ashwin Nair\*

The following journal articles have been published in non-maritime law journals from October 2009 to October 2010 on matters relating to Australian and New Zealand Maritime Law:

Andrew Serdy, 'Some views are more equal than others: submissions to the Commission on the Limits of the Continental Shelf and the strange loss of confidence in Article IV of the Antarctic Treaty' (2009) 28 *Australian Yearbook of International Law* 181.

Ashwita Ambast and Sahil Kher, 'The significance of *Transfield v Mercator* for the law of contractual damages' (2010) 24 *Commercial Law Quarterly* 3.

Craig Forrest, 'The Hague Convention on choice of court agreements: the maritime exceptions' (2009) 5 *Journal of Private International Law* 491.

Craig Wappett, 'Personal Property Securities Act' (2010) 21 *Journal of Banking and Finance Law and Practice* 59.

Diana Chang, 'Piracy laws and the effective prosecution of pirates' (2010) 33 *Boston College International and Comparative Law Review* 273.

Douglas Guilfoyle, 'Counter-piracy law enforcement and human rights' (2010) 59 *International and Comparative Law Quarterly* 141.

Douglas Guilfoyle, 'The laws of war and the fight against Somali piracy: combatants or criminals?' (2010) 11 *Melbourne Journal of International Law* 141.

Eugene Kontorovich, "'A Guantanamo on the Sea": The difficulty of prosecuting pirates and terrorists' (2010) 98 *California Law Review* 243.

Heather Ahlstrom Coldwell, 'Fee simple estate and footholds in fishing: The Australian High Court's formalistic interpretation of the Aboriginal Land Rights Act' (2010) 19 *Pacific Rim Law and Policy Journal* 303.

James Allsop, 'Maritime Law: The nature and importance of its international character' (2010) 84 *Australian Law Journal* 681.

Jennifer Devlin, 'The UNCITRAL Model Law on cross-border insolvency and its impact on maritime creditors' (2010) 21(2) *Journal of Banking and Finance Law and Practice* 95.

Jeremy Sher 'Arbitrability and the impact of fraud or corruption on international arbitration' (2010) 84 *Australian Law Journal* 702.

Kate Lewins, 'Australian cruise passengers travel in legal equivalent of steerage - considering the merits of a passenger liability regime for Australia' (2010) 38 *Australian Business Law Review* 127.

Lee Aitken, 'The jurisdiction to relieve against forfeiture in a commercial transaction' (2010) 33 *Australian Bar Review* 110.

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\* Student editor, A&NZ Mar L J 2010.

Lord Hoffmann, 'The *Achilleas*: Custom and practice or foreseeability?' (2010) 14 *Edinburgh Law Review* 47.

Maarten Den Heijer and Kees Wouters, 'The Marine I case: a comment' (2010) 22 *International Journal of Refugee Law* 1.

Margaret A Young, 'Fragmentation or interaction: the WTO, fisheries subsidies, and international law' (2009) 8 *World Trade Review* 477.

Melanie Durette, 'A comparative approach to Indigenous legal rights to freshwater: Key lessons for Australia from the United States, Canada and New Zealand' (2010) 27 *Environmental and Planning Law Journal* 296.

Miso Mudric, 'Rights of states regarding underwater cables and pipelines' (2010) 29 *Australian Resources and Energy Law Journal* 235.

Michael White and Rosemary Gibson, 'Fisheries and automatic forfeiture of vessels: draconian Commonwealth laws' (2010) 84 *Australian Law Journal* 319.

Natalie Klein, 'Litigation over marine resources: lessons for law of the sea, international dispute settlement and international environment law' (2009) 28 *Australian Yearbook of International Law* 131.

Peter Fox, 'International asylum and boat people: The Tampa affair and Australia's Pacific solution' (2010) 25 *Maryland Journal of International Law* 356.

Peter Gillies, 'Scope of the arbitration clause – recent developments' (2010) 21 *Australasian Dispute Resolution Journal* 33.

Peter Megens and Beth Cubitt, 'The continuing role of the State Supreme Courts in domestic and international arbitration in Australia' (2010) 21 *Australasian Dispute Resolution Journal* 124.

Rachel Baird, 'Extending foreign fishing offences beyond the AFZ: International law obligations and statutory construction' (2010) 21 *Public Law Review* 151.

Rachael de Hosson, 'The limits of merits review and the EPBC Act: Grey nurse sharks, fisheries and the AAT' (2010) 27 *Environmental and Planning Law Journal* 223.

Shoanne Labowitch, 'Integration and reconciliation of social, legal and environmental interests under Indigenous land rights sea claims' (2010) 27 *Environmental and Planning Law Journal* 189.

Todd Chatham, 'Criminal jurisdiction in Antarctica: A proposal for dealing with jurisdictional uncertainty and lack of effective enforcement' (2010) 24 *Emory International Law Review* 331.