

# Globalising the law degree



Hilary Charlesworth

Globalisation and other pressures are bringing the study of international law increasingly to the fore. Universities are responding in kind, reports [Jeremy Gilling](#).

International law, once an underexplored and unappreciated minor specialisation in Australian law faculties, has emerged as a necessary part of a complete law degree, says Hilary Charlesworth.

“Any lawyer today without some sense of international law will be on the back foot,” says Charlesworth, an ARC federation fellow, director of ANU’s Centre for International Governance and Justice, and professor of international law and human rights in the ANU College of Law.

“This represents a major change of attitude since I was a law student in the late 1970s,” she says. “In large part it is a product of globalisation. Laws and legal issues are shaped

by international developments to a much greater extent than in the past. Commercial law is tied in with free trade agreements, for example. Family law has international aspects, particularly when you’re dealing with the abduction of children overseas. The debate around an Australian bill of rights has a decidedly international flavour. And, of course, it’s impossible to divorce environmental law from its international context.”

A perusal of the contents of a recent issue of the Australian *International Law Journal*, or indeed of any of several similar journals, bears her out, with discussion ranging over human trafficking, plundered cultural objects, refugee law, whether China has emerged as a truly law-

abiding global citizen, executive versus judicial interpretations of a country’s international legal obligations, the tension between treaty-based rights and state actions, and whether national amnesties should bar proceedings before the International Court of Justice.

“There’s also a much stronger interest, led by the UN, in peace-building and nation-building since the end of the Cold War,” says Charlesworth. “There are many intriguing, albeit tragic, stories being told – in East Timor, Afghanistan, Iraq, Kosovo and elsewhere – and a big part of these stories is the building or rebuilding of a legal framework in these countries.

“Several Australian universities, including ANU, have acknowledged all this by making international law a compulsory part of their law degrees – as is increasingly happening in the US and many other countries.”

Charlesworth says student interest in international law is blossoming, for a variety of reasons. “Australians have a love of travel, which generates an intense interest in what’s going on around the world. I meet young Australians all the time who have worked or are working for transnational and non-government organisations overseas, and many of them are interested in studying the law as it impinges on the work they do.

“International law is also a much broader and more interesting subject now than when I studied it 30 years ago – although I was fortunate to have an inspirational teacher. In those days the issues were mostly prosaic or arcane – defining borders, for example. A large element of international law today is people theatre, which makes it much more appealing to most students.”

Gillian Triggs, dean of law at Sydney University and former director of the Institute of International and Comparative Law in London – who happens to have been Charlesworth’s inspirational teacher in the 1970s – says she aims to establish law at Sydney as “a truly international and globalised degree”.

“So many legal problems are global or transnational in character. These include climate change, the integration of trade, taxation, terrorism, war crimes, and criminal matters generally. For example, preventing companies from promoting tobacco consumption in developing countries in ways that they’re not allowed to do in developed countries requires extraterritorial jurisdiction. We aim to educate our students for a genuinely international practice.”

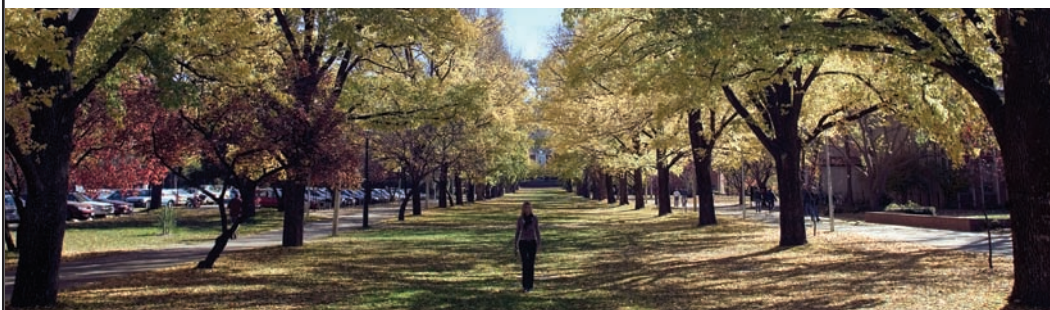
“I’m sure the new administration in the US will give a further boost to international law,” says Charlesworth. “By moving to close Guantanamo Bay, for example, Barack Obama has signalled to the rest of the world that he wants the US to be viewed once again as respecting the law – and that’s quite apart from his charisma.”

Triggs adds that as an extra fillip, Australia



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under the Rudd Government has become an active treaty participant and has ratified or is in the process of ratifying several treaties.

Charlesworth describes retiring chief justice Michael Kirby as a standard-bearer for international law. “He is a great internationalist,” she says. “He introduced the international dimension to his judgements at every opportunity. And even though his fellow High Court judges tended to look askance when he did so, they too came to

recognise that the international context is vital in many areas of law.”

“Australia may be only a middling power with a small population, but we punch well above our weight in international law,” says Triggs. “Our legal experts have had major input into drafting some of the world’s most important laws, including the law of the sea and the Rome statute [of the International Criminal Court]. We boast world leaders in several fields, such as James Crawford in constitutional and maritime law,



Gillian Triggs

Michael Pryles in international arbitration and Ivan Shearer in human rights. Michael Kirby and Geoffrey Robertson are household names. You can go back several decades to Doc Evatt, first president of the UN General Assembly who had major input into the drafting of the Universal Declaration of Human Rights. Australians have also written many of the most authoritative textbooks on international law, including one by Triggs.

“When I worked in London, people would comment in some awe that Australian lawyers are everywhere, filling many of the most important roles in both the public and private domains.”

In the document supplement to the 2006 edition of their authoritative textbook on international law, *International Law and World Order: A Problem-Oriented Coursebook*, Charlesworth and her three co-authors organise the material into four “conceptually divisible components”: war and peace; human rights and social justice; economic trade and development; and earth-space environment. Does this mean that international law can be sensibly understood within this typology?

“Yes and no,” she says. “It’s a useful way to classify the various parts of the subject. But it’s much more interesting and productive to think about issues in international law holistically. I strongly believe, for example, that human rights can’t be separated from issues of economic development. I’m far more interested in problems than topics – in asking what aspects are relevant to understanding what East Timor, for instance, is going through.” **CR**

### International law courses and pathways

Many of Australia’s 31 law schools offer courses or study pathways in aspects of international law. These include:

- ANU:** The Centre for International Public Law has a mainly research focus. ANU offers units on, for example, international organisations, US law, international criminal law, international trade law and refugee law. International law is a compulsory part of the undergraduate law degree.
- University of Canberra:** Offers a BA in international studies and a bachelor of laws as a double degree.
- UNSW:** The International Law and Policy Group facilitates research and training in international law.
- University of Sydney:** The Sydney Centre for International Law was established in 2003 as a centre of excellence in research and teaching in international law. International law is a compulsory part of the undergraduate law degree.
- UTS:** Offers a combined bachelor of laws and bachelor of arts in international studies.
- University of Wollongong:** The Centre for Comparative Law and Development Studies in Asia and the Pacific explores a range of law-related issues faced by developing countries in the Asia-Pacific region.
- Bond University:** Offers a master of laws by coursework in international legal practice.
- Griffith University:** Offers its law degree combined with a degree in international business.
- James Cook University:** Fourth year electives include public international law, human rights law and law of the sea.
- University of Queensland:** Its Centre for Public, International and Comparative Law is one of three research centres within the school.
- University of Southern Queensland:** Offers electives in international environmental law, international humanitarian law, private international law and international business law.
- Flinders University:** The bachelors of laws and legal practice can be combined with the bachelor of international studies.
- University of Adelaide:** Offers a double degree in international studies and law.
- University of South Australia:** Offers electives in law and global perspectives, public international law, and international and comparative environmental law
- University of Tasmania:** Offers units in law of the oceans and the Antarctic, law of nations, international environmental law and policy, international law, human rights, law of the European Union, international trade law and international criminal law.
- Deakin University:** Offers a combined bachelor of laws and bachelor of arts in international studies.
- LaTrobe University:** Offers international and comparative law as an elective.
- Monash University:** Electives include intellectual property, international commercial arbitration, international criminal law, international environmental law, international human rights law, international law of the sea, international organisations and introduction to European Union law.
- University of Melbourne:** Juris doctor electives include private international law, public international law and Asian law.
- Murdoch University:** Electives include law in China, European law, introduction to World Trade Organisation law, public international law and international trade law.
- Notre Dame University:** Offers a unit in international and comparative law.
- UWA:** The university’s multidisciplinary Australian Global Studies Research Centre includes staff and associates drawn from law.