

INTERNATIONAL LAW PHD – RESEARCH PROJECT

Exploring the application of public international law in present day contexts to understand how international law can help or hinder the promotion of peace, stability, sustainability, and the protection of vulnerable groups.

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Summary

International order is based upon values which find their source in international law. International law governs the relations between states, has application to international organisations, and protects individuals through a variety of international treaties. International law is constantly evolving in response to new contexts. Evidence of these developments can be found in new treaties, additional protocols to existing treaties, jurisprudence from international tribunals and emerging customary practice of States. The ever-evolving nature of international law necessitates up-to-date legal analysis and in-depth research into the impact of emerging legal norms on global issues and perspectives.

Detailed Explanation

This project promotes research in the field of international law with reference to issues which have significant socio-legal impact both on a national and international scale. Through in-depth doctrinal legal analysis of international jurisprudence, United Nations resolutions, international treaties and scholarly analysis of emerging customary international law, the research endeavours to bridge the gap between theoretical frameworks and practical application. This research may facilitate a deeper understanding of how emerging trends in international law impact on Australia's obligations under international law. This project is dynamic and responsive to evolving developments in international law, and as such its scope at present is focused upon, but not limited to these issues: Human mobility and migration, climate change, environmental protection, human rights protections for vulnerable groups, modern slavery, international humanitarian law and international taxation. Below is a brief explanation of the proposed areas of potential research. This is not a closed list.

Legal and policy responses to human mobility in the context of climate change (Dr Mostafa Naser)

Human mobility in the context of climate change presents unique challenges that require thoughtful legal and policy responses.

Research question: How do environmental changes impact upon displaced populations and how are governments and international organizations recognizing the need to address this challenge?

International Human rights law - Migrant women's rights in Australia (Dr Tanzim Afroz)

There is pressing need for comprehensive legal research and advocacy aimed at safeguarding the rights and dignity of this vulnerable population, ensuring equitable access to justice and social inclusion.

Research question: Are current legal interventions effective in ensuring equitable access to justice and social inclusion of migrant women's rights in Australia?

Human rights protections of irregular migrants in situations of modern slavery (Dr Mostafa Naser)

Irregular migrants, particularly those vulnerable to situations of modern slavery, often face significant challenges in accessing and enjoying their human rights. It is essential to address these vulnerabilities and ensure that the human rights of irregular migrants are protected, even in the context of modern slavery.

Research question: Are current legal interventions effective in ensuring fundamental human rights protections are afforded irregular migrants in the context of modern slavery?

The observance of international humanitarian law in recent armed conflicts (Associate Professor Shannon Bosch)

The conflict situations around the globe provide an ongoing need to research the efficacy and observance of IHL, the legal repercussions that flow from violations of IHL and the need to expose and promote development of IHL to respond to new contexts.

Research Question: Are existing international humanitarian law provisions sufficient to respond to modern day conflict zones?

International tax law (Associate Professor Prafula Pearce)

In the international tax arena, the OECD has been aware of the difficulties of applying the existing international tax rules to new business models that are being adopted in the digital economy. Therefore, the OECD, at a request from the Group of Twenty (G20), undertook a study to address Base Erosion and Profit Shifting (BEPS). Through multilateral treaties, the OECD countries agreed on 8 Oct 2021 to a two-pillar solution, that includes a 15% global minimum tax for large multinational enterprises. This is challenging for many countries, including Australia as they try to legislate the implementation of global minimum tax and a domestic minimum tax.

Research questions: How are international tax rules and the two-pillar solution likely to impact domestic taxation in states?

Climate change & obligations under international environmental law (Dr Tanzim Afroz)

There is substantial research potential focusing on funding for loss and damage, as well as exploring the progress of adaptation with a forward-looking perspective based on the Global Goal on Adaptation (GGA) and its framework, pursuant to the COP 28 UN Climate Change Conference in Dubai in December 2023.

Research Question: How is the global goal on adaptation likely to impact funding for loss and damage under international environmental law?

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