Interrogating the concepts of allegiance and identity in a globalised world involves renewing our understanding of membership and participation within and beyond the nation-state. Allegiance can be used to define a singular national identity and common connection to a nation-state. In a global context, however, we need more dynamic conceptions to understand the importance of maintaining diversity and building allegiance with others outside borders. Understanding how allegiance and identity are being reconfigured today provides valuable insights into important contemporary debates around citizenship.

This book reveals how public and international law understand allegiance and identity. Each involves viewing the nation-state as fundamental to concepts of allegiance and identity, but they also see the world slightly differently. With contributions from philosophers, political scientists and social psychologists, the result is a thorough appraisal of allegiance and identity in a range of socio-legal contexts.

Fiona Jenkins is a Senior Lecturer in the School of Philosophy, the Research School of Social Sciences, Australian National University.

Mark Nolan is an Associate Professor at the ANU College of Law, Australian National University.

Kim Rubenstein is Professor and Director of the Centre for International and Public Law, ANU College of Law, Australian National University.
CONNECTING INTERNATIONAL LAW WITH PUBLIC LAW

This six volume series flows from workshops bringing public and international lawyers and public and international policy makers together for interdisciplinary discussion on selected topics and themes.

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This series is unique in consciously bringing together public and international lawyers to consider and engage in each other’s scholarship.

Series editors

Kim Rubenstein is Professor and Director of the Centre for International and Public Law with the ANU College of Law at the Australian National University. A graduate of the University of Melbourne and Harvard University, Kim’s public law work spans constitutional and administrative law, and also includes her expertise in citizenship law. Her international law work focuses on the status of nationality. In 2011 and 2012 she was also inaugural Convenor of the ANU Gender Institute.

Thomas Pogge is Leitner Professor of Philosophy and International Affairs and founding Director of the Global Justice Program at Yale. He holds part-time positions at King’s College London and the Universities of Oslo and Central Lancashire. He writes and teaches on moral and political philosophy and Kant.
ALLEGIANCE AND IDENTITY IN A GLOBALISED WORLD

Edited by
FIONA JENKINS
MARK NOLAN
and
KIM RUBENSTEIN
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Editors

FIONA JENKINS is a Senior Lecturer in the School of Philosophy, the Research School of Social Sciences, the Australian National University. In 2013 and 2014, she is the Convenor of the ANU Gender Institute. Her research includes a project on the significance of Judith Butler's notion of "ungrievable life", looking at equality and discrimination in a global context. Her recent publications from this project have appeared in journals including Angelaki, Differences, Australian Feminist Law Journal, and Australian Journal of Human Rights. She has a co-edited book, Women in Philosophy: What Needs to Change? (2013).

MARK NOLAN is an Associate Professor at the ANU College of Law, the Australian National University, where he has researched and taught since 2002 mainly in the areas of criminal law and procedure but also legal psychology. As well as being a legal academic trained in law, Mark has a PhD in psychology and much of his interdisciplinary research involves the application of social psychology to legal contexts. His research interests and publications in social psychology relate to identity psychology, intergroup relations, social justice and stereotyping. Mark also has published work, together with Kim Rubenstein, relating to dual citizenship and multiple identity.

KIM RUBENSTEIN is Professor and Director of the Centre for International and Public Law with the ANU College of Law at the Australian National University. A graduate of the University of Melbourne and Harvard University, Kim's public law work spans constitutional and administrative law, and also includes her expertise in citizenship law. Her international law work focuses on the status of nationality. In 2011 and 2012 she was also inaugural Convenor of the ANU Gender Institute.
Other contributors

ELISA ARCIONI is Senior Lecturer in Public Law at Sydney Law School. Prior to taking up that position, Elisa was a lecturer in law at the University of Wollongong and associate to the Honourable Michael Kirby AC CMG, High Court of Australia. Elisa teaches and researches in the area of Australian public and constitutional law, with a focus on the concept of ‘the people’ in the Australian Constitution.

PETER BALINT is a Senior Lecturer in politics at UNSW Canberra. His research is primarily focussed on the principles for diversity, including respect, toleration, neutrality and social cohesion. He has published articles in Political Studies, Journal of Applied Philosophy, Res Publica and Educational Philosophy and Theory and an edited collection Liberal Multiculturalism and the Fair Terms of Integration. In 2010–11 he was awarded a senior research fellowship at the Goethe University of Frankfurt am Main on the project 'Justitia Amplificata. Rethinking Justice – Applied and Global'. He is a founding member of the Global Justice Network and an editor of Global Justice: Theory Practice Rhetoric.

SHARON BESSELL is Director of the Children’s Policy Centre and Senior Lecturer at the Crawford School of Public Policy, the Australian National University. Sharon’s research interests revolve around issues of social justice and policy, and focus on two broad areas. The first is social policy, social justice and the human rights of children. In this area, her research has focused on issues of children’s participation and citizenship; child labour; child protection; support for children without parental care; children, communities and social capital; and quality education. The second focus of Sharon’s research is the gendered and generational dimensions of poverty. She has undertaken research across a number of geographic regions, including Australia, Southeast Asia, the Pacific and Southern Africa. Sharon has a keen interest in research methodology and has published widely on undertaking research with children.

VITO BREDA is a MacCormick Fellow at the University of Edinburgh. Vito holds a lectureship in theories of law at the University of Southern Queensland and a visiting professorship in comparative law at the University of Duesto. He has written articles and reviews on comparative constitutional law, religious freedom and citizenship. The list of his publications includes articles in the European Law Journal, the Modern
LIST OF CONTRIBUTORS

Law Review and Res Publica. In 2014, Vito co-edited two volumes of Objectivity in Judicial Discourse: A Comparative Analysis and he is the sole author of Constitutional Law and Regionalism (forthcoming). In 2010, he was a visiting fellow at the Center for European Studies at the Australia National University.

Ben Golden teaches law and social theory, and the politics of human rights at the University of New South Wales. He also researches in the areas of critical legal theory and post-structuralist political theory. Recent work has been published in the journals Social and Legal Studies, Law, Culture and the Humanities and the International Journal for the Semiotics of Law. He is currently at work on two monographic projects: a book-length study of the work of the late French thinker, Michel Foucault, on rights; and a critical study of the way in which a range of different contemporary critical approaches to human rights attempt to reconceptualise and to refound the discourse.

Diana Grace is an Assistant Professor at the University of Canberra. Diana’s research focuses on the intersection of social and developmental psychology. Her primary areas of research concern (i) young children’s understanding of social categories (e.g., gender, age, race) and (ii) how beliefs about work and family affect the choices and workplace participation of both men and women. She has published journal articles and chapters on social categorisation, social influence and identity processes in children. Prior to her current position, Diana held a post-doctoral fellowship, funded by the Australian Research Council, explicitly examining marginalising racism. During that time, she was also a visiting fellow at the University of California, Los Angeles.

Rishi Gulati presently works at the Commonwealth Attorney-General’s Department. Previously, Rishi has lectured in public international law at the University of New South Wales and worked as a research associate at the Gilbert and Tobin Centre for Public Law, the Organisation for the Prohibition of Chemical Weapons and the Federal Court of Australia. Rishi completed an Advanced Masters in Public International Law from Leiden University and a Bachelor of Laws (Honours) at the Australian National University.

Susan Harris Rimmer is the Director of Studies at the Asia-Pacific College of Diplomacy at the Australian National University. Susan is the
LIST OF CONTRIBUTORS

author of *Gender and Transitional Justice: The Women of Timor Leste* (2010). Susan was chosen as the winner of the Audre Rapoport Prize for Scholarship on the Human Rights of Women for 2006. She was previously the Manager of Advocacy and Development Practice at the Australian Council for International Development (‘ACFID’), the peak body for Australian development non-governmental organisations. She has previously worked for the UN High Commissioner for Refugees, the National Council of Churches and the Parliamentary Library. She has been a board member of UN Women National Committee Australia and has previously been president of the voluntary non-governmental organisation Australian Lawyers for Human Rights, and is still a member of the National Committee.

**George Hoa’au** is Assistant Secretary for the Regional Economic Cooperation Branch, Solomon Islands Ministry of Foreign Affairs and Trade. George has a Bachelor of Arts (Political Science) and Postgraduate Diploma (Governance) from the University of the South Pacific; a Graduate Diploma (Asia-Pacific Security Studies) from the University of Hawai’i; a Graduate Diploma (WTO Policy); and a Master of International Law from the Australian National University. He is the eldest son of Ulutoro, who was the eldest daughter of the fourteenth hereditary chief (Alaha), the late Robert Auwehiona of the feast-calling Ohuiola tribe of South Malaita in Solomon Islands.

**Tamás Hoffmann** is a Senior Lecturer at the University of Budapest and Research Fellow at the Institute for Legal Studies of the Centre for Social Studies of the Hungarian Academy of Sciences. He currently researches the ‘hybridisation’ of international criminal law norms in domestic legal environments.

**Susan Kneebone** is a Professor in the Faculty of Law, Monash University where she teaches International Refugee Law and Practice, Human Trafficking and the Law and Citizenship and Migration Law. Susan has received several Australian Research Council grants to conduct research into human trafficking and labour migration in Southeast Asia. She has published widely in the area of refugee law and forced migration issues.

**Eve Lester** is a public and international lawyer and is completing a PhD at Melbourne Law School. She is a human rights consultant with
experience in refugee, migration and human rights law, policy and practice, both internationally and in Australia. She has taught refugee law and human rights law in Africa, Australia, Europe, Latin and North America, and Southeast Asia. Eve has a number of publications in refereed journals and edited collections.

Pablo Cristóbal Jiménez Lobeira has lived in Mexico, United States, Italy and now Australia. He possesses two bachelors degrees (in Economics and in Philosophy) and two masters degrees (in the Humanities and in Family Studies) and a PhD on the problem of political unity in the EU, at Charles Sturt University in Australia. Pablo’s recent publications have dealt with culture and liberal democracy in Europe; normative conceptions of European identity; the debate about religious symbols in the European public sphere; citizenship and political regime in the EU; the cultural riddles of European integration; and EU political identity in analogical perspective. For about fifteen years Pablo has combined study, teaching and research with managerial positions in the field of international education. Presently he works at the Australian-American Fulbright Commission, and is an associate of both the Charles Sturt University Centre for Applied Philosophy and Public Ethics, and of the ANU Centre for European Studies, in Canberra.

Simon Marsden is an Associate Professor in law at Flinders University and has general research interests in environmental law and policy, environmental planning and management, and the relationship between legal systems and law and politics. These relate to domestic law in federal, unitary and mixed systems (Australia, UK, Hong Kong), and to international and European law. Specific research interests focus on strategic and transboundary approaches to environmental impact assessment, terrestrial and marine protected areas, public participation and access to justice, and treaty based non-compliance procedures. Recent work considers comparative approaches to these matters in Europe, Asia and Australasia.

Christopher Michaelsen is an Associate Professor in the Faculty of Law at the University of New South Wales (‘UNSW’) and a member of the Australian Human Rights Centre. He teaches and specialises in public international law, human rights and international security. Prior to joining UNSW, he served as a Human Rights Officer (Anti-Terrorism) at the Office for Democratic Institutions and Human Rights (‘ODIHR’) of the
LIST OF CONTRIBUTORS

Organization for Security and Cooperation in Europe (‘OSCE’) in Warsaw. He has also served in the Department for Disarmament Affairs at the United Nations Secretariat in New York. Chris graduated in law from Hamburg University, holds an LLM from the University of Queensland and a PhD from the Australian National University. He is a co-editor of the Australian Journal of Human Rights and the founding editor of Security Challenges.

Rebecca Monson is a Lecturer at the ANU College of Law, where she convenes the programme in Law, Governance and Development. Rebecca’s research and practice is transdisciplinary, drawing on critical approaches in law, geography and anthropology. Her work focuses on the intersection of state and customary legal systems, particularly as they relate to gender relations; political participation; natural resource rights; and peace-building. Rebecca has conducted fieldwork in Fiji, Vanuatu and Solomon Islands, and regularly undertakes professional consultancies relating to justice systems, gender and development for both donors and NGOs. Prior to joining the ANU, Rebecca specialised in emergency and disaster law in private legal practice and at the Centre for Risk and Community Safety at RMIT University. She has also worked at the Centre on Housing Rights and Evictions, and at the Van Vollenhoven Institute for Law, Governance and Development at Leiden University.

Joshua Neoh is a Lecturer at the ANU College of Law. He received his LLB, with First Class Honours and the University Medal, from the Australian National University, and his LLM from Yale Law School.

Valeria Ottonelli is Lecturer in Political Philosophy at the University of Genova, Italy. She has published extensively on immigration and global justice, on the place of equal respect as a principle of democratic government, and on the normative theory of democracy.

Michael Platow is a Professor in the Research School of Psychology at the Australian National University, and an expert on the social psychology of groups and intergroup relations. He has published research on the social psychology of distributive, procedural and restorative justice; leadership and social influence; helping and trust; and in-group favouritism, racism and social identity management. He has been the President of the Society of Australasian Social Psychologists, and Associate Editor of the journal Social Psychological and Personality
LIST OF CONTRIBUTORS

Science. His book, *The New Psychology of Leadership*, written with S. Alexander Haslam and Stephen D. Reicher, was awarded the Outstanding Leadership Book Award – 2012 by the Department of Leadership Studies at the University of San Diego. In 2007, Michael was awarded the Australian Commonwealth Office of Learning and Teaching Carrick Citation for Outstanding Contributions to Student Learning; and in 2012, he was elected as a Fellow of the Academy of Social Sciences in Australia. Professor Platow earned his Bachelor’s degree from UCLA, his PhD from UC Santa Barbara, and his M.Higher Ed. from the Australian National University.

**Thomas Pogge** is Leitner Professor of Philosophy and International Affairs and founding Director of the Global Justice Program at Yale. Having received his PhD in Philosophy from Harvard, he holds part-time positions at King’s College London and the Universities of Oslo and Central Lancashire. Thomas is a member of the Norwegian Academy of Science and editor for political philosophy of the *Stanford Encyclopedia of Philosophy*. He also works for Academics Stand Against Poverty (‘ASAP’), an international network aiming to enhance the impact of scholars, teachers and students on global poverty, and Incentives for Global Health, a team effort towards developing a complement to the pharmaceutical patent regime that would improve access to advanced medicines for the poor worldwide.

**Donald R. Rothwell** is Professor of International Law and Deputy Dean at the ANU College of Law, Australian National University, where he has taught since July 2006. His research has a specific focus on law of the sea, law of the polar regions and implementation of international law within Australia as reflected in over 160 articles, book chapters and notes in international and Australian publications. Rothwell has authored, co-authored or edited seventeen books including most recently *Law of the Sea* (2013), and *Antarctic Security in the Twenty-First Century: Legal and Policy Perspectives* with Alan Hemmings and Karen Scott (2012) and his current co-edited work is with Alex Oude Elferink and Erik Molenaar, *The Law of the Sea and Polar Regions: Interactions between Global and Regional Regimes* (2013). Major career works include *The International Law of the Sea* (2010) with Tim Stephens, and *The Polar Regions and the Development of International Law* (1996). Rothwell is also coordinating editor of the *Oxford Handbook on the Law of the Sea* (forthcoming, 2015) and co-editor of the *Australian Year Book of International Law*. 
Mohammad Shahabuddin holds a PhD in international law (London). He also studied at the Yokohama National University for the degree of Master of International Law. He is currently the Chairman of the Department of Law & Justice at Jahangirnagar University in Bangladesh. His research explores how ‘ethnicity’ expressed in the dichotomy of the ‘self’ and the backward ‘other’ along the line of the liberal and conservative traditions has informed the manner in which international law engaged with the major events of each of its developmental phases.

Michael Smithson is a Professor in the Research School of Psychology at the Australian National University. He is the author of Confidence Intervals (2003), Statistics with Confidence (2000), Ignorance and Uncertainty (1989), and Fuzzy Set Analysis for the Behavioral and Social Sciences (1987), co-author of Fuzzy Set Theory: Applications in the Social Sciences (2006), and co-editor of Uncertainty and Risk: Multidisciplinary Perspectives (2008) and Resolving Social Dilemmas: Dynamic, Structural, and Intergroup Aspects (1999). His other publications include more than 140 refereed journal articles and book chapters in judgment and decision-making under uncertainty, statistical methods for the social sciences and applications of fuzzy set theory to the social sciences.


Rayner Thwaites is a Senior Lecturer in administrative and public law at Sydney University Law School. From mid 2010 to 2013 he was a lecturer at Victoria University of Wellington where he taught New Zealand public law and administrative law, Australian public law, comparative constitutionalism and comparative counter-terrorism law. He has a doctorate from the University of Toronto on the legality of indefinite detention of non-citizens. He is the author of The Liberty of Non-citizens: Indefinite Detention in Commonwealth Countries (2014).

Tiziana Torresi received a BA Hons from the University of New South Wales, and her DPhil in Politics and International Relations from the University of Oxford, where she also held a lectureship in politics at Worcester College. She has taught at other universities in the United Kingdom and Australia, before taking up her current position as Lecturer in International Politics at the University of Adelaide in 2010.
Her research interests are mainly in the field of contemporary political theory.

Jo-Anne Weinman was a research assistant at the National Centre for Indigenous Studies (‘NCIS’) at the Australian National University when she co-wrote this chapter. Jo-Anne is a graduate from Monash University Law School, Melbourne.

Asmi J. Wood is a Torres Strait Islander now residing on the mainland. He is a senior research fellow and the higher degree by research coordinator at the National Centre for Indigenous Studies (‘NCIS’) at the Australian National University. He also teaches at the ANU College of Law.

Matthew Zagor is a Senior Lecturer at the ANU College of Law and an Adjunct Fellow at the ANU Centre for European Studies. He sits on the National Committee of Australian Lawyers for Human Rights, and the ACT International Humanitarian Law Committee of Australian Red Cross. Before joining academia, Matthew worked for several years as a refugee advocate and legal representative in the United Kingdom and Australia, a legal officer in the Attorney-General’s Department and a Member on the Migration Review Tribunal / Refugee Review Tribunal. He teaches and writes in the area of international refugee and human rights law, comparative constitutional law, judicial rhetoric and public law theory.
SERIES EDITORS’ PREFACE

The idea for this series began in June 2005, when Kim Rubenstein applied for the position of Professor and Director of the Centre for International and Public Law at the ANU College of Law. The Centre is recognised as the leading Australian academic centre bringing together public lawyers (constitutional and administrative law broadly, but also specific areas of government regulation) and international lawyers from around the world.

In discussing with the law faculty ideas for the Centre’s direction, Kim raised the concept underpinning this series. Each of the volumes flows from workshops bringing public and international lawyers and public and international policy experts together for interdisciplinary discussion on selected topics and themes. The workshops attract both established scholars and outstanding early scholars. At each of the workshops participants address specific questions and issues developing each others’ understandings and knowledge about public and international law and policy and the links between the disciplines as they intersect with the chosen subject. These papers are discussed and reviewed at the workshop collaboratively, then after the workshop the papers are finalised for the final editing phase for the overall manuscript.

The series seeks to broaden understanding of how public law and international law intersect. Until now, international and public law have mainly overlapped in discussions on how international law is implemented domestically. While there is scholarship developing in the area of global administrative law, and some scholars have touched upon the principles relevant to both disciplines, those publications do not concentrate upon the broader mission of this series. This series is unique in consciously bringing together public and international lawyers to consider and engage in each others’ scholarship.

Beyond the first topic of sanctions, the other topics draw from the research themes underpinning the International Alliance of Research Universities (‘IARU’) which is made up of ANU, Berkeley, Cambridge, University of Copenhagen, ETH Zurich, National University of
Singapore, Oxford, Peking University, University of Tokyo and Yale. The topics include volumes on Health (Volume 2), Environment (Volume 3), Movement of People (Volume 4) and Security (Volume 5). A new volume was added to the planned series in 2012 with a focus on Gender (Volume 6), and this too is one of the IARU areas of interest.

After the first successful workshop was complete, Professor Rubenstein contacted Professor Thomas Pogge to co-host the second workshop and in addition to doing that, he has enthusiastically joined with Professor Rubenstein as a joint series editor. His contributions to each volume are an expression of his cosmopolitan outlook which is a theme engaged with throughout the series.

Kim Rubenstein and Thomas Pogge
As explained in the Series Editors’ Preface, this series is a result of workshops bringing together public and international lawyers. From the second volume onwards, the topics revolve around the International Association of Research Universities (‘IARU’) thematic research topics.

When Kim Rubenstein began thinking about organising the fourth workshop around the theme of Movement of People, she was enthusiastic about inviting her ANU colleagues Fiona Jenkins from Philosophy and Mark Nolan from Law to join her in running it as the three of them had already been collaborating on related work.

This fourth workshop ‘Allegiance and Identity in a Globalised World’ was inspired by interesting interdisciplinary work Kim and Fiona and Mark were developing assessing membership issues from the perspectives of citizenship law, political philosophy and social psychology.

Our workshop took place on 19–21 July 2010 at the Australian National University. The thirty three paper presenters and a further group of participants, who had read all the papers, enjoyed vigorous discussion, engaging fully with each other and the material.

We thank Matthew Zagor, then Deputy Director of ANU’s National Europe Centre, for providing us with a dynamic venue. We thank Giovanni Di Lieto, Jacqui Field, then undergraduate student in the ANU College of Law, Kevin Boreham from the ANU College of Law, John Milfull from the University of New South Wales, Anne Macduff from the ANU College of Law, Tim Soutphommasane, then from Monash University, and Fanny Thornton from the ANU College of Law for presenting stimulating papers at the workshop even though their papers were not developed for the resulting book.

We thank the National Europe Centre for funding Vito Breda’s visit through their Visiting Fellowship series and the Department of Immigration and Citizenship for support in running the workshop by sending along participants for the discussion from their ranks.
The event was ably organised by the ANU College of Law Outreach and Administrative Support Team and in particular we thank Sarah Hull. ANU law student Kiri McEwan worked with us reviewing the papers on style matters and we thank her and Glenda Waddell from the ANU College of Law for their assistance in putting this volume together. We also thank the many anonymous reviewers whose critiques of the papers strengthened the chapters in this collection.

The staff at Cambridge University Press, especially Finola O’Sullivan and Elizabeth Spicer, have been enthusiastic in supporting this series and Kate Ollerenshaw as copy-editor has been excellent.

Finally, we would like to thank our colleagues at the ANU and in the Centre for International and Public Law in the ANU College of Law and our respective families and friends for their support and inspiration in all that we do.

Fiona Jenkins, Mark Nolan and Kim Rubenstein