

GERALD ALLOWAY, ASSISTANT EDITOR
Victoria University of Wellington - Faculty of Law
gerald.r.alloway@gmail.com

EDDIE CLARK, EDITOR
Lecturer in Law, Victoria University of Wellington - Faculty of Law
eddie.clark@vuw.ac.nz

JOHN PREBBLE QC, EDITOR
Professor of Law, Victoria University of Wellington - Faculty of Law, Gastprofessor, Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien, Adjunct Professor of Law, University of Notre Dame Australia - School of Law
john.prebble@vuw.ac.nz

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Announcements

Victoria University of Wellington Student and Alumni Subseries Issue XXVIII: International Law and Politics

Current Issues in International Law and Politics is the eleventh in 2017 of several issues of The Student/Alumni sub-Series of the VUW Legal Research Papers.

The Student/Alumni sub-Series was launched in 2015. It publishes a selection of honours and postgraduate papers from Victoria University of Wellington Law School.

The sub-Series includes both general and thematic issues.

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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES

VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

■ **"Modernising New Zealand's Extradition Law: A Critique of the Law Commission's Proposal"**

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 42/2017

JOANNA JUDGE, Victoria University of Wellington, Faculty of Law, Student/Alumni
Email: joannajudge@hotmail.com

Globalisation causes crime to become increasingly transnational, thus compelling states to increase cooperation to suppress crime. New Zealand's outdated extradition laws require reform. The Government agrees with the February 2016 Law Commission Report proposing the need for new legislation to replace the Extradition Act 1999. This paper analyses the relationship between the traditional treaty-based approach to extradition and contemporary domestic extradition legislation, and how these approaches protect requested persons' post-surrender rights. This paper argues the Commission's proposal to replace s 11 of the Act (which states that bilateral extradition treaties override the Act where they are inconsistent) with a narrower provision giving treaties limited scope to "supplement" or add to domestic extradition legislation, places too much focus on domestic efficiencies while overlooking the international significance of extradition. Allowing the Act to override existing treaties will cause New Zealand to breach its international obligation to extradite under those treaties and remove the international plane as a mechanism to protect a requested person's rights. This paper concludes that New Zealand should retain s 11 in its current iteration and renegotiate treaties to reflect international human rights obligations to ensure extradition only occurs where fundamental principles of justice will be upheld.

"The Hague Convention on the Civil Aspects of Child Abduction 1980: The New Zealand Courts Approach to the 'Grave Risk' Exception for Victims of Domestic Violence"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 43/2017

ALLIE MAXWELL, Victoria University of Wellington, Faculty of Law, Student/Alumni

Email: allie.maxwell@hotmail.co.nz

The Hague Convention 1980 was welcomed by the international community to resolve the emerging issue of international child abduction. The Convention is premised on the assumption that all child abduction is inherently harmful. Thus, it is generally in the best interests of children to be returned to the country of habitual residence as expediently as possible, restoring the status quo. Domestic violence victims do not fall within the typical abduction paradigm which the Convention was drafted to remedy. New Zealand courts have adopted a narrow approach to the "grave risk" defence, requiring the abducting party to prove that the country of habitual residence cannot adequately protect the child. This is rarely established due to comity. This approach therefore effectively blocks the discretionary inquiry, which only occurs once the defence is established, in which the Convention principles can be weighed against the welfare and best interests of the individual child, a consideration paramount in both domestic and international law. Domestic violence means it is unlikely that return will ever be in the child's welfare and best interests. A change in approach is suggested, under which consideration of the adequacy of the habitual residence's protection laws becomes a relevant consideration in the exercise of discretion. Consequently, all considerations are given due regard and the safety of young domestic violence victims is better assured.

"Mapping and Evaluating the Regime Complex for Bribery"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 44/2017

JAMES HORNER, Victoria University of Wellington, Faculty of Law, Student/Alumni

Email: james_horner@windowslive.com

The international legal framework regulating bribery comprises a multitude of international obligations, domestic laws, financial sanctions, NGOs, codes of conduct, indicator regimes, regulatory and governance frameworks and asset recovery programs. This paper considers that these constituents constitute a 'regime complex'. It comprehensively outlines the elements of this regime complex and concludes that while in some respects the regime complex functions well, other aspects warrant reconsideration in order to improve overall efficacy.

"Whate'Er is Best Administered is Best: Global Administrative Law, Emergency Powers and the World Health Organization"

Victoria University of Wellington Legal Research Paper, Student/Alumni Paper No. 45/2017

MONIQUE VAN ALPHEN FYFE, Victoria University of Wellington, Faculty of Law, Student/Alumni

The World Health Organization is uniquely placed to lay claim to normative legitimacy. It is the key centralised agency for international health law, and has almost universal state membership. Yet its powers of emergency contained in the International Health Regulations – to declare a public health emergency of international concern and determine the necessary response – are subject to considerable critique. The Organization's legitimacy is potentially undermined. One way to reinforce legitimacy is through the use of Global Administrative Law principles such as transparency, participation and review. This paper examines the use of emergency power in the cases of SARS, H1N1 and Ebola to see if Global Administrative Law principles are present. It then considers whether using

About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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Directors

BERNARD S. BLACK

Northwestern University - Pritzker School of Law, Northwestern University - Kellogg School of Management, European Corporate Governance Institute (ECGI)

Email: bblack@northwestern.edu

RONALD J. GILSON

Stanford Law School, Columbia Law School, European Corporate Governance Institute (ECGI)

Email: rgilson@leland.stanford.edu

Please contact us at the above addresses with your comments, questions or suggestions for LSN-LEG.

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