**Student Editor Recruitment Task 2022-3**

The following extract has been **adapted** from an old article. Please amend the passage using Track Changes, in order to ensure correct spelling, punctuation, grammar and compliance with the *Australian Guide to Legal Citation* (AGLC). You will need locate the sources in order to ensure that all details have been reported correctly. There is no need to refer to the original article.

Brennan described international law as an “legitimate and important influence on the continuous growth and development of the common law” and acknowledged that this is particularly the case when international law “declares the existence of universal human rights”.[[1]](#footnote-1) Kirby, a long-time supporter of the role of international law in Australia, has said that ‘to the full extent that its text permits, Australia’s Constitution, as the fundamental law of government in this country, accommodates itself to international law, including in so far as that law expresses basic rights. The reason for this is that the Constitution not only speaks to the people of Australia who made it and accept it for their governance’.[[2]](#footnote-2)

This approach has its political analogues. The Australian Democrats have opposed each of the anti–*Teoh* Bills as undermining respect for international law.[[3]](#footnote-3)

Two potential conflicts arise from the emphasis that is given to human rights law within this vision of intentional law. The first arises because international conventions deal with a wide range of issues other than human rights. Many of these conventions deal with facilitative and morally neutral matters that relate to issues such as the international regulation of air travel or the workings of the international postage system[[4]](#footnote-4).These conventions have been interpreted and discussed in foreign domestic courts.[[5]](#footnote-5) Other treaties may be based on values that believers in human rights often support, such as environmental protection.[[6]](#footnote-6) There are also, however, a raft of conventions that cause unease among some proponents of human rights. International conventions and institutions that promote free-market economics (such as the International Monetary Fund (IMF) and the World Bank) have been the subject of criticism on human right’s grounds.[[7]](#footnote-7) The importance of institutions in the promotion and protection of human rights has been affirmed by the UN General Assembly.[[8]](#footnote-8)

1. *Mabo v Queensland* (No 2) [1998] 175 CLR 1, 42. [↑](#footnote-ref-1)
2. *Newcrest Mining (WA) Limited v Commonwealth* (1997) 190 CLR 513, 657–8. [↑](#footnote-ref-2)
3. Commonwealth, *Parliamentary Debates*, Senate, April 2001, 23 789 (A Ridgeway). [↑](#footnote-ref-3)
4. See, eg,International Air Services Transit Agreement (7 December 1944), 171 United Nations Treaty Series 387. [↑](#footnote-ref-4)
5. See, eg, United States v Pink 315 S Ct 203 (1942). [↑](#footnote-ref-5)
6. Eg, Vienna Ozone Layer Protection Treaty (22 March 1985), 26 ILM 1529. [↑](#footnote-ref-6)
7. Orford, Anne ‘Locating the International: Military and Monetary Interventions after the Cold War’ (1997) 38 *Harvard International Law Journal* 443, 464-476; Bruce Rich, ‘Mortgaging the Earth*’* (Earthscan Publications Ltd, London, 1994). [↑](#footnote-ref-7)
8. *National Institutions for the Promotion and Protection of Human Rights*, GA Res 65/161, UN SCOR, 3rd Comm, 65th sess, 65th mtg, Agenda Item 69(b), UN Doc A/RES/65/161 (12 March 2010). [↑](#footnote-ref-8)