

### Five Questions for....

Professor Susan Kneebone, Deputy Director of the Castan Centre

#### As a new deputy director of the Castan Centre, what are you looking forward to most?

I am looking forward to working with a group of energetic and highly talented people, for whom I have a great deal of respect. And also further enhancing the reputation of the Castan Centre, which I know is highly respected internationally. It will be an opportunity for me to share the knowledge and networks I have built up in the area of Refugee Law and Forced Migration from my many peregrinations/jaunts around the globe!

#### You specialised in tort and admin law until the 1990s. Why did you start teaching refugee law?

At the end of the 1990s refugee issues were beginning to dominate public discourse. In 1996 straight after graduating from my PhD (on Tort Liability of Public Authorities) I thought it was time to become more engaged in what was happening “on the ground”. I did a study of the then new Refugee Review Tribunal and was really quite astounded at the findings. I published this in 1998 and although it was an objective study, it proved to be very controversial. I heard that the then Minister for Immigration had sputtered over his drink at a cocktail party when it was published. I merely suggested that the RRT was rather too adversarial in its approach to refugee status determination and was putting too much emphasis on credibility issues! Some people thought I was being too kind, but in fact my motives were questioned by two different senior members of the RRT at this time whom I approached with a view to doing further collaborative research. I was really surprised and I realized I was onto a “hot” topic. I then moved into looking at international refugee law issues and found that it is really interesting, complex



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and important in trying to make a difference in today’s world.

#### What refugee-related issues give you the biggest cause for concern today?

The biggest concern today is the way in which wealthy destination states such as Australia which are parties to the Refugees Convention avoid their responsibilities under the Convention. And the fact that they do this by turning the Convention upside down – by arguing that their responses are “legal”. In my opinion, in the context of the global situation of numerous displaced and stateless people, this is totally irresponsible and demeans the idea of the Rule of Law. Australia has sadly become a leader in this respect and other Western countries follow our example. It is really interesting to see how our policies fit with the history of our migration. The “culture of control” has been with us for a long time, particularly since the 1940s.

#### What is your career

##### highlight?

Conducting interviews in Thailand Cambodia and Laos with Dr Julie Debeljak in January of this year in relation to our ARC Linkage Trafficking project. It was absolutely fascinating to have access to the hearts and minds of people engaged in trying to prevent this modern day version of “slavery”. We were greeted openly and treated with great respect, and in the process gained fascinating insights into the culture and history of the region. By doing this type of research, you can see the value of our legal skills and knowledge.

#### If you had to give students one piece of advice, what would it be?

One piece is a bit hard. How about one person *can* make a difference, so be true to yourself?

### Our New Associates

#### Azadeh Dastyari

Azadeh was a co-founder of the Refugee Advocacy Volunteer Network at the University of Sydney which provides legal assistance to refugees and asylum seekers. She has worked closely with various NGOs in the refugee area and has assisted as a translator in Farsi for people in immigration detention. Azadeh is a co-author (with Dr Mary Crock and Dr Ben Saul) of the book *Future Seekers II: Refugees and Irregular Migration in Australia*.

#### Dr Patrick Emerton

Patrick completed his Phd thesis in 2006, for which he received the Mollie Holman Doctoral Medal. His thesis tackled complex issues in the philosophy of language and political philosophy. His research areas include legal and moral philosophy and anti-terrorism laws, and he recently hosted a roundtable at the Castan Centre on issues related to those laws. Patrick is the recipient of a Don Chipp Foundation Grant for his research project *A Bill of Rights in an Age of Fear*.

#### Tania Penovic

Tania has completed a Master of Studies in International Human Rights Law with distinction at the University of Oxford. She has acted as a legal adviser to asylum seekers in Australia and the UK. Her articles have been widely published and she is now conducting research on how tort law can address human rights abuses. Tania has contributed to parliamentary inquiries and appeared before a Senate Committee on the proposed changes to the Migration Act on behalf of the Castan Centre.

#### David Yarrow

David’s research concerns the historical evolution of Aboriginal title in Canada and examines its characteristics in comparative perspective. He has recently returned from three years residence in Toronto, Canada where he is pursuing his PhD at Osgoode Hall Law School. David is currently participating with Melissa Castan in a project aimed at improving the capacity of Native Title Representative Bodies.