

PREFACE

The International Law Group at the University of Canterbury is pleased to publish this 12th volume of the *New Zealand Yearbook of International Law*.

The articles and commentaries in this volume begin with a thoughtful consideration by Sanja Nenadic of the lawfulness of New Zealand's military deployment to Iraq in early 2015, addressing in particular whether Iraq's request for international assistance really does render the question of lawfulness of foreign intervention almost moot. In view of New Zealand's current two-year term on the UN Security Council, Stephen Smith then argues that New Zealand could take a lead role in reviving the operation of the Charter's obligatory abstention rule as a practical way of introducing "reform" to the Council without having to amend the UN Charter. We then move from the heart of the UN to issues of international trade and economic law. Hugh Goodwin explores the layers of trade governance between New Zealand and China, analysing in particular the duplicate-litigation problem in the New Zealand-China trade context and arguing that judge-made solutions are the most realistic resolution of this problem in the foreseeable future. Mariela Maidana-Eletti considers issues of food quality, food labelling and market access in the context of the WTO Agreement on Technical Barriers to Trade. Jia Meng reflects on the ability of a state to use economic necessity to alter its international obligations to ensure its own self-preservation, and argues that domestic courts should move away from a legalistic understanding of a state's emergency action and give greater weight to the interests of the various stakeholders attached to a sovereign in default. The final article is by Amy Maguire who argues for a human rights approach to self-determination in Australia in order to transform Australian understandings of its obligations under the UN Declaration on the Rights of Indigenous Peoples, something which is also currently an issue of interest in New Zealand.

The dedicated section on the South Pacific region includes the regular updates from Tony Angelo on the activities of the Pacific Islands Forum and Kerryn Kwan on the activities of the Pacific Islands Law Officers' Network during 2014. Mothla Majeed provides a report on the Conference on Small Island Developing States, held in Samoa in 2014. Sue Farran then offers a comprehensive summary of the challenges to human rights posed by threats to food security in the Pacific Islands.

The "Year in Review" of New Zealand state practice during the calendar year 2014 pursues the focus of the *Yearbook* on New Zealand's role in contemporary international law. The topics selected for review are international human rights law, Indigenous peoples' rights under international law, international economic law, international environmental law, law of the sea and fisheries, the Antarctic treaty system, international humanitarian law and international criminal law. Each of the commentators provides a short overview of, and brief comment on, relevant New Zealand state practice as well as a discussion

of developments within these areas of interest to New Zealand. The Year in Review section continues to be complemented by Mark Gobbi's regular report on treaty action and implementation in New Zealand during 2014. In addition, an extra report from Mark Gobbi on the various factors which influence the content of statutes implementing New Zealand's international obligations is included in this volume.

I wish to thank those academics, practitioners and government officials throughout and beyond New Zealand who have supported the continued development of this publication. The *Yearbook* exists to serve the community with an interest in international law, both within New Zealand and globally. I would particularly like to thank those members of our Advisory Board who generously agreed to referee articles for this volume of the *Yearbook*. The publication of the *Yearbook* would not be possible without the valuable assistance and support provided by our student editor Cassandra Mudgway and our copy editors Ellen Rykers and Heather Couch, and I would like to thank them for their hard work, endless patience and continued goodwill.

My three-year term as Editor of the *Yearbook* comes to an end with this volume and I would especially like to thank Angela Woodward (Associate Editor, volumes 10 and 11), and Professor Neil Boister (Book Reviews Editor, volumes 10-12) for their support and assistance during my term as Editor. I would like to warmly welcome the appointment of Dr Roisin Burke (Editor), Dr Christian Riffel (Associate Editor) and Associate Professor Annick Masselot (Book Reviews Editor) as the incoming editorial team.

Natalie Baird
Editor

December 2015