Media, Democracy & the Rule of Law:
Global & Local, New Democracies & Old
5-6 September 2011
Conference Invitation

Date: Monday 5 September & Tuesday 6 September 2011

Location: Law Building, UNSW Kensington Campus

Who should attend: Journalists, lawyers, NGOs, politicians, public servants, concerned citizens, academics, students, media representatives

Register: Online at **www.law.unsw.edu.au/rol** to secure your place.

Costs:

Student and Academic
$195pp (including dinner)
$150pp (without dinner)
$110pp (additional guest for dinner only)

Non-academic
$295pp (including dinner)
$245pp (without dinner)
$110pp (additional guest for dinner only)

Monday Evening Forum $50pp

In the past 20 years, the world has been unprecedentedly swept by the rhetoric, and at times the reality, of democracy and the rule of law. Alongside these revolutions, mass media have undergone their own transformations, bringing with them new sets of possibilities, challenges and threats. And when the revolutions are over, lofty ambitions become practical problems: establishing real and not merely 'parchment' institutions of democracy, the rule of law, independent media and in general a functional and not destructive public sphere.

This conference seeks to take the measure of movements that have come upon us at such a rate as to bewilder: the new democracies of post-communist Europe and post-dictatorial countries such as Indonesia, revolutions in the Middle East, WikiLeaks and other leakers, News of the World and other hackers, global transformations that affect us all. It also explores comparisons and connections with, and implications for, established democracies such as Australia. It presents a unique opportunity to hear from leading experts from Australia and thoughout the world, and engage in debate about what the future holds for democracy, the rule of law and public media in this churning and moving landscape.

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Conference Program

UNSW THE UNIVERSITY OF NEW SOUTH WALES

DAY 1	Monday 5 September	Speakers
9am	Official opening and welcome	The Hon. Michael Kirby AC CMG
9.15-10.45am	**What do you have when you have the rule of law?** - Beyond The World Justice Project's 'Rule of Law Index™' -The Venice Commission for Democracy through Law: Report on the Rule of Law	Veronica Taylor Martin Krygier
10.45-11.15am	Morning tea	
11.15am-12.45pm	**Global Efforts to Promote Democracy and the Rule of Law** - From Democratisation to democracy promotion: three trajectories of post-1989 Eastern Europe - Transnational Legal Intervention in Theory and Practice	Jacques Rupnik Stephen Humphreys
12:45-2pm	Lunch	
2-4pm	**Political Culture, Media and the Rule of Law** - How political culture may affect the rule of law: evidence from Southern and East Central Europe - 'Cash, bathhouses, and talkback: The inadequacy of Australian media regulation and why it matters' - 'The buck stops here: Problems of post-authoritarian judicial reform in Indonesia'	Paolo Mancini Lesley Hitchens Tim Lindsey
4:30pm	Coach to Museum of Sydney	
5pm	Welcome drinks	
5:30-7.15pm	Evening Forum: Leaking, Hacking, and Regulating	Chair: Julian Disney Speakers: John Keane Robert Manne Jacek Żakowski
7:30-10:30pm	Conference dinner at MOS Cafe	

DAY 2	Tuesday 6 September	Speakers
8.45-10.45am	**The Quality of Media, Democracy and the Rule of Law** - The Quality of Democracy in Central and Eastern Europe - The Quality of Australian Democracy - Is Separating Powers a Rule of Law Issue? Media as Case Study	Radosław Markowski Ian Marsh John Braithwaite
10.45-11.15am	Morning tea	
11.15am-1.15pm	**Freedom of the Press, Democracy and the Rule of Law** - Freedom of the press and a general theory of free speech - A Democratic Watchdog? Free Speech and the Development of International Media Law - A practitioner's view	Wojciech Sadurski Daniel Joyce Robin Speed
1.15-2.15pm	Lunch	
2.15-4.15pm	**Media, Democracy and the Rule of Law in New Democracies** - The role of law and lawyers in the development of new democracies in Central and Eastern Europe - The role of Legal Reform NGOs in the Rule of Law in Post-Suharto Indonesia - Political order and constitutionalism in the post-revolutionary Arab context, especially in Egypt	Jan Zielonka Bivitri Susanti Robert Bowker
4.15-5pm	Conference closing drinks	

Robert Bowker

Robert Bowker has been Adjunct Professor at the Centre for Arab and Islamic Studies at the Australian National University since July 2008. He retired from the Australian Foreign Service in 2008 after a 37 year career specialising in Middle East issues. He was Australian ambassador to Egypt (2005-2008) and Jordan (1989-1992), in addition to postings in Syria (1979-1981) and Saudi Arabia (1974-1976). He was accredited from Cairo as non-resident ambassador to Sudan, Libya, Syria and Tunisia. He was a senior official with UNRWA in 1997-1998, based in Gaza and Jerusalem. He is the author of Beyond Peace: the Search for Security in the Middle East (Lynne Rienner, 1996) and Palestinian Refugees: Mythology, Identity and the Search for Peace (Lynne Rienner, 2003). His latest book is Egypt and the Politics of Change in the Arab Middle East (Edward Elgar, 2010).

John Braithwaite

John Braithwaite is an Australian Research Council Federation Fellow and a Professor in the School of Regulation, Justice and Diplomacy at the Australian National University. His main research interests have been on responsive regulation, restorative justice and peacebuilding. He leads an international comparative study of peacebuilding in post-1990 armed conflicts called Peacebuilding Compared. This project has so far led to books on Indonesia, Solomon Islands and Bougainville with forthcoming volumes on Timor-Leste and South Asia. In 2008 he published Regulatory Capitalism: How it Works, Ideas for Making it Work Better.

Julian Disney

Julian Disney is a Professor of Law and Social Justice and Director of the Social Justice Project at the University of NSW. He was previously Professor of Public Law and Director of the Centre for International and Public Law at the Australian National University. He has been Chair of the Australian Press Council since December 2009 and is also actively engaged in public advocacy as Chair of the National Affordable Housing Summit and the National Community Tax Forum. He is the sole or principal author of books and articles on aspects of governance, legislatures, public administration and the legal system as well as on public policy issues in areas such as taxation, housing, employment and social security.

Lesley Hitchens

Leslie Hitchens is currently Professor of Law and Associate Dean (Research) at University of Technology Sydney, Australia. She has been an academic at universities in Australia and in the United Kingdom. Her research in communications regulation has focused on broadcasting regulation, with particular reference to regulatory design; pluralism and diversity regulation; and, content regulation. Much of her work has a comparative focus involving the United Kingdom (and EU), the United States, and Australia. In 2006, she published Broadcasting Pluralism and Diversity: A comparative study in policy and regulation (Hart). In 2008 and 2009, she was part of an international research project on media pluralism funded by the European Union. Currently her research is focused on regulatory approaches within the new media space. She has also taught postgraduate courses in comparative broadcasting regulation, and international and European regulation of telecommunications and broadcasting, and undergraduate courses in media law and electronic communications law.

Stephen Humphreys

Stephen Humphreys is Lecturer in International Law in the London School of Economics. He was formerly Research Director at the International Council on Human Rights Policy in Geneva, and Senior Officer, responsible for publications, at the Open Society Institute's Justice Initiative in New York and, before that, Budapest. His research interests include rule of law promotion; law and development; climate change; international legal theory; law and war; and the allocation of risk in transnational legal processes. His publications include Theatre of the Rule of Law (Cambridge University Press, 2010) and the edited volume, Climate Change and Human Rights (Cambridge University Press, 2009).

Daniel Joyce

Daniel Joyce is a Lecturer in the Faculty of Law at the University of New South Wales. His main research interest is in media law and specifically the development of international media law. Daniel directs the New Media and Human Rights Project at the Australian Human Rights Centre at UNSW. He was the Whewell Scholar in international law and a Senior Rouse Ball Student at Trinity College, Cambridge. He also spent a year as a Visiting Research Fellow at Columbia Law School. He then undertook postdoctoral research as the Erik Castrén Fellow in international law and human rights at the University of Helsinki. Recent publications include: "Photography and the Image-Making of International Justice" (2010) 4 Law and Humanities 229; and "Human Rights and the Mediatization of International Law" (2010) 23 Leiden Journal of International Law 507.

John Keane

John Keane is Professor of Politics at the University of Sydney and at the Wissenschaftszentrum Berlin (WZB). He is the Director of the recently founded Sydney Democracy Initiative(SDI). During his many years in Britain, The Times ranked him one of the country's leading political thinkers and a writer whose work has 'world-wide importance'. The Australian Broadcasting Commission recently described him as "one of the great intellectual exports from Australia". His Life and Death of Democracy was short-listed for the 2010 Non-Fiction Prime Minister's Literary Award. Cf. http://johnkeane.net/

Martin Krygier

Martin Krygier is Gordon Samuels Professor of Law and Social Theory at the University of New South Wales, Adjunct Professor at the Regulatory Institutions Network (RegNet), Australian National University, and recurrent Visiting Professor at the Centre for Social Studies, Academy of Sciences, Warsaw. He is a fellow of the Australian Academy of Social Sciences. In 2005, he published Civil Passions (Black Inc.), a selection of his essays on matters of public debate. He delivered the 1997 Boyer radio lectures, Between Fear and Hope. Hybrid Thoughts on Public Values. He has written, edited and co-edited a number of works, including Spreading Democracy and the Rule of Law? (Springer, 2006); Rethinking the Rule of Law after Communism (Central European University Press, 2005); Community and Legality: the Intellectual Legacy of Philip Selznick (Rowman and Littlefield, 2002), The Rule of Law after Communism (Ashgate, 1999), Marxism and Communism. Posthumous Reflections on Politics, Society, and Law (Rodopi, 1994), Bureaucracy: The Career of a Concept (Edward Arnold, 1979), and he publishes extensively in academic journals and books, and in journals of ideas and public debate. His latest book, Philip Selznick. Ideals in the World, is forthcoming with Stanford University Press.

Speaker — Tim Lindsey

Tim Lindsey is ARC Federation Fellow, Professor of Law, Director of the Asian Law Centre and Director of the Centre for Islamic Law and Society at the University of Melbourne Law School. His publications are numerous and include Indonesia Law and Society, Corruption in Asia (with Howard Dick); Chinese Indonesians (with Helen Pausacker). A three-volume series, Islam Law and the State in Southeast Asia will be published in 2011, and he is currently completing a book on Indonesian constitutional law. Tim is a founding editor of The Australian Journal of Asian Law, and Chair of the Australian government's Australia Indonesia Institute. He is practising barrister and has also worked as an advisor on a wide range development assistance projects in Indonesia relating to both law reform and Islamic issues.

Speaker — Paolo Mancini

Paolo Mancini is a Professor at the Department of Institutions and Society at the University of Perugia. His research interests focus on the relationship between mass communication systems and the political system, and on the study of electoral campaigns, where he has considerable comparative research experience. His principal publications include Politics, Media and Modern Democracy (with David L. Swanson) (Praeger, 1996) and Comparing Media Systems (with Daniel C. Hallin) (Cambridge University Press, 2004). In 2005 Comparing Media Systems won the Goldsmith Award from Harvard and the Diamond Anniversary Book Award from the National Communication Association, and in 2006 it won the Outstanding Book Award from the NCA. His articles have appeared in Theory and Society, European Journal of Communication, Communication, Journal of Communication and in various other collections in Italian, Spanish and English.

Speaker — Robert Manne

Robert Manne is Professor of Politics at La Trobe University and Convenor of its Ideas & Society Program. Over three decades, he has contributed to debate through numerous books, essays and newspaper articles on culture, politics and international relations. For many years he wrote a fortnightly column on public affairs for the Sydney Morning Herald and The Age and appeared regularly on ABC radio. Manne has written or edited twenty books including The Petrov Affair: Politics and Espionage (1987), which won the Washington Intelligence Study Center Prize; The Culture of Forgetting: Helen Demidenko and the Holocaust (1996), which was short listed for the Victorian Premier's Prize for non-fiction; In Denial: The Stolen Generations and the Right (2001), which won the Queensland Premier's Prize for contribution to public debate; Left, Right, Left: Political Essays: 1977-2005 (2005); and Making Trouble: Essays Against the New Australian Complacency (2011). Between 1990 and 1997 Manne was the editor of Quadrant. He was elected a Fellow of the Australian Academy of Social Sciences in 1999 and in 1998/9 served on the Australian Citizenship Council. For several years, until 2006, he was Chair of the Management Committee of Australian Book Review and a Board Member of Brisbane Institute. He is presently Chair of the Editorial Committee of The Monthly.

Speaker — Radosław Markowski

Radosław Markowski is Head of the Comparative Politics Department at the Institute of Political Studies, Polish Academy of Sciences; Chair of the Center for the Study of Democracy at the Warsaw School of Social Sciences; and Humanities and MDCEE Visiting Research Fellow, January-February 2011. A political scientist who specializes in comparative politics and electoral studies, Professor Markowski has been Director of the Polish National Election Study since 1995 and a member of the Planning Committee of the Comparative Study of Electoral Systems since 1997. Professor Markowski is the author or editor of six books and numerous articles, including Post-Communist Party Systems: Competition, Representation and Inter-party Cooperation (Cambridge University Press, 1999), and is on the editorial boards of the European Journal of Political Research, European Union Politics, Perspectives on European Politics and Society and the Journal of Political Science Education.

Speaker — Ian Marsh

Ian Marsh is a professor at the Australian Innovation Research Centre, University of Tasmania where he specialises on issues of governance and systemic change. Past appointments include professor at the Graduate School of Government, University of Sydney and senior fellow in the Research School of Social Sciences at ANU. His current major research concerns the governance of remote Australia particularly the feasibility of place-based approaches. In addition, a study of the case for and potential form of regime change in several mature democracies is currently in press (Democratic Decline, Democratic renewal: Britain, Australia, new Zealand, Cambridge University press, forthcoming). Past publications include Into the Future: The Neglect of the Long term in Australian Politics, Black Inc (with David Yencken) and a number of studies of democratisation in East and Southeast Asia and of globalisation (all with Jean Blondel and Takashi Inoguchi). He was educated at the University of Newcastle and Harvard (PhD, 1985) and has since held visiting appointments at the University of Tokyo, the European University Institute and the University of Copenhagen.

Speaker — Jacques Rupnik

Jacques Rupnik is Director of Research at CERI (Centre for International Studies and Research) at Sciences-Po, Paris, and Professor at the College of Europe in Bruges, Belgium. Jacques Rupnik has been visiting Professor at Harvard University. After studying History at the Sorbonne and Politics at Sciences-Po in 1972, Jacques Rupnik completed his M.A in Soviet Studies from Harvard University in 1974, and his Ph. D (History of International Relations) from the Sorbonne (University Paris I, 1978). Jacques Rupnik was Executive Director of the International Commission on the Balkans and drafter of its report Unfinished Peace, Carnegie Endowment for International Peace, 1996. His recent work has focused on democratisation and European integration of East-Central Europe + nationalism and post-conflict reconciliation in the Balkans. His publications include: 1989: Europe and the World transformed (with Ch.Lequesne) (London, Routledge, 2011); Les banlieues de l'Europe. Les politiques de voisinage de l'Union européenne (Paris, Presses de Sciences Po, 2007); co-authored The Kosovo Report. Conflict, International Response, Lessons Learned, Report of the Independent International Commission on Kosovo (Oxford, Oxford University Press, 2000).

Speaker — Wojciech Sadurski

Wojciech Sadurski is Challis Professor of Jurisprudence at the University of Sydney, and also Professor of Akademia Leona Kozminskiego in Warsaw and of the University of Warsaw. His past appointments include Visiting Professor at Cornell University Law School, Visiting Professor at Cardozo Law School in New York, Visiting Professor at the University of Trento, and also Professor of Legal Theory at the European University Institute in Florence (1999-2009). His main interests concern intersections between legal and political philosophy as well as constitutional theory and comparative constitutional law. His most recent book is Equality and Legitimacy (Oxford University Press 2008); currently he is completing a book for OUP on the relationship between the enlargement and constitutionalization of the European Union and of the Council of Europe system. Among his many other publications is Freedom of Speech and its Limits (Kluwer 1999).

Speaker — Robin Speed

Robin Speed is the co-founder of Speed and Stracey and senior consultant to the firm having been co-founder of the firm in 1976. He has over 40 years of continuous experience in practising law in Sydney. In 2008 Robin established the Rule of Law Institute of Australia to promote the rule of law in Australia. He is the secretary of the Lowy Institute for International Policy. Robin's specific experience and expertise is advising and acting on taxation matters including company acquisitions, reorganisations, tax audits, rulings, associated litigation and representations to Government on changes to the law. Robin is a graduate of the University of Sydney and holds a Bachelor of Laws (1964) and a Master of Laws (First Class Honours) (1967).

Speaker   **Bivitri Susanti**

Bivitri Susanti is a researcher at the Indonesian Centre for Law & Policy Studies (PSHK), an independent research institution she co-founded in 1998. She was PSHK's Executive Director (2003-2007) and an adviser on legal reform related issues for the Indonesian Attorney General's Office (2005-2007), the People's Consultative Assembly (2007) and the Regional Representative Council (2007-2009). Bivitri is an op-ed writer in a number of Indonesian media and a consultant on legal reform projects in Indonesia. She is a PhD Candidate at the University of Washington School of Law, Seattle since 2008. Her publications include The Implementation of the Right to Health Care and Education: Indonesian Case (in Varun Gauri and Daniel Brinks, Eds. Courting Social Justice, Cambridge University Press, 2008) and Rule of Law for Human Rights in Indonesia: A Baseline Study by Human Rights Resources Center for ASEAN (2011).

Speaker   **Veronica L. Taylor**

Veronica L. Taylor is the Director of the School of Regulation, Justice and Diplomacy at Australian National University (ANU) and Professor in the Regulatory Institutions Network (RegNet) at ANU. She is also an Affiliate Professor of Law and Senior Advisor to the Asian Law Center at the University of Washington, where she was the Center Director 2001-2010. Her work focuses on socio-legal approaches to commercial law in Asia, applied regulatory theory, and rule of law promotion. She has 20 years' experience designing rule of law interventions in Asia and has directed multiyear legal reform projects in Afghanistan, rural China and Indonesia. Her most recent publications include a book, edited with Per Bergling and Jenny Ederlöf, Rule of Law Promotion: Global Perspectives, Local Applications (Iustus Förlag, 2009) and 'Rule of Law Assistance Discourse and Practice: Japanese Inflections' in Amanda Perry-Kessaris (ed) Law in the Pursuit of Development: Principles into Practice (Routledge, 2010). In 2010 she was the inaugural Hague Visiting Professor in Rule of Law at the Hague and the Van Vollenhoven Institute, University of Leiden: Veronica.Taylor@anu.edu.au

Speaker   **Jacek Żakowski**

Jacek Żakowski is a columnist with Poland's weekly Polityka and Director of the Institute of Journalism at Collegium Civitas in Warsaw. He also hosts weekly programmes on the public television channel TVP Info and on the private radio station TOK FM. participated in the Polish Round Table Talks on the Solidarity side, where he was secretary of the sub-group for social organisations (1989). In 1997 he was named 'Journalist of the Year' by Poland's Grand Press, and in 2008 EU Monitor named him 'European of the Year'. After the democratic breakthrough in Poland, Żakowski became spokesman for the Citizens Parliamentary Committee and the first President of the Polish Information Agency. His publications include Rok 1989 - Bronisław Geremek opowiada, Jacek Żakowski pyta (1990) and Anty-TINA. Rozmowy o lepszym świecie, myśleniu i życiu (2005).

Speaker   **Jan Zielonka**

Jan Zielonka is Professor of European Politics at the University of Oxford and Ralf Dahrendorf Fellow at St Antony's College. He has published numerous works in the field of international relations, comparative politics and the history of political ideas. His current work analyses the relationship between the media and democracy in Europe and he coordinates a large project on this theme funded by the European Research Council. His books include Europe as Empire. The Nature of the Enlarged European Union, (Oxford University Press, 2006); Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union, (Routledge 2002); Democratic Consolidation in Eastern Europe, 2 vols. (Oxford University Press, 2001); Explaining Euro-Paralysis. Why Europe is Unable to Act in International Politics (Macmillan, 1998); and Political Ideas in Contemporary Poland (Avebury 1989).

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