



## Recipient(e)s 2007 Recipients John Peters Humphrey Fellowship Bourse de recherche John Peters Humphrey

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### **Olivier Barsalou**

Harvard Law School Graduate Program  
LL.M., Université du Québec à Montréal, 2007  
B.A., Université du Québec à Montréal, 2005

Le projet de recherche poursuivi a pour objectif de retracer la genèse, dans la perspective du gouvernement américain, du processus normatif et diplomatique ayant conduit à l'adoption des *Conventions de Genève* de 1949, pierres angulaires du droit international humanitaire, et d'analyser le rôle du droit international comme langage politique et diplomatique dans la société internationale de l'époque.

Ce projet reposera sur une approche méthodologique bidisciplinaire unique combinant la méthodologie historique et la recherche archivistique à l'analyse juridique afin d'identifier les sources matérielles au fondement de ce régime normatif. L'objectif de cette réflexion est de resituer ces textes dans leur contexte historique d'élaboration (monde de l'après-guerre, procès de Nuremberg et avènement de la Guerre froide) et d'identifier les forces au fondement de la conduite juridique de l'administration américaine lors des négociations entourant les *Conventions de Genève*.

Il est important de mentionner qu'aucune étude de ce type, tant juridique qu'historique, n'a été consacrée à cette question. L'intérêt pour un tel projet en histoire du droit international se traduit aujourd'hui par les débats qui animent nos sociétés sur les questions de la guerre et de sa réglementation et plus spécifiquement, sur l'engagement américain face au droit international dans sa guerre contre le terrorisme.

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### **Leena Grover**

Ph.D., Law, University of Cologne, ongoing  
LL.B., University of Toronto, 2003  
B.A., International Relations/Political Science, University of Western Ontario, 2000

When the Rome Statute of the International Criminal Court received its 60<sup>th</sup> ratification in 2002, the world's first permanent International Criminal Court was formed. Despite delegates' efforts to clearly define the crimes of genocide, crimes against humanity and war crimes in Articles 6, 7 and 8 of the Rome Statute, these provisions contain ambiguities. How the Court's judges resolve these ambiguities will determine which crimes fall within the Court's jurisdiction (e.g. terrorism). The Court's critics (e.g. United States) argue that its judges possess unacceptable powers of interpretation that are essentially political in nature. Using the legal imperatives in the Rome Statute, I propose to work towards resolving this problem by developing a principled methodology for interpreting Articles 6, 7, and 8. A methodology for statutory interpretation must: (1) identify a primary criterion for achieving statutory faithfulness; (2) identify which types of arguments implement this criterion; and (3) identify principles that determine which arguments win out over others. Currently, there is no methodology for statutory interpretation of international criminal law. Such a methodology can help to strengthen the legitimacy of the Court's judgments. Legitimacy is vital, as the Court cannot end impunity for the commission of atrocities without widespread State cooperation.

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**Jennifer Langlais**

S.J.D., Harvard University, 2010

LL.M., Harvard University, 2004

Magister Juris, Oxford University, 2001

LL.B., Université Laval, 1999

Around the globe, ethnic, linguistic and religious minorities are using the language of human rights to press for cultural recognition. These claims to culture not only carry weight in the context of adjudication, but they are further used to ground entitlements to power-sharing arrangements. In parallel, states are under increasing pressure from international and regional organizations (including the EU, OSCE and NATO) to accommodate the "others" in their midst, be they national minorities, indigenous groups or migrants. In my dissertation, I wish to examine how the claims to cultural recognition and the well-intended practice of multiculturalism have created in many societies isolated bastions of cultures which are often dominated by ethnic or religious elites prone to impose restrictions on the cultural freedom of their members (particularly women and children) in the name of cultural survival. In an attempt to address this "paradox of minority rights" and sustain the otherwise legitimate claims of minority groups, the purpose of my research will be to investigate models of joint governance that support minority cultures while attending to the needs of the most vulnerable members within them. Centering my analysis on schools, I will demonstrate that such creative institutional arrangements can further help revive a sense of shared national unity that is said to be eroded by policies of accommodation. While the wisdom of codifying/exporting these arrangements may be questionable, I will show that they can nevertheless serve to illuminate some of the pitfalls in current international approaches to minority protection and constitutional making in transitional societies.<sup>1</sup>

(1) This dissertation proposal is based on some of the themes explored in my LL.M. paper which I submitted with this application. During their first year in residence, S.J.D., students read in three or four fields of study under the guidance of a faculty orals committee. My fields of study and supervisors are: *Legal Treatment of Culture* with Professor Martha Minow (overall supervisor); *Minorities in International Law* with Professor Henry Steiner; *Comparative Constitutional Law* with Professor Mark Tushnet and *Contemporary Political Philosophy* with Professor Amartya Sen.

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**Gerardo Munarriz**

Ph.D., Law, University of British Columbia, in progress

LL.M., Osgoode Law School, 2004

B.A., Law and Political Science, York University, 1999

LL.B., San Marcos University, 1988

Teacher Certificate, San Marcos University, 1983

I decided to pursue my doctoral studies at the University of British Columbia's Faculty of Law because of its expertise and commitment to indigenous peoples' legal studies, environmental law, and international human rights law. My proposed research deals with two problems. First, I examine the need to confront the lack of legal accountability (and impunity) of transnational mining/oil corporations, the degree of responsibility of multilateral financial institutions and both host and home states for violations of the fundamental human rights of Andean indigenous communities in Latin America. Second, I explore how and to what extent the empowerment (political and economic) of indigenous communities, the extent of their direct participation in decisions regarding mining/petroleum investment, and their ability to access justice can halt and prevent such human rights abuses. The major part of the work will be dedicated to the analysis of cases from Peru, Ecuador, and Bolivia. These studies, in addition to dealing with the issues identified above, will address the weaknesses and strengths of domestic (the host states), international (the United Nations and the Inter-American), and transnational (the home states of the corporations) jurisdictions for bringing justice and remedies to victims.

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**Honourable Mention****Anne-Marie Burns**

London School of Economic and Political Science

Maîtrise, Université Laval, 2007

Diplôme de formation professionnelle, Droit, Ecole du Barreau, 2000

B.A., Droit, Université Laval, 1999

**Sébastien Jodoin-Pilon**

Centre of International Studies, University of Cambridge

LL.M., London School of Economics, International Law, 2006

B.C.L., McGill University, 2005

LL.B. McGill University, 2005

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