



Canadian Council on International Law
Conseil canadien de droit international

38th Annual Conference

THINGS FALL APART; CAN THE CENTRE HOLD? *Multilateral Readiness to Address Challenges Ahead*

October 14-16, 2009



NATIONAL ARTS CENTRE
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OTTAWA



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275 Bay Street, Ottawa, Ontario Canada K1R 5Z5

President's Welcome

We welcome you to the CCIL's 2009 Annual Conference!

This year the Conference theme is "Things Fall Apart; Can the Centre Hold? Multilateral Readiness to Address Challenges Ahead". We intend to tackle this intriguing question head on with an inclusive Conference Programme. This year's sessions contemplate a range of timely and topical subjects that go to the heart of the role of multilateralism in today's global community. We are fortunate to have with us a number of leading international experts in their fields. Over the course of three days, we have the rare opportunity to dive into matters that are on the top of the agendas of governments, international organizations and civil society organizations around the world. From discussions on the role of global law in peace, to food security, to enforcement of competition law, we intend to push the boundaries of our current understanding of these pressing issues. Importantly, this event offers the chance to connect face-to-face with colleagues, practitioners and scholars from far corners of the world who work on international legal issues of mutual concern. And many friends will have the opportunity to reconnect with one another! Without the tireless efforts of so many, this Conference would not have come together so smoothly. In particular I want to express our gratitude to the Conference Co-Chairs Chris Cochlin and Denyse Mackenzie for organizing the event, the host of presenters who have taken the time to join us, the sponsors listed at the end of this Programme for their generous support, and of course the participants for making this event the premier annual international law conference in Canada.

Enjoy the Conference!

Mark Jewett
President
Canadian Council on International Law

Chairs' Welcome

Predictions last year about financial market turmoil and global economic fallout have given way to concerted recovery plans and G-20 labours to come to grips with a stubborn financial crisis afflicting the global economy. But it is clear that it is not just "the economy stupid". A turbulence of issues accompanies the rapid pace of change that seems to define the 21st Century - issues that test our international precepts. We are called upon to address the rule of law to a growing litany of challenges and opportunities affecting global prosperity and security including: terrorism, piracy, international crime, the use of force, trade and investment, competition, climate change, environmental sustainability of the oceans and high seas, human rights, food safety and security. As we face new and seemingly more intractable issues that challenge global peace and sustainable development, it is fitting to ask whether we have both the laws and essential institutional means to foster peace and prosperity and to address discord that afflicts the international landscape.

The 38th CCIL Conference will address some of the challenges facing the global community and will assess the capacity of the legal and institutional tools that we have forged to address them now and in the future. The Conference is fortunate to have so many notable experts participating in the panels. Our keynote speakers include the Hon. Madame Justice Rosalie Abella, General (Ret.) John de Chastelain, Professor Alain Pellet, and Professor Dinah Shelton. Panel and discussion topics range from economic themes of trade, investment, competition law and capital market regulation, to international criminal law, food safety and security and the oceans - including high seas piracy.

We hope that you find the Conference content provocative and informative. We have enjoyed organizing this year's Conference not least due to the contributions and assistance received from the dedicated people who have volunteered their efforts to help bring this Conference together. Particular thanks are due to CCIL's Office Manager, Elizabeth Macaulay, and to Kevin Gray, CCIL Vice-President of the Conference, and to CCIL President Mark Jewett. The Conference would not be possible without the efforts of our panel moderators and experts who contribute their time and notable intellectual vigour to the program. We also thank and acknowledge the generous support of the sponsors whose financial contributions sustain the Conference.

We welcome your attendance, hope you enjoy the program and urge your active participation in this year's Conference discussions.

Denyse Mackenzie
2009 Co-Chair

Christopher Cochlin
2009 Co-Chair

Wednesday, October 14, 2009 Foreign Affairs and International Trade Canada 125 Sussex Drive	
Parking	Public parking is available at 111 Sussex Drive. Convenient taxi or bus transportation is also available.
14:30-19:30	REGISTRATION AND RECEPTION <i>Skelton Lobby</i>
15:00-17:00 15:45-16:45	STUDENT JOB FAIR <i>Skelton Lobby</i> STUDENT FORUM <i>Cadieux Auditorium</i> The forum will examine opportunities to intern and work in international law. Topics to be covered will include suggested course curriculum for students interested in this area, experience and internship possibilities, positions with international organizations, and job tips. Representatives will be on hand after the presentations to speak to students directly.
Moderators:	Marcus Davies , Counsel, Foreign Affairs and International Trade Canada (DFAIT) John McManus , Counsel, Justice Canada
16:45-17:45	OPEN FORUM WITH DFAIT
16:45-17:45	BOARD OF DIRECTORS MEETING <i>DFAIT, Tower C, 7th Floor, Room C7-500</i>
18:00-19:00 Introduction: Speaker:	KEYNOTE ADDRESS - "INTERNATIONAL LAW: THE POWER AND THE SORROW" <i>Cadieux Auditorium</i> Alan Kessel , Legal Adviser, DFAIT Hon. Madam Justice Rosalie Abella
19:00	RECEPTION <i>Skelton Lobby</i> Hosted by The Legal Adviser, DFAIT
21:00	UNIVERSITY OF OTTAWA INTERNATIONAL LAW STUDENTS ASSOCIATION (ILSA) CHAPTER STUDENT SOCIAL <i>(External event: Tickets on sale at Student Job Fair)</i>

Biographies of Speakers available on the CCIL website: www.ccil-ccdi.ca

Thursday, October 15, 2009 National Arts Centre 53 Elgin Street	
Parking	Underground parking available at the National Arts Centre. Entrances on Elgin Street (at Slater Street) and on Albert Street.
07:00-17:30	REGISTRATION AND RECEPTION <i>Mezzanine (2nd Floor)</i>
07:45-08:50	HUMAN RIGHTS INTEREST GROUP (BREAKFAST MEETING) - “CANADA, HUMAN RIGHTS AND STATE SECURITY: COMMENTS ON ABDELRAZIK, HARKAT AND OTHER CASES” <i>Fountain Room (2nd Floor) (Separate registration: \$20)</i>
Chairs:	Maurice Copithorne , Professor, Faculty of Law, University of British Columbia Valerie Oosterveld , Assistant Professor, Faculty of Law, University of Western Ontario
Speaker:	Yavar Hameed , Counsel to Abousfian Abdelrazik, Hameed Farrokhzad Elgazzar Brousseau
Rapporteurs:	Aleksandra Pisarek , University of Ottawa Nevena Urosevic , University of Ottawa
07:45-08:50	INTERNATIONAL ENVIRONMENTAL LAW INTEREST GROUP (BREAKFAST MEETING) - “ACCESS TO AND BENEFIT-SHARING OF GENETIC RESOURCES UNDER THE CONVENTION ON BIOLOGICAL DIVERSITY” <i>Le Salon (Main Floor) (Separate registration: \$20)</i>
Chairs:	Neil Craik , Associate Professor, Centre for Environment and Business, University of Waterloo Anne Daniel , General Counsel, Justice Canada
Speaker:	Timothy J. Hodges , Co-Chair, Working Group on Access and Benefit-sharing, UN Convention on Biological Diversity
Rapporteurs:	Susanna Kam , University of Ottawa Anna Lillicrap , University of Ottawa
09:00-09:15	OPENING PLENARY/PRESIDENT'S WELCOME <i>Panorama Room (2nd Floor)</i>
Speaker:	Mark Jewett, Q.C. , President CCIL

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09:15-10:00	KEYNOTE ADDRESS – “WORLD PEACE WITHOUT WORLD LAW? HAS CONFIDENCE IN INTERNATIONAL LAW DISAPPEARED?” <i>Panorama Room (2nd Floor)</i> <i>Sponsored by l’Institut québécois des hautes études internationales and Faculty of Law, Laval University</i>
Introduction:	Don McRae , Professor, Faculty of Law, University of Ottawa
Speaker:	Alain Pellet , Professor of Public International Law, University of Paris X – Nanterre, UN International Law Commission Rapporteur
10:00-10:20	PRESENTATION OF JOHN E. READ MEDAL 2009 RECIPIENT: LOUISE ARBOUR <i>Panorama Room (2nd Floor)</i>
Presenter:	Mark Jewett, Q.C. , President CCIL
10:20-10:30	REFRESHMENT BREAK/EXHIBITORS <i>Mezzanine (2nd Floor)</i>
10:30-12:00	A PANELS
PANEL A-1	INTERNATIONAL CRIMINAL ACTIVITY: POLICING THE LAW BREAKERS AND HUMAN RIGHTS <i>Panorama Room (2nd Floor)</i> <i>Sponsored by the Windsor Yearbook of Access to Justice</i>
Chair:	Glen Linder , Director, International Affairs Division, Public Safety Canada
Panelists:	Payam Akhavan , Professor, Faculty of Law, McGill University Graham Burnside , Director, RCMP Federal Enforcement Branch, HQ Ottawa Matt Eisenbrandt , Legal Counsel, Canadian Centre for International Justice
Rapporteurs:	Meredith MacDonald , University of Ottawa Debra Ramsay , University of Ottawa

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<p>PANEL A-2</p> <p>Chair:</p> <p>Panelists:</p> <p>Rapporteurs:</p>	<p>REGULATING THE GLOBAL FINANCIAL MARKET FOR GLOBAL ECONOMIC HEALTH <i>Fountain Room (2nd Floor)</i> <i>Sponsored by Gowling Lafleur Henderson LLP</i> Mark Jewett, Q.C., Partner, Gowlings LLP, President CCIL Jim Haley, General Director, International Trade and Finance Branch, Finance Canada Ross Leckow, Deputy General Counsel, International Monetary Fund (IMF) Annie-Christine Handfield, University of Ottawa Joel Tietolman, University of Ottawa</p>
<p>PANEL A-3</p> <p>Chair:</p> <p>Panelists:</p> <p>Rapporteurs:</p>	<p>FOOD SECURITY AND SAFETY: ACCESS, ATTRIBUTES AND INTERNATIONAL LEGAL INSTITUTIONS <i>Le Salon (Main Floor)</i> Don Buckingham, Chair, Canada Agricultural Review Tribunal Marc J. Cohen, Ph.D., Senior Researcher, Oxfam America Geneviève Parent, Professor, Faculty of Law, Laval University Barbara von Tigerstrom, Associate Professor, College of Law & School of Public Health, University of Saskatchewan Victoria Boddy, University of Ottawa Michael Dielmenan, University of Ottawa</p>
<p>12:15-14:00</p> <p>Speaker:</p>	<p>LUNCHEON - “INTERNATIONAL HUMAN RIGHTS LAW: PRESENT CHALLENGES AND OPPORTUNITIES” <i>Mezzanine (2nd Floor) (Extra tickets available: \$30)</i> <i>Sponsored by the Hunter Litigation Chambers</i> Dinah Shelton, Manatt/Ahn Professor of International Law, The George Washington University Law School</p>

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14:30-16:00	B PANELS
<p>PANEL B-1</p> <p>Chair:</p> <p>Panelists:</p> <p>Rapporteurs:</p>	<p>CAN A GLOBAL SYSTEM OF INVESTMENT PROTECTION EMERGE FROM OVER TWO THOUSAND BITS AND FTAS? <i>Panorama Room (2nd Floor)</i></p> <p>J.C. Thomas, Q.C., Independent Arbitrator and Consultant, J.C. Thomas Law Corporation</p> <p>Don McRae, Professor, Faculty of Law, University of Ottawa</p> <p>Andrew Newcombe, Assistant Professor, Faculty of Law, University of Victoria</p> <p>Katia Yannaca-Small, Senior Counsel, International Centre for Settlement of Investment Disputes (ICSID)</p> <p>John Annen, University of Ottawa</p> <p>Olga Yushko, University of Ottawa</p>
<p>PANEL B-2</p> <p>Chair:</p> <p>Panelists:</p> <p>Rapporteur:</p>	<p>COMPETITION LAW AND ENFORCEMENT: IS THERE A BETTER GLOBAL MOUSETRAP FOR EFFECTIVE ENFORCEMENT? <i>Fountain Room (2nd Floor)</i> <i>Sponsored by Bennett Jones LLP</i></p> <p>Sheridan Scott, Partner, Bennett Jones LLP</p> <p>Neil Campbell, Partner, McMillan LLP</p> <p>Duane Schippers, Deputy Commissioner, Legislative and International Affairs, Canadian Competition Bureau</p> <p>Randy Tritell, Director, Office of International Affairs, Federal Trade Commission, Washington, DC</p> <p>Gabrielle White, University of Ottawa</p>
<p>PANEL B-3</p> <p>Chair:</p> <p>Panelists:</p> <p>Rapporteurs:</p>	<p>LE DÉVELOPPEMENT DE LA JUSTICE PÉNALE INTERNATIONALE : OBSTACLE OU RENFORT AU CADRE MULTILATÉRAL DE SÉCURITÉ COLLECTIVE? <i>Panel organized by la Société québécoise de droit international</i> <i>Le Salon (Main Floor)</i></p> <p>Geneviève Dufour, Assistant Professor, Faculty of Law, University of Sherbrooke</p> <p>Stéphane Bourgon, Lawyer, The Hague, Netherlands</p> <p>Fannie Lafontaine, Professor, Faculty of Law, Laval University</p> <p>Alain-Guy Tachou Sipowo, Ph.D. Student, Laval University, Recipient of John Humphrey Scholarship</p> <p>Syrinne Benmouffok, University of Ottawa</p> <p>Maxine Vincelette, University of Ottawa</p>

Biographies of Speakers available on the CCIL website: www.ccil-ccdi.ca

16:00-16:15	REFRESHMENT BREAK/EXHIBITORS <i>Mezzanine (2nd Floor)</i>
16:15-17:45 Chair: Panelists:	LEGAL ADVISER’S PANEL: “GOVERNANCE ISSUES & NEW REALITIES IN INTERNATIONAL RELATIONS” <i>Fountain Room (2nd Floor)</i> Alan Kessel , Legal Adviser, DFAIT Joel Hernandez , Legal Adviser, Ministry of Foreign Affairs, Mexico Harold Koh , Legal Adviser, United States Department of State Daniel Taub , Principal Deputy Legal Adviser, Ministry of Foreign Affairs, Israel Georg Witschel , former Legal Adviser to the German Foreign Ministry, German Ambassador to Canada
17:45-19:00 Presenter:	RONALD ST. JOHN MACDONALD YOUNG SCHOLARS AWARD <i>Fountain Room (2nd Floor)</i> Kevin Gray , Counsel, DFAIT
19:30 Introduction: Speaker:	BANQUET - “THE NORTHERN IRELAND PEACE PROCESS -- FIFTEEN YEARS AND COUNTING” <i>Panorama Room (2nd Floor) (Tickets available: \$80.00)</i> Denyse Mackenzie , CCIL Conference Co-Chair General (Ret.) John de Chastelain , Chairman of the Independent International Commission on Decommissioning (Northern Ireland)

Biographies of Speakers available on the CCIL website: www.ccil-ccdi.ca

Friday, October 16, 2009 National Arts Centre 53 Elgin Street	
07:15-11:30	REGISTRATION AND RECEPTION <i>Mezzanine (2nd Floor)</i>
07:30-08:45	WOMEN AND INTERNATIONAL LAW INTEREST GROUP BREAKFAST – “GENDER STEREOTYPING: TRANSNATIONAL LEGAL PERSPECTIVES” <i>Fountain Room (2nd Floor) (Separate registration: \$20)</i> Chair: Valerie Oosterveld , Assistant Professor, Faculty of Law, University of Western Ontario Speaker: Rebecca Cook , Professor, Faculty of Law, University of Toronto Rapporteurs: Ayse Gauthier , University of Ottawa Stefanie Ligori , University of Ottawa
09:00-10:30	C PANELS
PANEL C-1	FREEDOM OF THE OCEANS: CHALLENGES TO A CENTURIES OLD IDEAL (PIRACY; TERRORISM; ENVIRONMENTAL SUSTAINABILITY) <i>Panorama Room (2nd Floor)</i> Chair: Ted McDorman , Professor, Faculty of Law, University of Victoria Panelists: James Kraska , U.S. Navy Cmdr. and Professor, Naval War College, Newport, Rhode Island Bernard Oxman , Richard A. Hausler Professor of Law, University of Miami Don Rothwell , Professor of International Law, ANU College of Law, and A/Director, Centre for International and Public Law, Australian National University Rapporteurs: Vanessa Reshitnyk , University of Ottawa Persia Sayyari , University of Ottawa

Biographies of Speakers available on the CCIL website: www.ccil-ccdi.ca

<p>PANEL C-2</p> <p>Chair:</p> <p>Panelists:</p> <p>Rapporteurs:</p>	<p>WHAT TRADE RULES DO WE NEED FOR TOMORROW? <i>Fountain Room (2nd Floor)</i> <i>Sponsored by Fraser Milner Casgrain LLP</i> John Weekes, International Trade Policy Advisor Daniel C. Crosby, Partner, Budin & Partners (Geneva) Scott Miller, Director, Global Trade Policy, Procter & Gamble (Washington) Andrew D. Mitchell, Visiting Associate Professor of Law, Georgetown University Law Centre Pantea Jafari, University of Ottawa Samantha Montreuil, University of Ottawa</p>
<p>10:30-10:45</p>	<p>REFRESHMENT BREAK/EXHIBITORS <i>Mezzanine (2nd Floor)</i></p>
<p>10:45-12:00</p> <p>Chair:</p> <p>Panelists:</p> <p>Rapporteurs:</p>	<p>CLOSING PLENARY ROUNDTABLE – “THE GLOBAL CRISIS: OPPORTUNITY TO REDESIGN THE INTERNATIONAL ARCHITECTURE?” <i>Panorama Room (2nd Floor)</i> Debra Steger, Professor, Faculty of Law, University of Ottawa Tom Bernes, former Executive Director, Independent Evaluation Office, International Monetary Fund (IMF) Harold Koh, Legal Adviser, United States Department of State Ramesh Thakur, Director, Balsillie School of International Affairs Ian Argue, University of Ottawa Visnja Jovanovic, University of Ottawa</p>
<p>12:30-15:30</p>	<p>CCIL ANNUAL GENERAL MEETING <i>Le Salon (Main Floor) (Includes Light Lunch)</i></p>

Biographies of Speakers available on the CCIL website: www.ccil-ccdi.ca

The CCIL gratefully acknowledges the following for their generous support of the 2009 Conference and Panels.

- *Bennett Jones LLP*
 - *Foreign Affairs and International Trade Canada*
 - *Fraser Milner Casgrain LLP*
 - *Gowling Lafleur Henderson LLP*
 - *Human Rights Interest Group, CCIL*
 - *Hunter Litigation Chambers, Canada*
 - *Institut québécois des hautes études internationales and the Faculty of Law, Laval University*
 - *Société québécoise de droit international, Canada*
 - *Windsor Yearbook of Access to Justice*
 - *Women and International Law Interest Group, CCIL*
-

The CCIL wishes to thank all individuals involved in the organization of the 2009 Conference for their efforts, in particular the Conference Co-Chairs:

- *Christopher Cochlin, Fraser Milner Casgrain, LLP*
- *Denyse Mackenzie*

<p style="text-align: center;">2010 Annual CCIL Conference</p>

<p style="text-align: center;">October 2010 Ottawa, Ontario, Canada</p>

<p style="text-align: center;">Panel topic suggestions can be sent to: Canadian Council on International Law Email: manager@ccil-ccdi.ca</p>



JOHN E. READ MEDAL

Awarded by the Canadian Council on International Law in recognition of an outstanding contribution to the cause of international law and international organizations.

John E. Read (1972)
Percy E. Corbett (1972)
John P. Humphrey (1973)
Norman A.M. MacKenzie (1975)
Maxwell Cohen (1979)
Marcel Cadieux (1981)
Charles Rousseau (1984)
Myres McDougal (1985)
Charles Bourne (1986)
Ronald St.J. Macdonald (1988)
Donat Pharand (1989)
Thomas Franck (1994)
Leonard H. J. Legault (1997)
Leslie Green (1997)
Jean-Gabriel Castel (1999)
Gerard V. La Forest (2001)
Donald M. McRae (2003)
Douglas Johnston (2006)
Maurice Copithorne (2007)
Edward G. Lee (2008)

2009 JOHN READ MEDAL RECIPIENT

LOUISE ARBOUR

Louise Arbour has served as President & CEO of the International Crisis Group since July 2009. Previously she acted as United Nations High Commissioner for Human Rights from 2004 to 2008.

Ms. Arbour, a Canadian national, began her academic career in 1974. In 1977, she was nominated Associate Professor and Associate Dean at Osgoode Hall Law School of York University in Toronto, Canada. In December of 1987, she was appointed to the Supreme Court of Ontario (High Court of Justice) and in 1990 to the Court of Appeal for Ontario. In 1995, Ms. Arbour was appointed Commissioner to conduct an inquiry into the Prison for Women in Kingston, Ontario.

In 1996, she was appointed by the Security Council of the United Nations as Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda. In 1999, she was appointed to the Supreme Court of Canada.

Ms. Arbour graduated from College Regina Assumpta, Montreal in 1967 and completed an LL.L (with distinction) from the Faculty of Law, University of Montreal in 1970. Following the Quebec Bar Admission Course, she was called to the Quebec Bar in 1971 and the Ontario Bar in 1977. Ms. Arbour has received honorary doctorates from some thirty Universities and numerous medals and awards and is a member of many distinguished professional societies and organizations. She is also an advisor to the Belinda Stronach Foundation.

In 2008, Ms. Arbour was made an Honorary Fellow of the Royal College of Physicians and Surgeons of Canada and Companion of the Order of Canada. In June 2009, she became Grande Officière de l'Ordre national du Québec.

Louise Arbour was born on 10 February 1947 in Montreal, Quebec and has three children. She is fluent in French and English.



CCIL Past Presidents

Ronald St. John Macdonald, 1972-1976

Donat Pharand, 1976-1978

Charles Bourne, 1978-1980

Gerald Morris, 1980-1982

Anne-Marie Jacomy-Millette, 1982-1984

John Claydon, 1984-1987

Armand de Mestral, 1987-1990

Donald M. McRae, 1990-1992

H. Scott Fairley, 1992-1994

Edward C. Lee, 1994-1996

John McManus, 1996-1998

Sharon Williams, 1998-1999

Kim Carter, 1999-2000

Stephen Toope, 2000-2002

John Currie, 2002-2004

Don Fleming, 2004-2006

Valerie Hughes, 2006-2008

Honorary Members

Past Honorary President

Ronald St. J. Macdonald

Honorary Life Members

Charles B. Bourne

Donat Pharand

William C. Graham

Edward G. Lee

Past Honorary Members

Richard Baxter

Maxwell Cohen

Gerald Fitzgerald

Wolfgang Friedman

John Humphrey

Ronald St. J. Macdonald

**John Peters Humphrey Fellowship in International Human Rights
Law or International Organization**



Honouring John Peters Humphrey, a renowned Canadian international lawyer who worked to promote wide ratification of the major global and region international human rights instruments.

Awarded to outstanding students to support them in the pursuit of full-time graduate studies in international human rights law or international organization at leading institutions in Canada or worldwide.

The Canadian Council on International Law is pleased to announce the winners of the 2009 John Peters Humphrey Fellowships.

JENNIFER BOND

To pursue a Masters in Law at Yale University,
United States

ABBY DESHMAN

Deferred to 2010-2011

COEL KIRKBY

To continue doctoral studies at the University of Cambridge, United
Kingdom

ALAIN-GUY TACHOU SIPOWO

To continue doctoral studies at Laval University, Canada

2010 John Peters Humphrey Fellowship

Eligibility criteria and application are available at www.ccil-ccdi.ca
Closing Date is: November 15, 2009