

CANADIAN COUNCIL ON
INTERNATIONAL LAW



CONSEIL CANADIEN DE DROIT
INTERNATIONAL

50TH ANNUAL CONFERENCE

Getting International Law Back on Track?

OCTOBER 20-22 2021 VIRTUAL

Photo: Ottawa Tourism

PROGRAM

All times Ottawa time. All sessions offered in English and French through simultaneous interpretation.

Keynote Speakers



Adelle Blackett
McGill Law



Anthea Roberts
Australian National University
Photo: Kym Smith



Marc-André Blanchard
Former Canadian Ambassador to the
United Nations



EDI Accreditation - Law Society of Ontario

Continuing Professional Development Credits

As per the Law Society of Ontario, only Professionalism Hours must be accredited by the Law Society. Lawyers and paralegals must determine for themselves whether an activity is an eligible educational activity for CPD and qualifies for Substantive Hours. Information on continuing professional development [Requirements](#).

This program contains 3 hours of EDI Professionalism Content:

- Materiality of global peace and security - renovating institutions of global governance (1 hour)
- TWAIL Critiques of Selected Developments in International Law (1 hour)
- Diversity in International Law (1 hour)

WEDNESDAY, OCTOBER 20

Virtual Conference – Day 1

10:00 – 10:05 AM

Welcome and Opening Remarks

Céline Lévesque

President of the Canadian Council on International Law

Full Professor, University of Ottawa Faculty of Law (Civil Law Section)

10:05 – 11:05 AM

KEYNOTE ADDRESS

“Reckoning with the Past in the International Law on Contemporary Slavery”

Adelle Blackett

Professor of Law & Canada Research Chair in Transnational Labour Law and Development

Director, Labour Law & Development Research Laboratory

McGill University Faculty of Law

Introduced by CCIL President **Céline Lévesque**

11:10 AM – 12:10 PM

“Ecocide as an International Crime? Forging New Roads of Accountability for Mass Destruction of Ecosystems”, presented by the Canadian Partnership for International Justice

In the wake of rapidly increasing environmental devastation, from climate change to biodiversity loss to large-scale deforestation, practitioners and advocates have increasingly sought to use international criminal law to hold the perpetrators of this destruction accountable and stem future harms. Support for recognition of an international crime of “Ecocide” – or mass damage and destruction of ecosystems – has been steadily gaining traction at a global level. By June 2021, an expert panel of international lawyers will have developed a definition of ecocide as a crime that could be enshrined in the Rome Statute of the International Criminal Court, alongside genocide, crimes against humanity, war crimes and the crime of aggression. This panel will examine the opportunities and challenges presented by this new push to use international criminal law in the context of serious environmental degradation. Its aim is to create an initial space for exchange, between academics and practitioners from different international legal disciplines in Canada (environmental, criminal, Indigenous) on the potential contribution of an international crime of ecocide to long-term ecosystem protection efforts.

Moderator: Érick Sullivan, Coordinator, Canadian Partnership for International Justice

Speakers:

Géraud De Lassus Saint-Geniès, Adjunct Professor, Université Laval Faculty of Law

Fannie Lafontaine, Professor, Université Laval Faculty of Law

Kate Mackintosh, Executive Director, Promise Institute for Human Rights (UCLA School of Law)

Lisa Oldring, Advisor, Stop Ecocide Canada

12:15 – 1:15 PM

“Careers in International Law”

This panel will provide an opportunity for senior members of the international law community to share their experience and advice on building a career in international law.

Speakers:

Catherine Gribbin, Senior Legal Advisor, Canadian Red Cross

Pierre-Olivier Savoie, Partner, Savoie Laporte

Matthew Kronby, Partner, Borden Ladner Gervais LLP

Joanna Harrington, Professor and Eldon Foote Chair in Law, University of Alberta

Katrina Gustafson, Senior Litigation Counsel, Ontario Securities Commission Enforcement Branch, and former Senior Appeals Counsel, Office of the Prosecutor of the Mechanism for International Criminal Tribunals

1:30 – 2:30 PM

“Developments in International Law-Making”

Even as some high-profile multilateral lawmaking processes have stalled or been moving at a glacial pace, negotiations have proceeded apace in bilateral and regional settings, sometimes employing more flexible instruments than formal treaties. The speakers on this panel will examine developments in lawmaking technique, such as the use of “boilerplate” language in international agreements, the shift in formats, such as the increasing use of memoranda of understanding in Canada or of executive trade agreements in the United States, and the impact of international lawmaking on the jurisprudence of international tribunals in the field of international investment law. What is at stake in these developments is nothing less than the ability of the international community to govern itself in a manner that is responsive both to the challenges of the 2020s and to the demands of a global public that has grown more skeptical of international law in the past decades.

Moderator: **Valerie Hughes**, Senior Counsel, Bennett Jones LLP

Speakers:

Michael Waibel, Professor, University of Vienna Department of European, International and Comparative Law

Kathleen Claussen, Associate Professor, University of Miami School of Law

Wolfgang Alschner, Associate Professor, University of Ottawa Faculty of Law (Common Law Section)

Anne Frenette, Deputy Director, Treaty Law Division, Global Affairs Canada

2:35 – 3:35 PM – [Choice of two sessions](#)

Session 1: “Space exploration in the common interest of mankind: who, when and how?”

For the first time in human history, we are seeing signs of a commercial space age. A private company – not a government – has now sent humans into space. The national space agencies of a select few countries, including Canada, have expressed political commitment to usher a new era of civil exploration. The world’s largest space agency has awarded a commercial tender for the collection of moon rocks. The implications of these never-before-seen trends — for law and

policy, business and society — are hard to exaggerate. This proposed panel aims to bring together distinguished speakers from the public and private sectors to discuss the existing structure of international space law, its strengths and weaknesses, and how it might be re-designed to account for new voices and actors to achieve the “common interest of all mankind.”

Moderator: **Viva Dadwal**, Associate, King & Spalding LLP

Speakers:

Dr. Irmgard Marboe, Professor, University of Vienna Department of European, International and Comparative Law

Gabriel Swiney, Attorney Advisor (International Space Law), United States Department of State

Loïc Amiand, Head of Legal Affairs for Space Systems, Airbus Defence and Space

Session 2: “Preventing and Responding to Mass Atrocities when the UN Security Council is Blocked by the Veto”

This panel discussion examines the options available within the United Nations Charter for the General Assembly (UNGA) to prevent and respond to mass atrocities in lieu of a Security Council paralyzed by the veto of one of its five permanent members; as well as the possibility to challenge the legality of the veto itself. More particularly, the panel will consider the case for greater UNGA involvement in mass atrocity situations, outlining the failure of the Security Council to address the Syrian war due to the abuse of the veto. The panel will additionally consider the legality of vetoes that block measures designed to prevent or curtail the commission of genocide, crimes against humanity or war crimes, measured against existing obligations under the UN Charter and international law. It will provide an overview of the General Assembly’s legal competence in relation to human rights and international peace and security, canvassing a range of ways in which it may act upon its powers. Finally, the General Assembly’s ‘quasi-judicial’ function in addressing mass atrocities, monitoring compliance with a set of norms and making evidence-based factual determinations, will be examined.

Moderator: **Andras Vamos-Goldman**, Visiting Senior Fellow, New York University Center for Global Affairs

Speakers:

Rebecca Barber, Research Fellow & PhD Candidate, Asia Pacific Centre for the Responsibility to Protect and TC Beirne School of Law, University of Queensland

Yasmine Nahlawi, PhD, Legal Consultant

Michael Ramsden, Associate Professor, Chinese University of Hong Kong

Jennifer Trahan, Clinical Professor, Director of Concentration in International Law and Human Rights, New York University Center for Global Affairs

3:40 – 4:40 PM – [Choice of two sessions](#)

Session 1: “Rebuilding Trust in the Global Order: A way forward for multilateralism?”

Multilateral governance across various areas of international law is at times called into question. Most recently the COVID-19 pandemic has shown the limits, but also the opportunities of multilateral governance within the United Nations and other international institutions in responding to a global crisis. This panel discussion will examine some of the features and

challenges of the responses of the international actors to the COVID-19 pandemic and offer some observations on their linkages to multilateral governance processes.

Moderator: **Sharon Mascher**, Professor, University of Calgary, Faculty of Law

Speakers:

Caroline Foster, Associate Professor, University of Auckland, Auckland Law School

Alberto Costi, Professor, Victoria University of Wellington

Fady Zeidan, General Counsel & Head of the Legal and Governance Department, The Global Fund to Fight Aids, Tuberculosis and Malaria

Jean Abboud, Principal Legal Counsel, The Global Fund to Fight Aids, Tuberculosis and Malaria

Session 2: “Recognizing a legal personality for large rivers and other watercourses: a necessary renewal for international law?”, presented by the Société québécoise de droit international

In light of emerging State practice, this session will examine Nature as a distinct subject of international law and reflect on re-conceptualizing this fundamental notion in a less anthropocentric way. One of the most innovative recent developments when it comes to ensuring the protection of Nature’s various elements, such as large rivers and other watercourses, is the recognition of rights specific to Nature itself. This recognition may be extended through constitutional or legislative provisions, municipal resolutions, or bold judicial decision-making, influenced by indigenous legal traditions. Particular attention will be paid to the consequences of attributing legal personality to the world’s rivers and other waterways, in particular to the St. Lawrence River.

Moderator: **Charles-Emmanuel Côté**, Professor, Université Laval Faculty of Law, and Vice-Président of the Société québécoise de droit international

Panelists:

Yenny Vega Cardenas, Ph.D., President of the International Observatory of the Rights of Nature

Victor David, Doctor of law and social science, Université de Paris Sciences et lettres/École des Hautes études en sciences sociales (EHESS) and researcher at the Institute for Development Research at the Nouméa Centre in New Caledonia

Daniel Turp, Professor emeritus at the Université de Montréal Faculty of Law and chair of the Board of directors of the Société québécoise de droit international

4:45 – 5:45 PM

“Earth System Law: Standing on the Precipice of the Anthropocene”

Law, often regarded as a durable social structure, has historically provided stability, certainty, and predictability in the ordering of social relations (predominantly between humans). In respect of human and Earth relations, historically the law has dealt mainly with exclusion of ‘other’ humans from Earth’s precious resources through institutions of property, constitutional, or nation state law. However, in past decades, the Earth’s relationship in law has changed with increasing recognition of the standing of Mother Earth, inherent rights of the environment (flora and fauna; rivers), and now recognition of the multiple relations of the Anthropocene. International law provides unique opportunity for the development and advancement of Earth System Law (ESL). This panel explores and interrogates emergent international ESL where the Earth system itself (comprised of sub-systems’ cycles, processes and ‘spheres’ the biosphere,

geosphere, atmosphere, hydrosphere, cryosphere, pedosphere, lithosphere, and, some would argue the magnetosphere) is the new focal point, using an Earth-centered perception in terms of international law, science and ethics. Building on the work of Earth Systems Governance, ESL reflects the fact law is one social institution, of arguable durable quality as a formal institution that plays an increasingly important role in solving pressing problems in the governance of the earth system from the local to the global. This panel will set the groundwork of international ESL to ensure sustainable development of the coupled socio-ecological system that the Earth has become.

Moderator: **Margot Hurlbert**, Canada Research Chair Climate Change, Energy and Sustainability Policy, University of Regina

Speakers:

Andrea Simonelli, Assistant Professor, Virginia Commonwealth University

Rosalind Warner, Continuing College Professor, Okanagan College

Paulo Magalhães, Researcher, Center for Legal and Economic Research, University of Porto

Michael Angstadt, Assistant Professor of Environmental Studies, Colorado College

THURSDAY, OCTOBER 21

Virtual Conference – Day 2

10:00 – 11:00 AM – Choice of two sessions

Session 1: “Reshaping the 20th Century International Law Use of Force Construct to Meet the Challenges of 21st Century Transnational Conflict”

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” This well-known treaty provision, Article 2(4), has been described by the International Court of Justice as the “cornerstone of the United Nations Charter.” As this cornerstone is seemingly “incrementally corroded” in an era during which informed observers have warned that it is “becoming too easy to break the law,” it is reasonable to ponder what will become of the venerable U.N. Charter if the foundation upon which it is built eventually fractures. If the use of force conventions established in the Charter appear increasingly unfit for the task of constraining the horrendous suffering that is inflicted and endured during armed conflict, what measures can be taken to adjust the structure of international law to better achieve the fundamental goal of the United Nations to “save succeeding generations from the scourge of war”? Has the predominant mode of contemporary warfare evolved such that the continued viability of the United Nations construct is at risk? In light of the challenges posed by the increasing prevalence of transnational armed conflict, this panel assembles a group of distinguished experts to explore what can be done to get international law involving the use of force back on track.

Moderator: **Leah West**, Assistant Professor & Associate Director, Norman Paterson School of International Affairs, Carleton University

Speakers:

Brian L. Cox, Adjunct Professor of Law & J.S.D. Candidate, Cornell Law School; Visiting Scholar, Queen’s Law; Judge Advocate, U.S. Army (retired)

Oona A. Hathaway, Gerard C. and Bernice Latrobe Smith Professor of International Law and Counselor to the Dean, Yale Law School

Dr. David Hughes, Alex Trebek Postdoctoral Fellow, Human Rights Research and Education Centre, University of Ottawa

Dr. Yahli Shereshevsky, Associate Professor (Senior Lecturer), The University of Haifa Law School

Ken Watkin, QC, Legal Author; Former Judge Advocate General of the Canadian Armed Forces

Session 2: “Out at Sea, Out of Sight? Spotlighting Issues in the Law and Governance of the Oceans”

What happens at sea is often out of sight, but in recent years issues in the law and governance of the oceans have regularly found their way into the headlines, whether it was the fate of seafarers stuck on their vessels due to COVID-19 restrictions, the failure of the International Maritime Organization to effectively regulate emissions from shipping, a Russian submarine’s planting a flag on the Arctic Seabed at the North Pole, or the fate of island nations and coastal cities threatened by sea-level rise. The speakers will share their expertise on the complex governance challenges presented by the oceans, from maritime labor governance, the

delimitation of continental shelves in the Arctic, the contribution of shipping to the climate crisis, to the legal implications of sea-level rise.

Moderator:

Hugh Adsett, Ambassador and Permanent Representative of Canada to the Organization of American States

Speakers:

Desirée LeClercq, Assistant Professor, Cornell ILR School & Associate Member, Cornell Law Faculty

Megan Darby, Editor, Climate Home News

Ekaterina Antsygina, PhD Candidate, Queen's University, Faculty of Law

Simon Cridland, former Deputy Director, Oceans Law, Global Affairs Canada

11:05 AM – 12:05 PM – [Choice of two sessions](#)

Session 1: “The International Law of Subnational Entities: The Role of Cities”, presented by the *Société française de droit international*

What is the role of cities as actors of international law and its making? With many global issues having local solutions, municipalities have a role in implementing many international commitments of states, from climate change goals and other environmental issues to global health issues and hosting international sporting events with global repercussions, such as the Olympic Games. Our panelists explore both the theoretical and practical underpinnings of the growing role of municipalities in the formation and implementation of international law and its commitments, bringing together transatlantic perspectives on the issue.

Moderator: **Pierre-Olivier Savoie**, Partner, Savoie Laporte

Speakers:

Anouche Beaudoin, Associate Professor, Université Nice Sophia Antipolis

Henri-Paul Normandin, Former Ambassador of Canada to Haiti, former Director of International Affairs at the City of Montreal, Fellow at the Institut d'études internationales de Montréal (UQAM) and Visiting Fellow at Perry World House, University of Pennsylvania

Octavi de la Varga Mas, Secretary General, Metropolis, Professor in the Masters in Development Cooperation and Community Action at the Pere Tarrés Faculty of Social Education and Social Work, Ramon Llull University

Session 2: “The materiality of global peace and security - renovating institutions of global governance”

Geopolitical, scientific and philosophical shifts have revealed fundamental failings in the global infrastructure for peace and security revealing an urgent need for reform. 75 years after the United Nations project began, the UN Security Council, with its supreme law-enforcement powers on matters of global peace and security is locked in a permanent stand-off between rival powers. By exercising their veto powers, the permanent 5 keep this crucial institution deadlocked, unable to take decisive action on the conflict in Syria, China's mistreatment of Uyghurs, the global pandemic, catastrophic loss of biodiversity, anthropogenic climate change, and nuclear disarmament. The permanent 5, all nuclear powers, have a history and tradition of imperialism and none have joined the new Treaty on the Prohibition of Nuclear Weapons.

Indigenous peoples still struggling under the weight of colonial legacies, are materially experiencing the failure of the current system of peace and security: nuclear bomb testing has poisoned their lands and waters and they are at significantly elevated risk from conflict, climate change, loss of biodiversity and the pandemic. How do we renovate institutions of global governance to establish international laws of peace, justice, health and environmental security that address the world's material needs?

Moderator: **Oonagh Fitzgerald**, Board Member of the Canadian Branch of the International Law Association, Senior Fellow at the Human Rights Research and Education Centre, University of Ottawa

Speakers:

Erika Simpson, Associate Professor, University of Western Ontario

Gina Heathcote, Professor, School of Law, SOAS University of London

Payam Akhavan, Professor and Senior Fellow at Massey College and Member of the Permanent Court of Arbitration at The Hague

Sabaa Khan, Director General, Quebec and Atlantic Canada, David Suzuki Foundation

Brenda L. Gunn, Professor, University of Manitoba Faculty of Law and Academic & Research Director, National Centre for Truth and Reconciliation at the University of Manitoba

12:10 – 1:10 PM

“TWAIL Critiques of Selected Developments in International Law”

This panel will center on Third World Approaches to International Law. It will engage with specific developments in international investment law and its relationship with indigenous law, including the transparency conundrum in mining law, *Nevsun v Araya*, international law and development, as well as international knowledge production. Together, the presentations will tease out counter-narratives that are unique to the specific substantive questions they engage.

Moderator: **James Gathii**, Professor, Loyola University Chicago School of Law

Speakers:

Olabisi Akinkugbe, Assistant Professor, Dalhousie University, Schulich School of Law

Sara Ghebremusse, Assistant Professor, University of British Columbia, Allard School of Law

Sarah Mason-Case, Adjunct Professor, University of Toronto Faculty of Law

Sujith Xavier, Associate Professor, University of Windsor Faculty of Law

Ibironke Odumosu, Professor & Associate Dean Research & Graduate Studies, University of Saskatchewan Faculty of Law

Obiora Okafor, York Research Chair in International and Transnational Legal Studies, York University, Osgoode Hall Law School

1:30 – 2:30 PM

“International humanitarian law and the 21st century: is this body of law obsolete, stopped in its tracks, or more relevant than ever?”

The world has changed since the adoption of the Geneva Conventions in 1949 and their Additional Protocols in 1977 laid the modern foundations of international humanitarian law (IHL), and so have armed conflicts. Means and methods of combat have evolved. Non-international armed conflicts and armed groups have multiplied. Actors in conflicts have diversified. However,

the conventional foundations of IHL have not evolved and this body of law still does not have its own implementation mechanism. Has IHL consequently become an outdated and incomplete branch of international law? Or, if it is indeed at the vanishing point of international law, can IHL can serve as an example in adapting and strengthening international law to fit the times? This panel will discuss these questions in three aspects in the form of exchanges between Professor Julia Grignon and students who have examined respectively, in the course of research funded partly by the Social Sciences and Humanities Research Council: the role of comments on the Geneva Conventions and Additional Protocols in updating the rules of IHL; the capacity of IHL to follow societal developments in the case of the protection of LGBT + people; and the role of human rights bodies in strengthening respect for and implementation of IHL.

Moderator: **Julia Grignon**, Associate Professor of Law, Université Laval Faculty of Law, Director of the “*Osons le DIH !*” project, Co-Director of the International Criminal and Humanitarian Law Clinic

Speakers:

Jean-René Beauchemin, doctoral candidate in international law, Université Laval Faculty of Law

Mathilde Doucet, doctoral candidate in international law, Université Laval Faculty of Law

Thomas Roos, doctoral candidate in international law, Université Laval Faculty of Law

Simon François Désiré Dousset, master’s student in international studies and international security, Université Laval Faculty of Law

2:45 – 3:45 PM – [Choice of two sessions](#)

Session 1: “Getting Accountability Back on Track in International and Domestic Courts”

This roundtable will discuss ongoing challenges posed by attempts to enforce core international human rights and humanitarian law protections through judicial proceedings with reference to three case studies: the ICC’s arrest warrant for Omar Al-Bashir, domestic civil proceedings against international organizations, and domestic proceedings against individuals for torture and extrajudicial killing. Questions will include the proper function of jurisdictional immunities and evolving exceptions to immunity in domestic and international law, and the respective roles of judicial and political actors in creating and implementing legal frameworks for accountability.

Moderator: **Chimène Keitner**, Alfred & Hanna Fromm Professor of International Law, University of California, Hastings College of the Law

Speakers:

Kristen Boon, Miriam T. Rooney Professor of Law, Seton Hall University School of Law

Frédéric Mégret, Professor, McGill University Faculty of Law, William Dawson Chair and Co-Director of the Centre for Human Rights & Legal Pluralism

James Yap, President, Canadian Lawyers for International Human Rights

Session 2: “Implications of Blockchain Technology”

Blockchain technology is frequently associated with digital currencies like Bitcoin. Yet, blockchain has use value in many other private and public applications. The emergence of blockchain technology and digital currencies has given rise to many international and comparative legal and regulatory questions and challenges. For example, what are their implications for international trade and financial system stability? Can they improve global payment systems and enhance

financial inclusion? Will digital currencies like Bitcoin or privately issued stablecoins replace traditional fiat as the future of money? Should countries enact central bank digital currencies (CBDC) in response? Finally, what challenges, such as regulatory arbitrage and international coordination, do global lawmakers and regulators face when dealing with innovations like blockchain, digital currencies, and decentralized financial applications that transcend national borders? This panel will discuss these questions and identify recent developments in blockchain and digital currencies of interest in international and comparative law.

Moderator: **Ryan Clements**, Assistant Professor and Chair, Business Law and Regulations, University of Calgary Faculty of Law

Speakers:

Marc Lacoursière, Professor, Université Laval Faculty of Law

Andrew Luesley, Assistant Professor, Dalhousie University Faculty of Law

Akinbobola Olugbemi, Graduate Student, University of Calgary Faculty of Law

Muharem Kianieff, Associate Professor, University of Windsor Faculty of Law

4:00 – 5:05 PM

CCIL Annual General Meeting

5:10 – 6:10 PM

KEYNOTE ADDRESS

“Complex Designers and Emergent Design: Reforming the Investment Treaty System”

Anthea Roberts

Professor, School of Regulation and Global Governance (RegNet), Australian National University

Introduced by **Gib Van Ert**, Counsel, Gib Van Ert Law

FRIDAY, OCTOBER 22

Virtual Conference – Day 3

10:00 – 11:00 AM – [Choice of two sessions](#)

Session 1: “New Developments regarding Corporate Responsibility for Human Rights Violations: From Judge-Made Expansions of Common Law to Statutory Codification”

Recent years have seen both judicial and legislative developments to increase corporate responsibility for human rights violations. In Canada, the Supreme Court's ruling in *Nevsun Resources Ltd. v. Araya* incorporated international human rights law into common law rights of action, and there is increasing interest in the CORE (Canadian Ombudsperson for Responsible Enterprise) process. Moreover, the USMCA's rapid response mechanisms to protect core labour rights has seen frequent use in its first year. In Europe, Germany has passed a new supply chain law, and mandatory human rights due diligence legislation is gaining momentum in the Netherlands. The speakers will discuss the promise and shortcomings of these developments in comparative perspective.

Moderator: **Scott Fairley**, Partner, Cambridge LLP

Speakers:

Tony VanDuzer, Professor, University of Ottawa, Faculty of Law (Common Law Section)

Anneloes Hoff, Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law

Miriam Saage-Maaß, Vice Legal Director & Program Director of Business and Human Rights, European Center for Constitutional and Human Rights

Sean Stephenson, Senior Associate, Dentons LLP

Session 2: “Can International Criminal Law Adapt to Today’s Global Challenges?”

This panel will explore whether international criminal law can adapt to remain relevant in the face of some of the most pressing global challenges. How, for instance, might we refine, reform, or revolutionize international criminal law to better respond to: climate change; calls to decolonize international legal structures and facilitate greater regionalization of international law; the retrenchment of nationalism; and the persistence of evolving forms of sexual and gender-based violence? In examining the adaptability of international criminal law, this panel will consider whether we can – and how we might – get international criminal law “back on track” as a relevant international legal framework.

Moderator: **Ryan Liss**, Assistant Professor, Western University Faculty of Law

Speakers:

Margaret deGuzman, James E. Beasley Professor of Law & Co-Director, Institute for International Law and Public Policy, Temple University, Beasley School of Law

Valerie Oosterveld, Professor, Western University Faculty of Law

Darryl Robinson, Professor, Queen’s University Faculty of Law

11:05 AM – 12:05 PM – [Choice of two sessions](#)

Session 1: “The cyber age – whither International Law?”

This panel will discuss how international law will shape and be shaped by the developments of the cyber age, and how cooperation amongst stakeholders remains key. This year, the reports of the United Nations Open Ended Working Group on cyber and security and the Group of Governmental Experts (GGE) re-affirmed the applicability of international law in cyberspace and in particular the UN *Charter*. Both reports recognised, though, that States do not agree on whether all aspects of international law apply and how it applies. However, States agreed that to deepen common understandings they should continue to exchange views. Of note, the OEWG report included recommendations for States to develop and share their national positions, and for increased capacity-building on international law and cyberspace to further build common understandings and consensus. Within this context, this session considers whether and how geopolitical developments have created greater divisions between States on how international law applies to state behaviour in cyberspace. It will also discuss how international law’s structure impacts its ability to adapt to increased activities in cyberspace.

Co-Moderators: Lieutenant-Colonel **Darja Eastlake**, Director and Legal Counsel, Directorate of Cyber Operations Law, Office of the Judge Advocate General, Canadian Armed Forces
Tebello Morojele, Legal Officer, Criminal, Security and Diplomatic Law Division, Global Affairs Canada

Speakers:

Alan Kessel, Assistant Deputy Minister (Legal Affairs) and Legal Adviser, Global Affairs Canada
Colonel **Robin Holman**, Chief of Staff, Office of the Judge Advocate General of the Canadian Armed Forces

Session 2: “Taking Stock of the International Legal Response to the Climate Crisis”

As the climate crisis becomes an ever more threatening reality, the international legal response has fallen far short of what is needed to move the world onto a sustainable emissions trajectory. The speakers on this panel examine some of the key elements of that response. How do states and state-controlled entities (as opposed to private actors) directly contribute to carbon emissions and what is their international legal responsibility for those emissions? Do states have an obligation to cease financial support for fossil fuel industries under international law as it currently stands? Climate clubs have long been touted as a solution to the collective action problems presented by emissions reductions—but how would they work legally, especially in light of non-discrimination obligations in trade law? And how could the interplay between nonstate climate action at the local level and the international climate law architecture be organized more effectively?

Moderator: **Alexandra Harrington**, Research Director and Senior Fellow, Center for International Sustainable Development Law

Speakers:

Amélie Landriault, LLM, Graduate Institute of International and Development Studies, Geneva
Steve Lorteau, SJD Candidate, University of Toronto Faculty of Law
Ling Chen, DCL Candidate, McGill University Faculty of Law

12:15 – 12:55 PM

Networking Event

The CCIL will offer networking rooms to enable international legal practitioners to connect around three overarching themes represented in the Conference. *Please note that interpretation will not be provided for this event.*

Room 1 – “Commerce and Trade” – Moderated by **Dean MacDougall**, Counsel, Trade Remedy Law Division, Global Affairs Canada

Room 2 – “Humanitarian Issues and Human Rights” – Moderated by **Elizabeth Utting**, Legal Officer, Accountability, Human Rights and United Nations Law Division, Global Affairs Canada

Room 3 – “The Global Commons: Health, Environment, Oceans and Space” – Moderated by **Cory Olishansky**, Legal Officer, Oceans and Environment Law Division, Global Affairs Canada

1:00 – 2:00 PM

KEYNOTE ADDRESS

“Hand in Hand: The Rule of Law and Aligning Capital with Sustainable Development”

Marc-Andre Blanchard

Executive Vice-President and Head of CDPQ Global

Former Ambassador and Permanent Representative of Canada to the United Nations in New York; Former Chairman and Chief Executive Officer of McCarthy Tétrault

Introduced by **Laurence Deschamps-Laporte**, visiting professor, Université de Montréal Department of Political Science, and invited researcher at CÉRIUM

2:05 – 3:05 PM – [Choice of two sessions](#)

Session 1: “UN Human Rights Council special procedures and international law: contributions, challenges and future horizons”

Participants in this panel will discuss their recent experiences as Special Rapporteur or Independent Expert to explore the contributions that their mandates may have made to the development of public international law, in light of the generally non-binding nature of their recommendations and the often customary nature of the standards they invoke. They will also discuss the relative effectiveness of their interventions with States and other actors concerned (individuals, companies, civil society organizations, academia, etc.). They will also address obstacles to their respective mandates and propose solutions to these limitations, particularly with respect to the implementation of international law and the willingness of States to protect human rights in the current context. Finally, they will explore the future of special procedures and how the United Nations can ensure the success of these interventions.

Moderator: Frédéric Mégret, Professor, McGill University Faculty of Law, William Dawson Chair and Co-Director of the Centre for Human Rights & Legal Pluralism

Panelists:

Aristide Nononsi, Director of Lawyers Without Borders Canada in Mali and professor-researcher at the McGill University Faculty of Law, United Nations Independent Expert on the situation of human rights in Sudan (2014-2020)

François Crépeau, Hans et Tamar Oppenheimer Professor in Public International Law at the McGill University Faculty of Law, United Nations Special Rapporteur on the human rights of migrants (2011-2017)

Bernard Duhaime, Professor, Université du Québec à Montréal Department of Legal Sciences, Member of the UN Working Group on Enforced or Involuntary Disappearances (2014-2021).

Session 2: “Diversity of International Law”

Calls for the renewal of international law challenge all who participate within the discipline to push beyond traditional narratives about sovereignty, statehood, and responsibility and to make way for new voices that will propel international law and its institutions toward a more diverse and inclusive discipline. This panel explores international law’s diversity challenge by considering whether and how inclusion of non-dominant voices can effect positive change within the world order.

Moderator: **Konstantia Koutouki**, Professor, University de Montréal Faculty of Law

Speakers:

Ksenia Polonskaya, Assistant Professor, Carleton University Department of Law and Legal Studies

Jana Shoemaker, Lawyer & Transitional Justice Consultant

Raghavi Viswanath, PhD researcher, European University Institute, and Senior Research Associate, Public International Law and Policy Group

3:10 – 4:10 PM – [Choice of two sessions](#)

Session 1: “Re-orienting International Economic Law”

Regulation of the global economy and the institutions underpinning such regulation are under increasing challenge, which prompts important questions about how we might re-orient international economic law. This panel addresses some of these questions. Panellists consider the relationship between international economic law and international human rights, how to promote a gender-positive trade environment, and whether we need to rupture entrenched narratives in order to realign law with the realities of our global economy.

Moderator: **Elizabeth Whitsitt**, Associate Professor, University of Calgary Faculty of Law

Speakers:

Ana Chuc Gamboa, PhD Candidate, Queen’s University Faculty of Law

Ali Kairouani, Professeur de Droit international, Université Mohammed V de Rabat

Maria Panezi, Assistant Professor, University of New Brunswick Faculty of Law

Session 2: “Global Health in Times of COVID-19: Towards Systemic Integration Across International Law Regimes of Trade, Health and Human Rights”

Access to vaccines in low and middle-income countries (LMIC) is emerging as the COVID-19 pandemic’s singular human rights and equity challenge. Projections are bleak: while high income country (HICs) populations may be vaccinated by the end of 2021, LMIC are unlikely to achieve widespread vaccination before 2023 if at all. At the heart of these disparities lies a tangled web of international law regimes that significantly shape state responses to this crisis: from the WHO’s International Health Regulations which governs pandemic responses; to the World Trade

Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights which governs pharmaceutical patents, to international human rights treaties which govern human rights to life, health and non-discrimination. These instruments are the legal determinants of the pandemic, including vaccine access. Yet there is limited interaction between these regimes and limited recognition of the pressing human rights concerns at stake. Bringing together prominent scholars in global health law, this panel will critically examine the principle of systemic integration, as championed by the International Law Commission, through the lens of global vaccine (in)equity and consider the potential for this principle to elevate human rights considerations in the interpretation and reform of key regimes.

Moderator: **Roojin Habibi**, Research Fellow & Doctoral Candidate, York University Global Strategy Lab, and Fellow of the Canadian International Council

Speakers:

Timothy Fish Hodgson, Legal Adviser, Economic, Social and Cultural Rights, International Commission of Jurists

Benjamin Meier, Professor of Global Health Policy, University of North Carolina at Chapel Hill

Katrina Perekhodoff, Post Doctoral Research Fellow in Global and European Health, University of Amsterdam

4:15 – 5:15 PM

“Fort Pearson Perspectives: Hot Issues in the Global Affairs Canada Legal Bureau”

In this panel, the leaders of Global Affairs Canada's Legal Affairs Bureau will discuss the prominent issues currently on their respective agendas, the longer-term initiatives GAC is working on, and the international legal trends they have observed over their combined several decades of services both as lawyers in Ottawa and as diplomats abroad.

Moderator: **Carolyn Knobel**, Director General and Deputy Legal Advisor, Legal Affairs Bureau, Global Affairs Canada

Speakers:

Louis-Martin Aumais, Director of Criminal, Security and Diplomatic Law, Global Affairs Canada

Anna Kapellas, Director of Treaty Law, Global Affairs Canada

Rebecca Netley, Director of Accountability, Human Rights and United Nations Law, Global Affairs Canada

Stephen Randall, Director of Oceans and Environment Law, Global Affairs Canada

5:15 – 5:30 PM

Closing Remarks and Acknowledgement of CCIL 2021 Awards

Céline Lévesque

President of the Canadian Council on International Law

Full Professor, University of Ottawa Faculty of Law (Civil Law Section)

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