



CCIL FALL 2020 VIRTUAL CONFERENCE SERIES

International Law in 2020: Fit for Purpose?

Program

WEBINAR SERIES

Thursday, October 1st

Kick Off Webinar

12:30 - 13:30 ET

Armed Conflict, Crisis and COVID-19: What Can International Law Do?

Thursday, October 15

Webinar | 12:30 - 13:30 ET

Is the Phoenix Still Rising in 2020? International Human Rights Law and Corporate Accountability in Canada

Thursday, November 12

Webinar | 12:30 - 13:30 ET

US Elections and International Law

Thursday, November 26

Webinar | 12:30 - 13:30 ET

Climate Change

VIRTUAL CONFERENCE

Thursday, October 29

Virtual Conference - Day 1

13:00 - 17:00 ET

- Welcome and Opening Remarks
- **Opening Keynote: Gillian Triggs**
- Simultaneous Sessions
- **Virtual Reception** with a recognition of the **2020 Public Sector Award Winner Colleen Swords** followed by small networking groups.

Friday, October 30

Virtual Conference - Day 2

10:00 - 15:00 ET

- **Closing Keynotes: Prof. Irene Watson and Dr. Sharon Venne**
- Simultaneous Sessions
- Annual General Meeting
- Career Panel

EDI Accreditation - Law Society of Ontario

This program contains **1 hour** of EDI Professionalism Content.

Is International Law Related to Indigenous Peoples Fit for Purpose?

Substantive Hours

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. For more information about Substantive Hours, please see [CPD Requirement](#).



Theme

« *International Law in 2020: Fit for Purpose?* »

In a world facing ever-changing challenges, many look to international law for answers. Still there are those who believe that international law and the institutions that operate within it are unable to meet these challenges. The year 2020 gives us an opportunity to reflect upon the purpose(s) of international law, to critically examine whether international law is equipped to meet those objectives and look into the future for sustainable solutions

Important challenges permeate many areas of international law and call for common or coordinated responses from the international community. The issues are vast and varied: climate change regulation and the difficulties in implementing change, trade wars and attacks on multilateral trade institutions, actions that undermine mutual defense and collective security, set backs in dealing with nuclear proliferation, threats to human rights and indigenous rights, new technologies (including artificial intelligence) and their disruptive effects, issues of efficacy and legitimacy of international dispute settlement, amongst others.

The Canadian Council on International Law (CCIL) invites international law scholars, decision and policy-makers, practitioners, and students of international law at its 49th Annual Meeting in 2020 to reflect upon whether international law is 'fit for purpose'. Some questions participants may wish to reflect on globally or concerning any area of international law, include:

- Which aspects of the current system are fit for purpose? And which are not?
- How is international law adapting to meet the needs of our global community? How can international law be made more agile, while maintaining its resiliency? How to avoid paralysis?
- How might the role of various players within the world order change or evolve in order to achieve varied objectives?
- How would changes to international law's institutions or architecture help successfully meet the challenges of our time?
- Are States paying more or less attention to their international obligations today than in the past? Do we expect international law to do too much?

We look forward to seeing such questions addressed from a variety of perspectives.

Keynote Speakers

Keynote Speech | Thursday October 29, 2020

70th Anniversary of the Refugee Convention: Asylum and COVID-19



Dr. Gillian Triggs

Gillian Triggs is UNHCR's Assistant High Commissioner for Protection. She was appointed on 9 August 2019. Triggs is a highly renowned expert in international law who has held a number of eminent appointments in service to human rights and the refugee cause, including most recently as the President of the Australian Human Rights Commission and the Vice Chancellor's Fellow and Emeritus Professor at the University of Melbourne. Triggs oversees UNHCR's protection work for millions of refugees, internally displaced, stateless and other people of concern. An Australian national, she has previously held a number of leadership roles, including as President of the Asian Development Bank Administrative Tribunal, Chair of the UN

Independent Expert Panel of Inquiry into Abuse of Office and Harassment in UNAIDS, Dean of the Faculty of Law and Challis Professor of International Law at the University of Sydney and as Director of the British Institute of International and Comparative Law in London. Triggs has been closely associated with a number of not-for-profit organizations throughout her career, including most recently as Chair of Justice Connect, an organization that connects 10,000 lawyers to provide pro bono advice to asylum-seekers and others in need of legal support in Australia. She is also the author of many books and papers on public international law.

Closing Keynote | Friday October 30, 2020

Going Forward in International Law and Indigenous Rights



Professor Irene Watson

Professor Irene Watson belongs to the Tanganekald, Meintangk Bunganditj First Nations peoples of the Coorong and the South-east of South Australia and is the Pro Vice Chancellor: Aboriginal Leadership and Strategy, the David Unaipon Chair, and Professor of Law at the University of South Australia. Over many years, Irene has worked with First Nation Peoples across Australia in advancing Aboriginal rights. As Professor of Law, her research focuses upon Indigenous Peoples in domestic and international law, and has published *Aboriginal Peoples Colonialism and International Law* <https://www.routledge.com/Aboriginal-Peoples-Colonialism-and-International-Law-Raw-Law/Watson/p/book/9781138685963>

Dr. Sharon H. Venne

Dr. Sharon H. Venne (Notokwew Muskwa Maniokan) is a Cree woman. She has worked at the United Nations prior to the establishment of the Working Group on Indigenous Peoples in 1982. The background research to the many clauses on the Declaration on the Rights of Indigenous Peoples is included in her book: *Our Elders Understand Our Rights: Evolving international law regarding Indigenous Peoples*. Sharon worked to secure a UN Study on Treaties from the first introduction of the resolution in 1983 until the report was finalised in 1999. She worked to ensure that the report reflected Indigenous laws and norms. She recently published "Manufactured Consent – how state governments manufacture consent and use it against Indigenous Nations at the domestic and international level" in a book edited by Dr. Irene Watson: *Indigenous Peoples as subjects of international law*.

WEBINAR SERIES

THURSDAY, OCTOBER 1

Kick Off Webinar – 12:30-13:30 (ET)

Armed Conflict, Crisis and COVID-19: What Can International Law Do?

The virtual panel will unpack issues that have arisen in the humanitarian sector due to the intersection of national responses to COVID-19 and the application of international law, and international humanitarian law in particular. The panel will highlight the crucial importance of upholding international legal norms during overlapping crises. Speakers will share their experiences of tackling concurrent legal frameworks, simultaneous crises and adapting humanitarian work to more extraordinary circumstances.

Other topics covered by the panel will include:

- How COVID-19 has exacerbated existing humanitarian crises and how the lack of effective protections for vulnerable people in situations of armed conflicts has exposed them to the worst effects of the pandemic;
- Rules of international humanitarian law that impact the provision of healthcare, education and other essential services;
- The interplay between emergency measures and provision of humanitarian assistance; and
- Reflections on the international legal framework and what is working, what isn't and ways forward.

MODERATOR

Catherine Gribbin, Canadian Red Cross

SPEAKERS

Nicole Hogg, ICRC

Vanessa Murphy, ICRC

Dr. Ayham Alomari, Canadian Red Cross



THURSDAY, OCTOBER 15

Webinar – 12:30-13:30 (ET)

Is the Phoenix Still Rising in 2020? International Human Rights Law and Corporate Accountability in Canada

This bilingual panel will interrogate whether 2020 is seeing an upturn in Canada's commitment to its international obligations concerning human rights in business, in light of the recent Supreme Court of Canada judgment in *Araya v. Nevsun*.

In February 2020, the Supreme Court of Canada ruled in favour of Eritrean plaintiffs who alleged they were subjected to forced labour at a gold mine owned by a Canadian company in Eritrea. The Court ruled for the first time that a Canadian corporation may be held legally responsible for violations of international law that protect human rights. This is the latest in a recent series of rulings allowing claims to proceed in Canadian courts against Canadian mining companies for complicity in human rights abuses abroad. The ruling was predicated on two distinct and important questions of customary international law, and their treatment in Canada. First, whether the act of state doctrine forms part of Canadian common law. Second, whether customary international law prohibitions against forced labour, slavery, and crimes against humanity can ground a claim for damages under Canadian law.

The panelists will analyze the Supreme Court's decision and discuss the current and potential role of international law as a tool for holding Canadian companies accountable for their conduct and operations abroad.

MODERATOR**Amanda Ghahremani**

Simone de Beauvoir Institute; Canadian Partnership for International Justice

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PCJI | CANADIAN PARTNERSHIP
FOR INTERNATIONAL JUSTICE
PARTENARIAT CANADIEN
POUR LA JUSTICE INTERNATIONALE**SPEAKERS****Penelope Simons**, University of Ottawa Faculty of Law**Joe Fiorante**, Camp Fiorante Matthews Mogerman**Matt Eisenbrandt**, Camp Fiorante Matthews Mogerman**François Larocque**, University of Ottawa Faculty of Law

uOttawa

Faculté de droit
Faculty of Law*Hyman Soloway Chair
in Business and Trade Law***THURSDAY, NOVEMBER 12****Webinar – 12:30-13:30 (ET)****US Elections and International Law****SPEAKER****José E. Alvarez**, Herbert and Rose Rubin Professor of International Law, New York University Law School**MODERATOR****Pierre-Olivier Savoie**, Savoie Laporte

Participants are invited to join colleagues for an informal discussion following the webinar.

THURSDAY, NOVEMBER 26**Webinar – 12:30-13:30 (ET)****Climate Change**

Small island states made early pleas for the unavoidable negative impacts of climate change that cannot be prevented or adapted to – now collectively known as “loss and damage” - to be part of international climate negotiations back in the 1992 Rio Summit. Almost three decades later, loss and damage has gained recognition as the third pillar of international climate law and policy, after mitigation and adaptation. Yet turning the concept of loss and damage into concrete international legal mechanisms to address the needs of highly vulnerable developing countries bearing the brunt of the burdens and costs associated with extreme weather events or rising seas has proved challenging.

With loss and damage continuing to increase due to inadequate climate mitigation, legal systems will be increasingly challenged to deal with it fairly and effectively. This webinar will discuss the current state of loss and damage under international climate law. Panelists will a) reflect on the prospects and limitations of the two main frameworks to address loss and damage under the UNFCCC process - the Paris Agreement and the Warsaw International Mechanism for Loss and Damage; b) discuss promising avenues for appropriate remedies for loss and damage outside the UN climate regime.

MODERATOR**Meinhard Doelle**, Dalhousie University Schulich School of Law**SPEAKER****Dr. Sara L Seck**, Dalhousie University Schulich School of Law**Linda Siegele**, Environmental Lawyer**Dr. Patricia G. Ferreira**, University of Windsor Faculty of Law

VIRTUAL CONFERENCE – DAY 1

THURSDAY, OCTOBER 29

13:00 - 18:00 (ET)

13:00- 13:05 (ET) – Welcome and Opening Remarks

13:05- 14:00 (ET) – Keynote Speech

70th Anniversary of the Refugee Convention: Asylum and COVID-19

Dr. Gillian Triggs

Assistant High Commissioner for Protection at the Office of the UN High Commission for Refugees

MODERATOR

Céline Lévesque, President, CCIL, University of Ottawa Faculty of Law

14:30-15:30 (ET) – Choice of two Sessions

Session 1

Pandemics and International Law: Response by International Organizations

(Presented in French)

This panel hosted by the Société québécoise de droit international (SQDI) will focus on the response international organizations are able to provide in a widespread pandemic. Are these organizations well equipped to coordinate the action of States facing such a situation? Are their rules lacking in this regard? What problems hinder their ability to react to a pandemic? We will examine the legal instruments and practices of three large sectoral international organizations, the World Trade Organization (WTO), the International Labour Organization (ILO) and the World Health Organization (WHO). Based on the experience gained by these organizations from the COVID-19 crisis in their respective spheres, the panel will discuss aspects relevant to both the law of international organizations and international law.

MODERATOR

Charles-Emmanuel Côté, Université Laval, Faculty of Law

SPEAKERS

Gabrielle Marceau, WTO

Anne-Marie La Rosa, ILO

Geneviève Dufour, Sherbrooke University, Faculty of Law (discussing the WHO)



Session 2

Canada in the World: Extractivism, Settler Colonialism, Race and Ecological Footprints in International Law

This panel asks who decides the purposes of international law. Does international law aim to protect the environment, or does it aim to maximize the efficient exploitation of nature? Does international law aim to provide everyone an equal opportunity for development on their own terms, or does it facilitate elite enrichment in an increasingly economically unequal world? Does international law stand against colonialism, genocide, slavery, apartheid, and racism, or has it enabled these practices? If its stated aims are in contradiction with its operation in the world, how do we reconcile this paradox? Is the law unfit for purpose, or is it fulfilling its purposes all too well? Who decides and what are the consequences of how we answer this question?

This panel interrogates these matters in the Canadian context, examining Canada's place in the world regarding extractive industries, settler colonialism, race, and ecological footprints in international law. The panel does so in two discussion

rounds. First, the panelists examine the international frameworks pertaining to extractive industries, settler colonialism, race, and ecological footprints, and how Canada situates its place therein. Second, the panelists reflect on teaching international law in a manner that productively unsettles misleading preconceptions about international law and Canada's place therein.

Sara Ghebremusse (Allard School of Law, University of British Columbia) considers the transnational and international frameworks that govern the operation of extractive industries and Canada's important role in this sector. Can transnational and international law be taught in a manner that makes students self-aware of the way in which Canada, lawyers, and universities operate to systemically enable certain economic interests and silence others? Jeffery Hewitt (Osgoode Hall Law School, York University) asks whether the law of nations today recognizes the legal systems of Indigenous and Tribal nations as equal participants, and whether international law can be taught in a manner that undoes genocide rather than institutionalizing and normalizing it. Sujith Xavier (University of Windsor School of Law) questions whether liberal international law frameworks can combat racism in the contemporary world given that such frameworks also contribute to constructing race and racial hierarchy. He proposes breaking down violent structures through transforming our pedagogical practices. Usha Natarajan (Heyman Center, Columbia University) considers the implications of Canada's ecological footprint for international laws on the environment, and the challenges of teaching environmental justice across the global south and north in a manner that navigates away from apathy and despair to empower actors productively.

MODERATOR AND SPEAKER

Usha Natarajan, American University in Cairo

SPEAKERS

Sara Ghebremusse, University of British Columbia Faculty of Law

Jeffery Hewitt, Osgoode Hall Law School

Sujith Xavier, University of Windsor Faculty of Law

16:00-17:00 – Choice of two sessions

Session 1

Is International Law Related to Indigenous Peoples Fit for Purpose?

In 2007, the United Nations General Assembly (UNGA) voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). Four states voted against it: Canada, Australia, New Zealand and the United States (CANZUS states), but have since changed their positions and now express their support. However, expressing support is only the first step; now comes the critical phase of implementation. This panel presents comparative approaches and Indigenous voices from CANZUS reflecting on domestic implementation of the UN Declaration. How is it possible to reconcile different legal orders: international law, domestic law, and Indigenous peoples' own laws? Panelists consider how the legal traditions of Aboriginal peoples and Torres Strait Islanders, Pacific Islanders, Māori and Native Americans can be strengthened and revitalized through domestic implementation of the UN Declaration, and examine the particular challenges and opportunities that exist for implementing both the human rights and decolonization dimensions of the declaration within the CANZUS states.

The discussion highlights the collective efforts of Indigenous peoples from around the world, working sometimes with, but often facing stiff resistance from, national governments, to articulate the minimum requirements for their recognition and respect at home and in the global community.

MODERATOR

Oonagh Fitzgerald, ILA, University of Ottawa

SPEAKERS

Brenda Gunn, University of Manitoba Faculty of Law

Fleur Te Aho, University of Auckland Faculty of Law

Kristen Carpenter, University of Colorado Law School

Patricia Adjei, Australia Council for the Arts

Session 2

International Dispute Resolution on Trial

For the past few decades, and with an increasing urgency over the past few years, there has been a growing disenchantment with international dispute resolution, both with respect to international investment law arbitration (known as ISDS) and before the World Trade Organization (WTO).

Each dispute resolution mechanism has been subject to fierce criticism of late. Opposition to ISDS has manifested in so-called new generation investment agreements, some of which provide for a radically different investor-state dispute mechanism or, like CUSMA, opt to limit access to ISDS or not to include it at all in relation to Canada. The United States' dissatisfaction with the WTO's trade dispute settlement mechanism has resulted in a paralysis of the WTO Appellate Body since late 2019.

Given these latest developments, the question then remains: are ISDS and the WTO dispute resolution bodies destined to fail? This panel, structured in a classic debate format, aims to challenge our preconceived notions on international dispute resolution. Panelists will square off, each speaking in support of or against the proposition. Audience members are encouraged to decide prior to the debates whether they believe that these mechanisms are, indeed, destined to fail. Will our speakers succeed in changing your minds?

MODERATOR

Alexa Biscaro, Norton Rose Fulbright LLP

SPEAKERS

Petros Mavroidis, Edwin B. Parker Professor of Foreign and Comparative Law, Columbia Law School

Alison G. FitzGerald, Norton Rose Fulbright LLP

John Siwec, Perley-Robertson, Hill & McDougall LLP

Krista Zeman, Trade Law Bureau, Global Affairs Canada (GAC)

17:00 - 18:00 ET – Virtual Reception

We will open with a recognition of the **2020 Public Sector Award Winner Colleen Swords**, before breaking up into small group networking rooms.

We look forward to this opportunity to connect/reconnect with our international law colleagues!

VIRTUAL CONFERENCE – DAY 2

FRIDAY, OCTOBER 30

10:00 - 15:00 (ET)

10:00-11:00 (ET) – Choice of two Sessions

Session 1

COVID-19's impact on the responsibility of States in light of their various commitments, especially in human rights matters

(Presented in French)

MODERATOR

Pierre-Olivier Savoie, Savoie Laporte



Savoie
Laporte

Sfdi
Société française
pour le droit international

SPEAKERS

Anne-Thida Norodom, Université Paris-Descartes

Sébastien Touzé, Université Paris II Panthéon-Assas

Sébastien Jodoin, McGill, University, Faculty of Law

Myrlande Pierre, Vice-president responsible for the Charter mandate, Commission québécoise des droits de la personne et des droits de la jeunesse

Philippe-André Tessier, President, Commission québécoise des droits de la personne et des droits de la jeunesse

Session 2

Trends in International Law in the COVID Era: A view from the Legal Affairs Bureau at Global Affairs Canada

This round-table discussion is moderated by Rebecca Netley, Director, United Nations, Human Rights and Economic Law Division at Global Affairs Canada. Each panelist will make a brief introduction of the responsibilities of their respective divisions. The moderator will then make remarks and pose questions to the panelists, raising some of the key files and issues currently addressed by GAC's Legal Affairs Bureau – including in the context of the COVID pandemic. Questions will follow from attendants.

MODERATOR

Rebecca Netley, Director, United Nations, Human Rights and Economic Law Division (JLH)

SPEAKERS

Louis-Martin Aumais, Director, Criminal, Security and Diplomatic Law Division (JLA)

Stephen Randall, Director, Treaty Law Division (JLI)

Alain Tellier, Director, Oceans and Environmental Law Division (JLO)

11:30-12:30 – Keynote Speakers

Going Forward in International Law and Indigenous Rights

In this conversation **Prof. Irene Watson** and **Dr. Sharon Venne** will consider and compare how far Canada and Australia have travelled post UNDRIP in the recognition of Indigenous Peoples.

Prof. Irene Watson - Professor Irene Watson belongs to the Tangane-kald, Meintangk Bunganditj First Nations peoples of the Coorong and the South-east of South Australia and is the Pro Vice Chancellor: Aboriginal Leadership and Strategy, the David Unaipon Chair, and Professor of Law at the University of South Australia.

Dr. Sharon Venne - Dr. Sharon H. Venne (Notokwew Muskwa Manitokan) is a Cree woman and lawyer.

13:00-13:45 – CCIL Annual General Meeting

14:00-15:00 – Career Panel

Have you ever wondered what it would be like to work in the international legal field? Do you wonder what types of opportunities are out there for you and how you might pursue a career in this variable and exciting area of law? This panel has the answer to all of these questions and many more. Come hear from international law experts who have pursued a variety of career paths speak about their experiences.

MODERATOR

Alan Cliff, Department of Justice (Canada)

SPEAKERS

Vivasvat (Viva) Dadwal, King & Spalding LLP

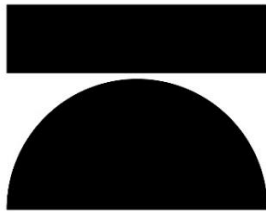
Stefan Kuuskne, Trade Law Bureau, Global Affairs Canada

Mark Searl, Human Rights Law Section, Department of Justice Canada

Param-Preet Singh, Human Rights Watch

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