

48th Annual Conference

Canadian Council on International Law



Diversity & International Law

Program

October 24–25, 2019
111 Sussex Drive, Ottawa



Canadian Council
on International Law

Conseil canadien
de droit international

#CCIL2019

Diamond

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Silver



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SUR LE DROIT DU TRAVAIL ET
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Welcome from the CCIL President and Conference Co-Chairs

Welcome to the 48th CCIL’s Annual Conference!

This year the Conference theme is Diversity and International Law. This is a broad theme, which as you will see throughout the program, brings together a wide array of different perspectives and ideas. Diversity has appeared to be a priority in recent years, and this conference invites you all to think critically to determine whether, and if so how, international law and international organizations are diverse. We very much hope that you will find the conference both interesting and challenging.

We want to thank our keynote speakers and our highly qualified presenters who have taken the time to join us, some of whom have travelled from afar, our generous sponsors who make this reunion possible and of course all our participants. Once again, we have reached more than 300 participants! We also want to thank the CCIL Secretariat, Julie Begbie for her essential logistical and organizational support.

Please do not hesitate to share your feedback and ideas with us. This is your conference and we want to continue to make this event the premier annual international law conference in Canada.

Marie-Claude Boisvert, CCIL President
Dan Moore, Gib van Ert and Patricia Galvao-Ferreira, conference co-chairs

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Biographies for all our speakers are available at www.ccil-ccdi.com

Don't Miss Out on CCIL's Career Awards!

We invite you to submit your nominations for the 2020 CCIL Award for **Public Sector Lawyer** (Deadline March 1, 2020) as well as submissions for the **CCIL Scholarly Book Award** (Deadline May 1, 2020). See our website for more details.



General Information

Complimentary Wi-Fi is available in all meeting rooms. The code is available at the Registration Desk and on-screen.

Simultaneous interpretation is available in Victoria Hall and Ottawa ABC. Headsets are located at the back of the room.

Main language of presentation is indicated next to each title with an (E) or (F).

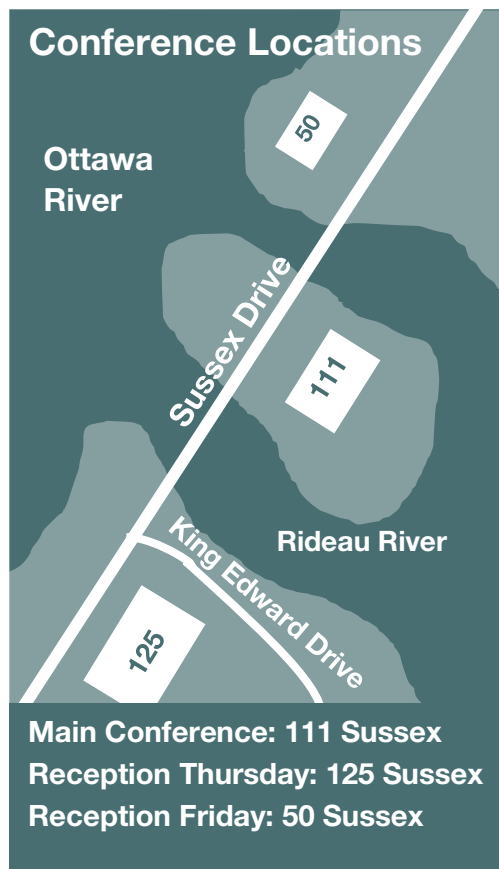
Summaries of sessions prepared by law student volunteers will be posted to the CCIL website.

Continuing Professional Development Credits

Accreditation for EDI Professionalism Hours with the Law Society of Ontario is pending for sessions A2 and B3

Thursday and Friday sessions total 12 hours and 20 minutes of continuing education.

Photos and/or videos may be taken by CCIL staff or affiliates during the conference and subsequently used by CCIL to promote the conference and/or activities on its website. It is possible that media may be in attendance.



The Canadian Yearbook of International Law

John H. Currie, *Editor-in-Chief*
 René Provost, *Associate Editor*

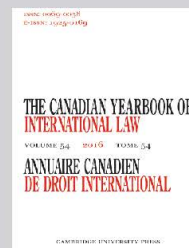
Since 1961, the *Canadian Yearbook of International Law* has promoted the development and dissemination of the best Canadian and international research on issues of public and private international law, while publishing documents and commentaries that reveal the practice of Canadian institutions in matters of international law.

Submissions: Authors are invited to submit articles, notes and comments, in English or in French, that advance critical thinking in all areas of international law.

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Professor Dapo Akande

University of Oxford

Dapo Akande is Professor of Public International Law at the University of Oxford where he is also Co-Director of the Oxford Institute for Ethics, Law and Armed Conflict (ELAC). He was a member of the International Group of Experts that prepared the Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations (2017, CUP) and a member of the International Advisory Panel for the American Law Institute's project on the Restatement Fourth, The Foreign Relations Law of the United States.

An acclaimed writer on international law and member of the Editorial or Advisory Boards of several law journals, Professor Akande is a Trustee on the board of the British Institute of International and Comparative Law and was, until 2019, a Counsellor on the Executive Council of the American Society of International Law. He is founding editor of the scholarly blog: EJIL:Talk! the blog of the European Journal of International Law, and has published widely on international law.

His extensive experience in international law includes serving as consultant, expert or adviser to international organizations, states and non-governmental organizations. In addition, he has worked on cases before national courts and international law tribunals, including the UK Supreme Court, the International Court of Justice, the European Court of Human Rights, the International Tribunal for the Law of the Sea, international arbitral tribunals in mixed disputes, World Trade Organization and North American Free Trade Area Dispute Settlement panels. In 2017/18 he acted as legal adviser to the UK Parliament's All Party Parliamentary Group on Drone's Inquiry into the ways in which the UK works with partners on the use of drones.



Professor Payam Akhavan

McGill University Faculty of Law

Payam Akhavan LL.M. S.J.D. (Harvard) is Full Professor at McGill University Faculty of Law, Member of the Permanent Court of Arbitration and ICSID Panel of Arbitrators and formerly the first Legal Advisor to the Prosecutor's Office of the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague.

His prior academic appointments include Yale Law School, University of Toronto, Université Paris Ouest Nanterre La Défense, European University Institute (Florence), and the University of Oxford. Professor Akhavan has published extensively on international criminal law and in 2017 he delivered the bestselling CBC Massey Lectures "In Search of a Better World: A Human Rights Odyssey."

Professor Akhavan's wide-ranging experience in international criminal law and international human rights law includes serving with the UN in Bosnia, Cambodia, Guatemala, Rwanda, and Timor Leste, assisting the UN Working Group on Indigenous Populations, advising on the Yazidi and Rohingya genocides, and appearing as counsel in notable cases including *Prosecutor v Erdemović* (1996), the first case before the ICTY Appeals Chamber, *Application of the Convention on the Elimination of Racial Discrimination* (2010 *Georgia v Russia*, before the International Court of Justice), the admissibility challenge on behalf of Libya in *Prosecutor v Saif Al-Islam Gaddafi and Abdullah Al-Senusi* (2014, before the International Criminal Court), *Akçam v. Turkey* (2011) and *i* (2015, before the European Court of Human Rights), *Hamdi v Rumsfeld* (2004, before the Supreme Court of the United States), and *Kazemi v Iran* (2014, before the Supreme Court of Canada).



Biographies for all our speakers are available at www.ccil-ccdi.com



Judge Kimberly Prost

International Criminal Court

A gold medalist graduate from the University of Manitoba Law School, Kimberly Prost was elected as Judge of the International Criminal Court (ICC) in 2018, for a term of nine years. Judge Prost had been previously elected by the UN General Assembly in 2006, to sit as an ad litem judge of the International Criminal Tribunal for the former Yugoslavia on a multi-accused trial (Popovic et al) related to events at Srebrenica and Zepa. In June 2010, Judge Prost was appointed by the Secretary General as the first Ombudsperson for the Security Council Al Qaida Sanctions Committee. Prior to being elected as a Judge, she has served as Chef de Cabinet for the President of the ICC for a two-year term.

At the domestic level, Judge Prost worked for the Canadian Department of Justice for eighteen years, appearing before the Supreme Court of Canada and before Canadian Courts in all other levels. As the Director of the International Assistance Group, she participated in the negotiation of over 40 extradition/mutual legal assistance treaties and was a member of the Canadian delegation for the negotiation of the Rome Statute of the ICC, as well as the UN Conventions against Transnational Organized Crime and Corruption.



Judge Prost also held managerial positions with the Commonwealth Secretariat and the UN Office on Drugs and Crime, delivering a range of programs for States on international cooperation, money laundering and asset forfeiture, counter terrorism, implementation of the Rome Statute, and combating organized crime and corruption.

Biographies for all our speakers are available at www.cciil-ccdi.com

John P. Humphrey Fellowship

The Canadian Council on International Law awards annually up to three John Peters Humphrey Student Fellowships in International Human Rights Law or International Organization.

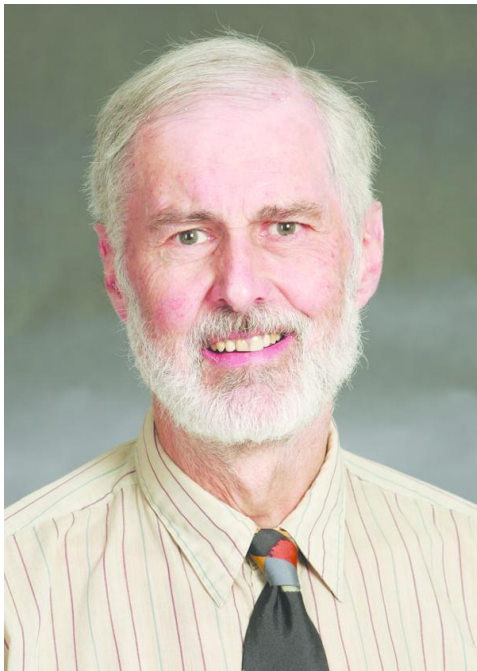
The Fellowships are awarded to outstanding students in order to permit them to pursue full-time graduate studies at leading graduate institutions in Canada or world-wide. Students in Canadian law and political science (or the equivalent) faculties are eligible to apply for the Fellowship.

Deadline: December 1, 2019. Additional information and the application are available on our website.

CCIL John E. Read Medal

The John E. Read Medal is awarded by the CCIL to commemorate the life and work of John Erskine Read, Q.C., a distinguished Canadian lawyer and the only Canadian judge elected to the International Court of Justice. The Read Medal is awarded to Canadians who have made a distinguished contribution to international law and organizations and to non-Canadians who have made an outstanding contribution to international law and organizations in fields of special interest to Canada.

Recipient: Professor Hugh Kindred



Hugh Kindred is Professor of Law Emeritus at Dalhousie University, Halifax, Nova Scotia where he taught International Law and Trade, Commercial and Consumer Law, and Maritime Law. He was the leading editor and co-author of five editions of *International Law Chiefly as Interpreted and Applied in Canada* (1987-2014), now in a 9th edition (2019) named in his honour, and co-author of *Law Beyond Borders: Extraterritorial Jurisdiction in an Age of Globalization* (2014). Other publications disclose his particular interest and expertise in the relationship between international and Canadian law.

In the maritime law field Hugh is co-author of *Marine Cargo Claims* (1990), *Multimodal Transport Rules* (1997) and two editions of *Canadian Maritime Law* (2003, 2016), which was co-winner of the Walter Owen Book Prize of the Canadian Bar Association in 2005 and has been cited widely by Canadian courts, including the Supreme Court of Canada. He also served as Senior Legal Officer in the Shipping Division of the United Nations Conference on Trade and Development. In 2003 Professor Kindred was honoured by the Canadian Association of Law teachers with its Award of Academic Excellence.)

**The John E. Read Medal will be presented at the
Closing Reception on Friday, October 25, 2019
4:30 – 6:30 pm | 50 Sussex**

**Be sure to look for your flyer at the registration area to access a
15% discount on the latest edition of *Kindred's International Law***

(Courtesy of Emond Publishing)



08:00 – 09:00	Coffee Service	Ottawa Lounge
09:00 – 09:05	Opening Remarks	Victoria Hall
09:05 – 10:30	Opening Keynote	Victoria Hall

Fixing the Broken Mirror: Diversity and Survival in the Global Village

Keynote Speaker: Professor Payam Akhavan, McGill University Faculty of Law

Introduced by Valerie Oosterveld, Western Law

Discussant

Valerie Oosterveld, Western Law

10:30 – 10:50	Health Break	Ottawa Lounge
10:50 – 12:20	Concurrent Sessions: A	

A1 Doctrine, Practice, and Advocacy in the Inter-American Human Rights System (E/F)

Victoria Hall

The panel will discuss accomplishments and challenges facing the Inter-American Human Rights System. The panelist will address, inter alia, massive and systematic human rights violations in the Americas, women's rights as well as economic, social and cultural rights. The panel will conclude with comments on pedagogy, teaching tools and the IAHRs.

Chair

Eise Hansbury, Lawyers Without Borders Canada

Speakers

James Cavallaro, University Network for Human Rights and Stanford Law School

Bernard Duhaime, UQAM/ ONU Groupe de travail sur les disparitions forcées ou involontaires

Caroline Bettinger-Lopez, Human Rights Clinic, University of Miami Law School

A2 Diversity Among Adjudicators: Can the Multilateral Investment Court Set a New Standard?(E/F)

Ottawa ABC

The future of investment arbitration has been the subject of ongoing debates. Some international investment agreements (IIAs), such as the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), establish bilateral “Investment Court Systems” (ICS), under which only State parties appoint the body of adjudicators for a set period of time. However, the CETA is silent on gender diversity in the selection and appointment process of investment adjudicators. Different participants in the system, including some arbitrators, arbitral institutions, States, and academics continue to point out the lack of diversity among the investment arbitrators, especially those appointed by the parties to the dispute.

One of the most discussed proposals on structural reform of the system of investment arbitration concerns the creation of Multilateral Investment Court (MIC). The European Union made a special submission to the UNCITRAL Working Group III meeting that discusses some existing problems with the system, including, for



example, significant costs, limited systemic checks and balances, lack of transparency in the arbitration process and diversity in the composition of arbitral tribunals.

This round table will explore some of the challenges related to the lack of diversity in the current ISDS system and look to the composition of international and regional courts in order to identify best practices and approaches that can be used for a future MIC. The main objective is to understand what approaches to diversity may be employed for a future MIC.

Chair

Debra Steger, University of Ottawa, CIGI Senior Fellow

**Centre for International
Governance Innovation**

Speakers

Céline Lévesque, University of Ottawa, CIGI Senior Fellow

Valerie Hughes, Queen’s University, CIGI Senior Fellow

Frédéric Mégret, McGill University

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Hours Pending

A3 Distinctions that Made a Difference: Current Issues in Canadian Reception Law (E/F)

Freiman-Guigues

The use and neglect of public international law by Canadian courts remains a vibrant area of study and practice. With both the *Vavilov* and *Araya v Nesun* cases on reserve at the Supreme Court of Canada, important new developments may be on the horizon. In this panel, Prof. Forcese will lead the speakers through a range of current reception law issues. Joshua Blum will speak to the challenges faced by litigation counsel in bringing public international law concerns before the Federal Court in refugee protection matters. Vicki Prais will report the results of her recent study into how the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) are used in Canadian legal proceedings. And Gib van Ert will try to separate the wheat from the chaff in the Supreme Court of Canada’s notorious decision in *R v Hape* in advance of its near-inevitable reversal by the Supreme Court of Canada some day.

Chair

Craig Forcese, University of Ottawa

Speakers

Joshua Blum, Jared Will & Associates, Toronto

Vicki Prais, Independent International Human Rights Consultant (Prisoners' Rights/Deprivation of Liberty)

Gib van Ert, Gib van Ert Law, Ottawa and Vancouver

12:20 – 13:40

Buffet Lunch and Networking

La Promenade

12:20 – 13:40

Career Chat

Algonquin

An opportunity to learn from and ask questions of individuals who have pursued different careers in the practice of international law.



13:40 – 14:30

Keynote

Victoria Hall

The International Criminal Court after 20 years : Accomplishments and Challenges

Keynote Speaker: Judge Kimberly Prost, International Criminal Court

Introduced by Terry M. Beitner, Director and General Counsel, Crimes Against Humanity and War Crimes Section, Justice Canada

14:40 – 16:10

Concurrent Sessions: B

B1 The CJEU's Opinion 1/17 on the legality of the CETA's ISDS provisions: Comparative constitutional perspectives and its impact on existing treaties, including EU Member States' 1200 BITs existing treaties (F)

Victoria Hall

On 30 April 2019, the Court of Justice of the European Union rendered its Opinion 1/17 confirming the legality of the ISDS provisions found in Chapter 8 of CETA. Opinion 1/17 came in the wake of the CJEU's 6 March 2018 judgment in *Slovak Republic v. Achmea B.V.* finding that an intra-EU BIT (there, the Slovakia-Netherlands BIT) was incompatible with the EU Treaties. While in Opinion 1/17 the CJEU confirmed that extra-EU investment treaties are permissible (because they do not raise issues of “mutual trust” and “sincere cooperation” which is required as between EU Member States), the CJEU nevertheless held that CETA's ISDS provisions allowed for the preservation of the integrity and autonomy of EU law because of several particular provisions contained in CETA's chapter 8. These included provisions ensuring EU law is interpreted as a fact, the existence of general exceptions, the confirmation of the right to regulate, the obligation not to lower standards, an exhaustive definition of fair and equitable treatment and also an annex on indirect expropriation. The CJEU also held that investment treaties must not threaten the competences of EU institutions within the EU legal framework, nor can they threaten EU Member States' implementation of EU law. The CJEU also considered access to justice issues as well as the right to an independent and impartial decision-maker under EU law. This panel will examine all these issues as well as how courts in other countries (such as Canada, Colombia and France) view investment treaties in light of their internal constitutional requirements. **This panel is jointly organized with the Société française de droit international (SFDI).**

Chair

Pierre-Olivier Savoie, Savoie Arbitration, Paris

Savoie Arbitration

Speakers

Sabrina Robert-Cuendet, Université du Maine (Le Mans -- Laval)

Iuliana Iancu, Hanotiau van den Berg, Brussels

Fabien Gélinas, Faculté de droit, Université McGill

Arnaud de Nanteuil, Université Paris-Est Créteil

B2 Transnational Futures of International Labour Law (E/F)

Ottawa ABC

Created under the League of Nations, the International Labour Organization (ILO) – which became the United Nations' first specialized agency - celebrates its centenary in 2019. The ILO has a special relationship with Canada, which offered it a wartime refuge at McGill University from 1940 – 1948. During that time, the ILO's constituents renewed the organization's foundational commitment to seeking social justice through peace. In the current



moment of discontent, the ILO’s social justice-based constitutional mandate seems at once deeply necessary and yet singularly hard to achieve. This session offers reflections, chiefly emanating from a commemorative, live-webcast course held at the McGill Faculty of Law in Winter 2019, on how the ILO’s corpus of international labour law is being called upon in counter-hegemonic ways, to hold space open for transnational futures.

Chair

Adelle Blackett, Faculty of Law, McGill University



Speakers

Bernard Duhaime, Département des sciences juridiques, Université du Québec à Montréal

Éloïe Ouellet-Décoste, Département des sciences juridiques, Faculté de science politique et de droit, Université du Québec à Montréal

Leila Kawar, University of Michigan & McGill University

Joanna Langille, Faculty of Law, University of Western Ontario (by teleconference)

Liam McHugh-Russell, Faculty of Law, McGill University

B3 Diversity in international law-making (E)

Freiman-Guigues

There is widespread agreement that the more international law and international institutions reflect the plural perspectives that characterize global society, the greater the chances that countries will commit to upholding international norms and institutions. Yet, despite the increased emphasis on promoting diversity and inclusion in international law-making, there are no easy answers as to what does it mean for international law to be truly diverse and inclusive, and how do we get there? This panel looks into this challenge from two angles: the role of specific stakeholders (indigenous peoples, non-state actors, persons with disability); and diversity of perspectives in the making of two specific areas of international law: customary international criminal law and global climate governance.

Chair

Christopher Waters, University of Windsor

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Speakers

Oluwatobiloba Moody, Centre for International Governance Innovation

Segment: Rethinking the Homogenous Indigenous View: Promoting Indigenous Diversity within International Lawmaking.

Maria Panezi, UNB Law and Ksenia Polonskaya, Centre for International Governance Innovation

Segment: Examining the potential role of non-state actors in increasing diversity in international tribunals

Brian Cox, Queen's Law

Segment: Recklessness, Mens Rea, and War Crimes: Diverse Perspectives in Customary International Law

Sébastien Jodoin, McGill University, Faculty of Law

Segment: Challenging Ableism in International Law: Integrating Disability Rights in Global Climate Governance



16:10 – 16:30

Health Break

Ottawa Lounge

16:30 – 18:00

Concurrent Sessions: C

C1 International Law and the Crisis in Chinese-Canadian Relations (E)

Victoria Hall

Canada's position between the US and China has become the most difficult and dangerous issue of foreign policy. Extradition law, trade law, telecommunications law, national security law, even Arctic sovereignty is part of the mix. This expert round-table will delve deep into the issues, with considerable time available for audience questions.

Chair

Michael Byers, University of British Columbia

Speakers

Alan Kessel, Global Affairs Canada

Christopher Parsons, Citizen Lab, University of Toronto

Margaret McCuaig-Johnston, University of Ottawa

C2 Highlights of 2019 from The Canadian Yearbook of International Law (E/F)

Ottawa ABC

Published by Cambridge University Press, The Canadian Yearbook of International Law is Canada's leading international legal journal. Among its key features are annual digests of current developments in various areas of international law. This panel invites the Yearbook's digest authors – leading authorities in their respective fields – to highlight key developments in 2019 in such diverse areas as international investment law, the inter-American human rights system, and the treatment of international legal issues in Canadian court cases.

Chair

John Currie, Faculty of Law, University of Ottawa

Speakers

Gib van Ert, Gib van Ert Law, Ottawa and Vancouver

Charles-Emmanuel Côté, Faculté de droit, Université Laval

Bernard Duhaime, Département des sciences juridiques, Université du Québec à Montréal

Éloïe Ouellet-Décoste, Département des sciences juridiques, Faculté de science politique et de droit, Université du Québec à Montréal



C3 Interdisciplinarity and International Economic Law: Diverse Approaches in Research and Practice (E)

Freiman-Guigues

International economic law is undergoing several mutations and challenges. From the (re)negotiations of free trade agreements to the reform of international investment law, the international legal community is grappling with increasingly complex issues. However, the causes and the implications of these issues are often not confined to the realm of law. Neglecting the historical, social, political and economic dimensions of current problems can only lead to ill-informed solutions. Academics and practitioners in international economic law thus need the appropriate tools to approach the ongoing mutations and challenges.

After identifying specific topics in international economic law, three questions will be asked to each panelist: 1) What are the implications of this issue for international economic law?; 2) Which aspects are ignored by a traditional legal approach?; and 3) How can an interdisciplinary approach provide a more complete response? Overall, the panelists will demonstrate that interdisciplinary knowledge is more than a mere trend in international law. International legal scholars and practitioners ought to embrace diverse methodological approaches to fully address key phenomena in international economic law.

Chair

Andrea K. Bjorklund, McGill University, Faculty of Law

Speakers

Jean-Michel Marcoux, McGill University, Faculty of Law

Wolfgang Alschner, University of Ottawa, Faculty of Law – Common Law Section

Laura Létourneau-Tremblay, University of Oslo, Faculty of Law, Department of Public and International Law

Mona Pinchis-Paulsen, Stanford Law School

Shane Spelliscy, Government of Canada, Trade Law Bureau, Investment and Services Division

18:15 – 20:00

Reception

125 Sussex Drive, A9

The Legal Adviser of Global Affairs Canada

Scholarly Paper Award

In recognition of scholarly papers that make a substantial contribution to the international law literature, CCIL is pleased to announce the following winners of its inaugural Scholarly Paper Award:

Gregory Fox, Kristen Boon and Isaac Jenkins for “*The Contributions of United Nations Security Council Resolutions to the Law of Non-International Armed Conflict: New Evidence of Customary International Law*” (American University Law Review, Vol. 67, p. 649, 2018)

Joanna Harrington for “*The Working Methods of The United Nations Security Council: Maintaining The Implementation of Change*” (International & Comparative Law Quarterly, Vol 66, Issue 1, 2017)



08:00 – 09:00

Coffee Service

Ottawa Lounge

09:00 – 10:30

Concurrent Sessions: D

D1 Different voices in international humanitarian law: Perspectives on IHL and gender, disability and religion (E)

Victoria Hall

This year marks the 70th anniversary of the 1949 Geneva Conventions. The Conventions provided sweeping improvements in terms of obligations of parties to armed conflicts to protect civilians, wounded and sick, as well as prisoners of war. Now more than ever, it is important to reflect on these historical developments and whether diverse perspectives and experiences have been adequately taken into account.

More globalized discussions on IHL, which have emerged since the 1940s, have included feminist critiques, other questions about inclusion and exclusion of particularly affected populations, and the intersection between IHL and religion and Islamic law in particular.

This panel will explore the junctures between IHL and gender, Islamic law and disability, providing a critical and constructive analysis.

Chair

Catherine Gribbin, Red Cross

Speakers

Valerie Oosterveld, Western Law

Janet Lord, Harvard Law School Project on Disability

Ahmed Al-Dawoody, International Committee of the Red Cross



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D2 Diversity in the modes of international environmental governance (E/F)

Ottawa ABC

As we approach five decades since the 1972 Stockholm Declaration, the sense that international environmental law is still unable to adequately respond to the growing complexity of global environmental challenges persists. Many existing environmental regimes have proved slow, cumbersome, unresponsive to equity considerations and to rapid knowledge change, and insufficient to meet their objectives. This panel includes discussions on how diverse methodologies, institutional mechanisms and representation can improve international environmental law regimes in key geographic areas like the Arctic and Antarctic, and in specific international environmental law regimes including the high seas fisheries and climate change.

Chair

Patricia Galvao-Ferreira, University of Windsor

Speakers

Agnes Barr-Klouman, University of Ottawa

Segment: Successes and Shortcomings: A Law and Geography Approach to the Arctic Council

Catherine Blanchard, Netherlands Institute for the Law of the Sea (NILOS) - Utrecht University

Segment: The elusive search for sustainable high seas fisheries: Exploring alternative regulatory and governance mechanisms

Ling Chen, McGill University

Segment: The Diversity of Climate Law Teaching at Canadian Law Schools

Nicolas Kempf, Faculté de Droit, Université de Montréal

Segment: The Antarctic regime victim of its desire for inclusion?

D3 Using Technology to Make Trade Agreements Accessible to Diverse Actors (E)

Freiman-Guigues

The panel will explore how technology can be used to allow a larger and more diverse pool of actors to take advantage of international trade rules. Small traders often lack the time and resources to investigate how trade agreements can benefit them. The panel will present detailed case studies from developing countries that show how technology can reduce these barriers, which range from basic cell-phone technology to find tariff rates and websites where traders can register trade barriers to the use of blockchain technology to solve enforcement problems through smart contracts. The presentations will feature recent work at the intersection of technology and trade by JD students from the joint international trade and investment law clinic of Queen's University and the University of Ottawa.

Chair

Nicolas Lamp, Queen's University, Faculty of Law

Speakers

James Moores, University of Ottawa

Jamie Orr, University of Ottawa

Alina Smirnova, Queen's University

Blake Van Santen, Department of Justice, Government of Canada



uOttawa

Faculté de droit
Faculty of Law

***Hyman Soloway Chair
in Business and Trade Law***

10:30 – 10:50

Health Break

Ottawa Lounge



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13

Friday, October 25, 2019



10:50 – 12:20

Concurrent Sessions: E

E1 Colonialism as Genocide in Slow Motion: Is International Law diverse enough to address ongoing colonial genocide? (E/F)

Victoria Hall

On June 3, 2019, after three years of hearing thousands of stories of systemic and structural violence, Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls reached the "inescapable conclusion" that Canada as a state is responsible for an ongoing genocide of Indigenous peoples. The Inquiry found that this ongoing genocide constitutes a root cause of the violence that is currently being perpetrated against Indigenous women and girls. Colonial violence is ongoing, not just a legacy of the past.

The Inquiry's final report is supplemented by a legal analysis on genocide, which specifically tackles this issue. It upholds that the true nature of genocide is distinct from the popular notions of it. Colonial genocide, i.e., genocide perpetrated in a colonial context, is a slow-moving process, unlike the traditional paradigms of genocide that are the Holocaust and the genocide in Rwanda. A gendered lens allows to adequately frame the elements of genocide, and sheds light on the gender-specific impacts it has on women and girls.

This panel will discuss the place of colonial genocide in international law in the wake of the National Inquiry's works, and foster discussions on the active decolonization process that is needed in order to address Canada's ongoing colonial genocide.

Chair

Amanda Ghahremani, Simone de Beauvoir Institute



CPIJ
PCJI

CANADIAN PARTNERSHIP
FOR INTERNATIONAL JUSTICE
PARTENARIAT CANADIEN
POUR LA JUSTICE INTERNATIONALE

Speakers

Catherine Savard, Canadian Partnership for International Justice

Fannie Lafontaine, Université Laval

Pamela Palmater, Ryerson University

Michèle Audette, National Inquiry into Missing and Murdered Indigenous Women and Girls

E2 The diversity of the reception conditions for International Organizations and International NGO's in Canada (F)

Ottawa ABC

Canada and Quebec in particular are hosts of international organizations. Examples include ICAO, the Secretariat of the Convention on Biological Diversity, the UNESCO Institute for Statistics and the Institut de la Francophonie pour le développement durable (OIF). Montreal is considered the third most important city in North America for hosting international organizations after New York and Washington. Moreover, Canada is known for hosting international non-governmental organizations such as the World Anti-Doping Agency, the International Bureau of Children's Rights, and many others.

This panel proposes to study both the diversity of organizations that have settled in Canada and the conditions under which they are welcomed. Why is Canada so popular with these organizations? What is the action of the various levels of government to welcome and retain them? What is the status of the privileges and immunities

offered? Should the Foreign Missions and International Organizations Act be reopened? What about Quebec's policy in this area? What is the role of Montreal International? This panel, composed of academics and practitioners, will answer these multiple questions. **This panel is jointly organized with the Research Chair on Antidoping in sport Business School, Université de Sherbrooke**

Chair

Geneviève Dufour, Université de Sherbrooke / Présidente SQDI



Speakers

Etienne Corriveau-Hébert, Ministère des relations internationales et de la francophonie, Québec

David Pavot, Université de Sherbrooke

France Brosseau, Montréal international

Martial Pagé, Permanent Representative of Canada to ICAO

E3 Trends in International Law: A view from the Legal Affairs Bureau at Global Affairs Canada (E/F)

Freiman-Guigues

This round-table discussion, moderated by Masud Husain, Deputy Legal Adviser and Director General, brings together Directors from the Global Affairs Legal Bureau. 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. Questions will follow from the floor. Some of the focus of the discussion and questions, in light of the Conference themes, will be on emerging trends in international law.

Chair

Masud Husain, Legal Affairs Bureau, Global Affairs Canada

Speakers

Roland Legault, United Nations, Human Rights and Economic Law Division (JLH)

Rebecca Netley, Criminal, Security and Diplomatic Law Division (JLA)

Stephen Randall, Treaty Law Division (JLI)

Alain Tellier, Oceans and Environmental Law (JLO)

12:20 – 13:30

Buffet Lunch and Networking

La Promenade

12:45 – 13:30

CCIL Annual General Meeting

Algonquin





13:30 – 14:30

Keynote

Victoria Hall

**The Diversity of Rules on the Use of Force: Implications for Evolution of the Law
Keynote Speaker: Professor Dapo Akande, University of Oxford**

Introduced by Céline Lévesque, University of Ottawa

14:30 – 14:50

Health Break

Ottawa Lounge

14:50 – 16:20

Concurrent Sessions: F

F1 Indigenous Rights in the International Legal Context (E)

Victoria Hall

This panel features three presentations exploring themes related to Indigenous rights in the international trade context. It will begin with a discussion of the inherent economic rights of Indigenous peoples and how nation-states have approached the recognition of those rights, or have failed to do so, in international law. Then, the panel will explore provisions relating to Indigenous rights that have been included in Canada's recent trade agreements, such as the Comprehensive Economic and Trade Agreement between Canada and the European Union (CETA), the Comprehensive and Progressive Trans-Pacific Partnership Agreement (CPTPP), and the Canada-United States-Mexico Agreement (CUSMA). Finally, the panel will look at the scope of the specific exception contained in the CUSMA for measures that a Party "deems necessary to fulfill its legal obligations to [I]ndigenous peoples", specifically how this exception may be interpreted from a Canadian perspective in light of the legal obligations set out in Section 35 of the Constitution Act, 1982 and those in self-government agreements between Canadian governments and Indigenous peoples, and the implications of this exception for the interpretation of other Canadian agreements.

Chair

Koren Marriott, Aboriginal Law Centre at the Department of Justice

Speakers

Wayne Garnons-Williams, Garwill Law Professional Corporation

Risa Schwartz, Risa Schwartz International Law

J. Anthony VanDuzer, Common Law Section, Faculty of Law, University of Ottawa

F2 NAFTA Chapter 11 – Looking forward while glancing backward (E)

Freiman-Guigues

With the negotiation of a new Investor-State Dispute Resolution (ISDS) chapter in the Canada-United States-Mexico Agreement (CUSMA), and reform efforts at ICSID and UNCITRAL, it is a time of potentially great change in this fast growing field. Our panel of pioneers from the earliest NAFTA Chapter 11 arbitrations involving all three of the NAFTA parties will delve into past developments and examine the future prospects for ISDS in the NAFTA zone. The panel members, having worked on both the claimant and respondent sides of some of the well-known cases for the early days of NAFTA chapter 11, including Loewen, Methanex, Pope & Talbot, UPS and Myers, will provide the benefit of their experience on these seminal cases and a review and commentary on the current developments for ISDS under CUSMA. The international law of damages and the valuation process that

occurs in these multi-million dollar disputes will also be addressed by the panel. The format of the panel is to provide an active discussion, rather than a series of presentations, so it promises to be an engaging experience for the audience.

Chair

Ian A. Laird, Crowell & Moring LLP, Washington, DC



Speakers

Todd J. Weiler, NAFTAClaims.com

Andrea K. Bjorklund, McGill University, Faculty of Law

Donald M. McRae, University of Ottawa

Chris Milburn, Secretariat International

16:30 – 18:30 pm Reception

50 Sussex Drive

Closing Reception and Awarding of John E. Read Medal

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Thursday, October 24 | *jeudi 24 octobre*

Registraton open from 08:00 | *Inscription ouvert commençant à 8 h* (Salle Victoria Hall, Lobby, 111 promenade Sussex Drive)

Program-at-a-glance | *Programme en bref*

08:00 - 09:00	Coffee Service <i>Service de café</i> (Salon Ottawa Lounge)		
09:00 - 09:05	Opening Remarks <i>Allocution d'ouverture</i> (Salle Victoria Hall)		
09:05 - 10:30	Keynote by Payam Akhavan - Fixing the Broken Mirror: Diversity and Survival in the Global Village <i>Discours par le conférencier d'honneur : Payam Akhavan « Réparer le miroir cassé: diversité et survie dans le village planétaire »</i> (Salle Victoria Hall)		
10:30 - 10:50	Health Break <i>Pause café</i> (Salon Ottawa Lounge/Freiman-Guigues)		
10:50 - 12:20 Concurrent: A <i>Simultanée : A</i>	Doctrine, Practice, and Advocacy in the Inter-American Human Rights System <i>Doctrine, pratique et plaidoyer dans le système interaméricain des droits humains</i> Victoria	Diversity Among Adjudicators: Can the Multilateral Investment Court Set a New Standard? <i>Diversité parmi les arbitres : La Cour multilatérale des investissements peut-elle établir une nouvelle norme?</i> Ottawa ABC	Distinctions that Made a Difference: Current Issues in Canadian Reception Law <i>Distinctions qui ont fait une différence : Questions d'actualité en droit canadien de réception</i> Freiman-Guigues
12:20 - 13:40	Buffet Lunch and Networking <i>Dîner buffet et réseautage</i> (Salle La Promenade)		Career Chat <i>Parlons carrières</i> (Salle Algonquin)
13:40 - 14:30	Keynote by Judge Kimberly Prost - The International Criminal Court after 20 years : Accomplishments and Challenges <i>Discours par le conférencier d'honneur : Juge Kimberly Prost « La Cour pénale internationale après 20 ans: Accomplissements et défis »</i>		
14:40 - 16:10 Concurrent: B <i>Simultanée : B</i>	The CJEU's Opinion 1/17 on the legality of the CETA's ISDS provisions: Comparative constitutional perspectives and its impact on existing treaties, including EU Member States' 1200 BITs existing treaties <i>L'Avis 1/17 de la CJUE sur la légalité du mécanisme de résolution investisseur état de l'AECG : Perspectives constitutionnelles comparées et l'impact de l'avis sur les traités existants, notamment les 1200 TBI des états membres de l'UE</i> Victoria	Transnational Futures of International Labour Law <i>Les avenir transnationaux du droit international du travail</i> Ottawa ABC	Diversity in international law-making <i>Diversité dans l'élaboration du droit international</i> Freiman-Guigues
16:10 - 16:30	Health Break <i>Pause café</i> (Salon Ottawa Lounge)		
16:30 - 18:00 Concurrent: C <i>Simultanée : C</i>	International Law and the Crisis in Chinese-Canadian Relations <i>Le droit international et la crise dans les relations sino-canadiennes</i> Victoria	Highlights of 2019 from The Canadian Yearbook of International Law <i>Actualités de 2019 de l'Annuaire canadien de droit international</i> Ottawa ABC	Interdisciplinarity and International Economic Law: Diverse Approaches in Research and Practice <i>Interdisciplinarité et droit économique international : Approches diverses en matière de recherche et de pratique</i> Freiman-Guigues
18:15 - 20:00	Reception: The Legal Adviser of Global Affairs Canada <i>Réception du juriconsulte d'Affaires mondiales Canada</i> (125 promenade Sussex Drive)		

Friday, October 25 | *vendredi 25 octobre*

Registraton open from 8:00 am | *Inscription ouvert commençant à 8 h* (Salle Victoria Hall, Lobby, 111 promenade Sussex Drive)

08:00 - 09:00	Coffee Service <i>Service de café</i> (Salon Ottawa Lounge)		
09:00 - 10:30 Concurrent: D <i>Simultanée : D</i>	Different voices in international humanitarian law: Perspectives on IHL and gender, disability and religion <i>Différentes voix dans le droit international humanitaire : Perspectives sur le DIH et le genre, l'invalidité et la religion</i> Victoria	Diversity in the modes of international environmental governance <i>Diversité dans les modes de gouvernance environnementale internationale</i> Ottawa ABC	Using Technology to Make Trade Agreements Accessible to Diverse Actors <i>Utiliser la technologie pour rendre les accords commerciaux accessibles à divers acteurs</i> Freiman-Guigues
10:35 - 10:50	Health Break <i>Pause café</i> (Salon Ottawa Lounge)		
10:50 - 12:20 Concurrent: E <i>Simultanée : E</i>	Colonialism as Genocide in Slow Motion: Is International Law diverse enough to address ongoing colonial genocide <i>Le colonialisme en tant que génocide au ralenti: Le droit international est-il suffisamment diversifié pour s'attaquer au génocide colonial en cours?</i> Victoria	The diversity of the reception conditions for International Organizations and International NGO's in Canada <i>La diversité des conditions d'accueil des OI et OING au Canada</i> Ottawa ABC	Diversity and International Law: A view from the Legal Affairs Bureau at Global Affairs Canada <i>Tendances du droit international : Un point de vue de la Direction générale des affaires juridiques d'Affaires internationales Canada</i> Freiman-Guigues
12:20 - 13:30	Buffet Lunch and Networking <i>Dîner buffet et réseautage</i> (Salle La Promenade)		CCIL Annual General Meeting <i>Assemblée générale annuelle du CCDI</i> (12:45, Salle Algonquin)
13:30 - 14:30	Keynote by Dapo Akande : The Diversity of Rules on the Use of Force: Implications for Evolution of the Law <i>Discours par le conférencier d'honneur : Dapo Akande « La diversité des règles pour l'usage de la force: implications pour l'évolution du droit »</i>		
14:30 - 14:50	Health Break <i>Pause café</i> (Salon Ottawa Lounge)		
14:50 - 16:20 Concurrent: F <i>Simultanée : F</i>	Indigenous Rights in the International Legal Context <i>Les droits autochtones dans le contexte juridique international</i> Victoria	NAFTA Chapter 11 – Looking forward while glancing backward <i>Chapitre 11 de l'ALENA - Regarder vers l'avenir en regardant en arrière</i> Ottawa ABC	
16:30 - 18:30	Closing Reception and 25th Anniversary Celebration of the Trade Law Bureau <i>Réception de clôture et célébration des 25 ans de la Direction du droit commercial international</i> (50 promenade Sussex Drive)		



Simultaneous interpretation is available in Victoria Hall and Ottawa ABC. | *L'interprétation simultanée est disponible à la salle Victoria et la salle Ottawa ABC.*