

45th Annual Conference 45^e congrèsannuel

The Promise of International Law: Solutions for the World's Crises

La promesse du droit international: des solutions aux crises qui secouent le monde

Program Programme

November 3-5, 2016 | Du 3 au 5 novembre 2016 OTTAWA, CANADA



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Centre de recherche et d'enseignement sur les droits de la personne



Human Rights Research and Education Centre

BRONZE









Welcome Message





Dear Colleagues,

In a world filled with crises there are opportunities. Amidst modern-day international law, the term "crisis" can be applied to a variety of issues, whether social, political, economic, or environmental. In fact, it can be applied to almost every problem facing the international community. We, as international legal practitioners and scholars, can help seize these opportunities and use the tools of international law to provide hope and progress in a globalized society riddled with adversities. International law is not only a way to identify the heart of a problem, but can provide a framework for international legal actors to find the solutions to resolve these crises. As we continue to struggle with questions such as where we are headed as a globalized world and whether it is too late to right wrongs through international law, how can we create solutions and provide concrete actions to move our world forward?

The CCIL's 45th Annual Conference examines these issues and more. This year, we are pleased to provide the unique opportunity to shift our dialogue on the world's problems toward offering solutions to these problems grounded in international law.

In addition, the CCIL is pleased to continue our longstanding tradition of bringing together international law practitioners from around the world from the four sectors of academia, non-government organizations, the public sector, and the private sector. As our conferences are known for being both business and pleasure, the next few days will provide multiple opportunities for you to meet and hopefully develop longstanding business partnerships and friendships.

Organizing a conference of this magnitude is no easy feat. We would like to thank the Conference Committee for their dedication and hard work, including Adela Maciejewski Scheer, Victoria Clark, Marie-Claude Boisvert, and Anik Beaudoin. Together, we have worked tirelessly on a volunteer basis to bring you the program.

The CCIL also thanks our generous sponsors, our keynote speakers, panel speakers, and of course, you the delegates! We now invite you to peruse the pages of this program to learn about the many exciting opportunities to engage over the next three days.

We look forward to greeting you in person.

Adrienne Jarabek Marion CCIL President

Conference Co-Chair

Andrew Lanouette CCIL Vice-President Conference Co-Chair

Indow M Lanouetto



KEYNOTE SPEAKERS

MRS. FATOU BENSOUDA, PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT



Mrs. FatouBensouda is the Prosecutor of the International Criminal Court (ICC), having assumed office in 2012. In 2011, she was elected by consensus by the Assembly of States Parties to serve in this capacity. MrsBensouda was nominated and supported as the sole African candidate for election to the post by the African Union. Between 1987 and 2000, Mrs. Bensouda was successively Senior State Counsel, Principal State Counsel, Deputy Director of Public Prosecutions, Solicitor General and Legal Secretary of the Republic, and

Attorney General and Minister of Justice, in which capacity she served as Chief Legal Advisor to the President and Cabinet of The Republic of The Gambia. Her international career as a non-government civil servant formally began at the UN International Criminal Tribunal for Rwanda, where she worked as a Legal Adviser and Trial Attorney before rising to the position of Senior Legal Advisor and Head of the Legal Advisory Unit (2002 to 2004), after which she joined the ICC as the Court's first Deputy Prosecutor. Mrs. Bensouda has served as delegate of The Gambia to, *inter alia*, the meetings of the Preparatory Commission for the ICC.

She is the recipient of numerous awards, including the distinguished *ICJ International Jurists Award* (2009), presented by the then President of India P. D. Patil; the 2011 *World Peace Through Law Award* presented by the Whitney Harris World Law Institute, the American Society of International Law's *Honorary Membership Award* (2014), the *XXXV Peace Prize* by the United Nations Association of Spain (2015), and the *Praeis Elit Award* (2015). In addition to receiving several honorary doctorates, Mrs. Bensouda has been listed by *Time* magazine as one of the 100 most influential people in the world (2012); by the *New African* magazine as one of the "Most Influential Africans;" by *Foreign Policy* as one of the "Leading Global Thinkers" (2013), and by *Jeune Afrique*as one of 50 African women who, by their actions and initiatives in their respective roles, advance the African continent (2014 & 2015).



THE HONOURABLE MR. JUSTICE THOMAS ALBERT CROMWELL

The Honourable Mr. Justice Thomas Albert Cromwell was appointed to the Supreme Court of Canada on December 22, 2008. He had previously been appointed to the Nova Scotia Court of Appeal on August 27, 1997. He retired from the Supreme Court of Canada on September 1, 2016.

Justice Cromwell went to school in Kingston. He then attended Queen's University, where he obtained a B. Mus. in 1973 and an LL.B. in 1976. He also obtained an A.R.C.T. diploma from the Royal Conservatory of Music in 1974 and attended Oxford University, where he earned a B.C.L. in 1977.

Justice Cromwell practised law in Kingston and Toronto and taught in the Faculty of Law of Dalhousie University. He worked as Executive Legal Officer to Chief Justice Antonio Lamer for three years, 1992-95. He has also held many other offices: Secretary, Board of Governors, National Judicial Institute, 1992-95; Vice-chair, Nova Scotia Labour Relations Board and Construction Industry Panel, 1991-92; labour arbitrator and adjudicator, 1984-97; President, Continuing Legal Education Society of Nova Scotia; President, Canadian Association of Law Teachers, 1988-89; President, Canadian Institute for the Administration of Justice, 1999-2001; Chair of the Board, Canadian Forum on Civil Justice, 2007-8; Research Director, C.B.A. Court Reform Task Force, 1989-91; Chair, C.B.A. Interim Organizational Committee for the National Organization on Civil Justice Reform, 1996-97; and Commissioner, Law Reform Commission of Nova Scotia, 2002-7. He currently serves as Chair of the Action Committee on Access to Justice in Civil and Family Matters.

Justice Cromwell was an active member of the Canadian Judicial Council's working committee that prepared the publication entitled Ethical Principles for Judges as well as the Council's working committee on Jury Charges and Education Committee. He was also a faculty member of the programs for new federally and provincially appointed judges, the National Judicial Institute's Intensive Evidence Program, and many other national and provincial continuing education programs, including the Effective Written Advocacy Program of the Advocates' Society. He has authored or contributed to six books and numerous articles and served on the editorial boards for CRIMJI and the Canadian Journal of Administrative Law and Practice. He served as Chair of the Editorial Board of the Canadian Bar Review.

Justice Cromwell has received many awards: the C.B.A.'s Louis St. Laurent Award of Excellence, 1992; Her Majesty's Jubilee Medals, 2002 and 2012; the Dalhousie Law Students Society and Dalhousie Law Alumni Association Award of Teaching Excellence, 1992; and the Dalhousie Law Students' Society Class of 1986 Class Ring. He is an Honorary Director of the Canadian Institute for the Administration of Justice, an Honorary member of the Golden Key International Honour Society, and an Honorary Fellow of Exeter College Oxford and of the American College of Trial Lawyers. He holds honorary doctorates in law from Dalhousie University, Halifax, Queen's University, Kingston, the Law Society of Upper Canada and the Université de Moncton. *Current to April 8, 2016*



JOSEPH H.H. WEILER



University Professor, New York University Joseph Straus Professor of Law European Union Jean Monnet Chaired Professor Co-Director, Jean Monnet Center for International and Regional Economic Law and Justice

J.H.H. Weiler is University Professor as well as holder of the European Union Jean Monnet Chair at New York University School of Law and Co-

Director of the Jean Monnet Center for International and Regional Economic Law & Justice. Weiler is also President of European University Institute (EUI), Florence, Italy.

Weiler is Professor at the National University of Singapore; Honorary Professor at University College, London; Honorary Professor at the Department of Political Science, University of Copenhagen; and Co-Director of the Academy of International Trade Law in Macao, China.

Weiler is a Fellow of the American Academy of Arts. He holds degrees from Sussex (BA); Cambridge (LLB and LLM); and The Hague Academy of International Law (Diploma of International Law). He earned his Ph.D. in European Law at the EUI, Florence. He is recipient of Doctorates Honoris Causa from London University, from Sussex University, from the University of Macerata, Italy and from the University of Edinburgh and is Honorary Member of the Senate of the University of Ljubljana. From 1978 to 1985, Weiler was a member of the Department of Law at the European University Institute, Florence, and co-founded its Academy of European Law in 1989. He later served as Professor of Law at the University of Michigan Law School (1985-1992) and as Manley Hudson Professor and Jean Monnet Chair at Harvard Law School (1992-2001).

Weiler served as a member of the Committee of Jurists of the Institutional Affairs Committee of the European Parliament, co-drafting the European Parliament's Declaration of Human Rights and Freedoms and Parliament's input to the Maastricht Inter-intergovernmental Conference. He is a WTO and NAFTA Panelist, and a founding editor of the European Journal of International Law, the European Law Journal, and the World Trade Review.



VALERIE HUGHES



Valerie Hughes is the Director of the Legal Affairs Division of the World Trade Organization (WTO), based in Geneva. She and her team assist dispute settlement panels in deciding international trade disputes between WTO Members. They also provide legal advice to the Director-General of the WTO and to WTO divisions, as well as to the WTO Dispute Settlement Body and WTO Members. From 2001 to 2005, Valerie served as Director of the Appellate Body Secretariat of the WTO. She also spent 22 years with the Government of Canada, during which time she held various positions, including Assistant Deputy Minister, Law Branch in the Department of Finance, General Counsel of

the Trade Law Division in Foreign Affairs and International Trade, and Senior Counsel in the International Law Division of the Department of Justice. Valerie also worked in two major Canadian law firms. Valerie has served as counsel before international courts and tribunals on trade law and law of the sea matters and has published widely on the subject of international dispute settlement.

Thursday, November 3, 2016 | Le jeudi 3 novembre 2016 125, promenade Sussex Drive

Canadian Council on International Law | Conseil canadien de droit international



12:30-18:30	Registration Inscription Foyer Skelton Lobby, 125 Su	ssex			
13:00-13:15	Opening Remarks Mot de bienvenue Cadieux Auditorium				
	Adrienne Jarabek Marion, CCIL President/Présidente du CCDI				
13:15-14:45	Opening Plenary Plénière d'ouverture Cadieux Auditorium				
	Keynote Address	uOttawa			
	Joseph H.H. Weiler European Union Jean Monnet Chair, New York University School of Law Co-Director, Jean Monnet Center for International and Regional Economic Law & Justice President, European University Institute (EUI), Florence, Italy Sponsored by the Hyman Soloway Chair in Business and Trade Law, University of Ottawa				
14:45-15:00	Break/Pause Salon Skelton Lobby				
15:00-16:20 Concurrent Sessions 1 Séances simultanées 1	Session/Séance 1A LSUC Panel: International Consultation Processes (1.5 CPD Credits)	Session/Séance 1B International Humanitarian Law CANADIAN CROOK-ROUGE RED CROSS CANADIENNE	Session/Séance 1C International Taxation: Is the Tax World on Fire?		
	Cadieux Auditorium 🗥	Robertson (Rendez-Vous		
	Chair/Président TBD	Chair/Président • Catherine Gribbin Senior Legal Advisor Canadian Red Cross	Chair/Président • Prof. Kim Brooks Dalhousie University		
	Speakers/Conférenciers	Speakers/Conférenciers Lindsey Cameron Legal Advisor International Committee of the Red Cross(ICRC) Dean Chris Waters University of Windsor	Speakers/Conférenciers • Prof. Allison Christians H. HewardStikeman Chair McGill University • Prof. Geoffrey Loomer Dalhousie University		
		Sponsored by the ICRC/Red Cross			



16:30-18:00

Plenary | Plénière

International Lawyering - Negotiating, Treaties, Arbitrating and More

Cadieux Auditorium

Chair/Président

 Mark Jewett, Q.C.Counsel, Bennett Jones Public Sector Panel

Speakers/Conférenciers

- Alan Willis
- The Honourable L. Yves Fortier, P.C., C.C., O.Q., Q.C.
- Laurie Wright, Assistant Deputy Minister, Public Law & Legislative Services, Justice Canada

Awarding of the Public Sector Lawyer Award – Alan Willis Cadieux Auditorium

18:00-20:00

Legal Adviser's Reception | Réception du jurisconsulte Foyer Skelton Lobby

Hosted by/Animée par Hugh Adsett Legal Adviser, Legal Affairs Bureau, Global Affairs Canada Jurisconsulte, Affaires juridiques, Affaires mondiales Canada

20:00

Evening Social | Soirée sociale

Earl of Sussex

431, prom. Sussex Drive

Held in collaboration with the International Law Students Association, University of Ottawa Présentée en collaboration avec l'Association des étudiantes et étudiants en droit international, Université d'Ottawa

Édifice John G. Diefenbaker Building • 111, promenade Sussex Drive Friday, November 4, 2016 | Le vendre 4 novembre 2016

Canadian Council on International Law | Conseil canadien de droit international



07:00-18:30	Registration Inscription Foyer Victoria Hall, 111 Sus	sex	·	
07:15-08:00	Continental Breakfast Déje Foyer Ottawa Foyer	uner continental		
08:00-09 :30 Concurrent Sessions 2 Séances simultanées 2	Session/Séance 2A LSUC Panel: Preparing and Examining Witnesses (1.5 CPD Credits)	Session/Séance 2B International Investment Law	Session/Séance 2C Trade and Sustainable Development	
	Victoria Hall	Poliquin-Greene	Freiman-Guigues	
	Chair/Président TBD	Chair/Président • Assoc. Prof. Andrew Newcombe University of Victoria	Chair/Président International Law Association	
	Speakers/Conférenciers	Speakers/Conférenciers • Fellow Enrique Boone Barrera CIGI • Adj. Prof. Benjamin Jones Vermont Law School • Jean-Michel Marcoux University of Victoria	Speakers/Conférenciers	
09 :30-09 :40	Coffee Break Pause café Foyer Ottawa Foyer			
09 :40-11 :10	Keynote Address Conférence principale Victoria Hall Mrs. Fatou Bensouda, Prosecutor of the International Criminal Court			
11 :15-12 :45 Concurrent Sessions 3 Séances simultanées 3	Session/Séance 3A International Law and Diplomacy	Session/Séance 3B Social Justice in International Law: Building Coherent Solutions in crisis	Session/Séance 3C Migration and Maritime Issues - Debate	
	The Professional Association L. L'Association professionnelle des agents du Service entérieur des agents du Service entérieur	University of Windsor		
	Victoria Hall	Poliquin-Greene	Freiman-Guigues	
	Chair/Président • Marcus Davies, Legal Officer Global Affairs Canada (GAC)	Chair/Président • Prof. Janelle Diller University of Windsor	Debaters/Débatteurs • Patrick Hill, Senior Assistant Legal Advisor, NATO • Dr. Federica Favuzza	
	Speakers/Conférenciers	 Speakers/Conférenciers Assoc. Prof. Reem Bahdi, Assoc. Prof. Pascale Chapdelaine, Prof. Maureen Irish, University of Windsor 	Postdoctoral Fellow in International Law University of Milan, 'La Statale", Italy	

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Sebastien Beaulieu, Exec.
 Director, Middle East McRelations, GAC
 As McRelations

Assoc. Prof. Jaye Ellis McGill University
Prof. Colin Grey University of Québec à Montréal



Sponsored by the Professional Association of Foreign Service Officers Sponsored by the University of Windsor

(PAFSO)

Lunch | Dîner Ottawa A-E

Sponsored by PAFSO

13 :45-15 :15

12:45-13:45

Plenary | Plénière

The Present and Future of Carbon Pricing one Year after the Paris Agreement: International, Regional and Domestic parameters

Victoria Hall

Chair/Président

•Oonagh Fitzgerald, DirectorCentre for International Governance Innovation(CIGI)

Speakers/Conférenciers

- •Shawn McCarthy, National Business Correspondent Globe and Mail
- •Scott Vaughn, President and CEO of International Institute for Sustainable Development
- •Maria Panezi, CIGI Postdoctoral Fellow
- •Prof. Jennifer Hillman, Georgetown Law School Former WTO Appellate Body Member

Sponsored by CIGI

15 :20-16 :50 Concurrent Sessions 4 | Séances simultanées 4 Session/Séance 4A Sexualized Violence: Accountability of Peacekeepers Session/Séance 4B Pivotal Developments in International law



Canada

Victoria Hall ∩

Chair/Président

Deputy Judge

Colonel Rob Holman

Advocate General – Military Justice, Office of the JudgeAdvocate General (JAG)

Hall () Poliquin-Greene

Chair/Président

 Prof. Paciique Manirakiza University of Ottawa Freiman-Guigues

Session/Séance 4C

Effective Remedy in

The UN Guiding Principles

on Business and Human Rights and Access to an

Chair/Président TBD

Speakers/Conférenciers

- Prof. Joanna Harrington University of Alberta
- Anne Burgess, Director,

Speakers/Conférenciers

- Prof. Jamie Benidickson University of Ottawa
- Prof. JabeurFathally

Speakers/Conférenciers

 Prof. Penelope Simmons University of Ottawa Counsel Cory Wanless



Peace Operations
Stabilization and Conflict
Policy Division GAC
• Major Patricia Beh
Legal Officer, Directorate of
Law / Military Justice
Strategic JAG

University of Ottawa

 Karyn Keenan, Director Above Ground

 Mora Johnson, Senior AdvisorNatural Resources Canada

Sponsored by the University of Ottawa

-4:

16:50-17:00

17:00-18:30 Concurrent Sessions 5 | Séances simultanées 5

Coffee Break | Pause café Foyer Ottawa Foyer

Session/Séance 5A United Nations Declaration on the Rights of Indigenous Peoples Session/Séance 5B Hot Topics in Anti-Corruption: Does Canada Need a Beneficial Ownership Registry? Session/Séance 5C The Promise of International Criminal Law



Victoria Hall

Chair/Président

• Risa Schwartz, Sr. Research Fellow CIGI

Speakers/Conférenciers

• Marrell-Ann Phare Exec.

• Assoc. Prof. Brenda Gunn

University of Manitoba

Poliquin-Greene

Chair/Président

 Matthew Kronby, Partner Bennett Jones LLP

Freiman-Guigues

Chair/Président

 Assoc. Prof. David Petrasek University of Ottawa

Speakers/Conférenciers

Speakers/Conférenciers

Assoc. Dean/Prof.Valerie Oosterveld University of Western Ontario Faculty of Law
Prof. Fannie Lafontaine Université Laval, Faculté de droit

Pascal Paradis
 Directeur général, Avocats
 sans frontières Canada

Sponsored by CIGI

Director CIER

Natan Obed

President Inuit

Tapiriit Kanatmai

Reception & Dinner | Réception & Souper(Ticket required/Billet requis)

Canadian Museum of History|Musée canadien de l'o Keynote Address | Conférence principale

Valerie Hughes

Former Director of the Legal Affairs Division of the World Trade Organization (WTO) Secretariat

19:00



08:30-14:00

Registration | Inscription Foyer Victoria Hall, 111Sussex

09:00-10:30 Concurrent Sessions 6 | Séances simultanées 6

Session/Séance 6A Health and Emergencies in International Law: Selected Issues

Session/Séance 6B Highlights of 2016 from The Canadian Yearbook of International Law/Actualités de 2016 de l'Annuairecanadien de droit international

Session/Séance 6C Strenghthening the Implementation of Canada's International **Human Rights Obligations**

Victoria Hall

Poliquin-Greene

Freiman-Guiques

Chair/Président

Chair/Président

Hoffman

Assoc. Prof John Packer

Chair/Président Prof. John Currie

University of Ottawa

• Dan Moore, Legal Counsel Dept. of Justice Canada

Speakers/Conférenciers • Assoc. Prof. Steven J.

Institutional Partnerships

International – Canada

Jason Nickerson, PhD

Humanitarian Affairs

Advisor MSF/DWB

University of Ottawa

MyroslavaTataryn

Manager Handicap

University of Ottawa

Speakers/Conférenciers

• Prof.Charles-Emmanuel Côté

Université Laval

- Prof. Bernard Duhaime Université du Québec à Montréal
- EliseHansbury Doctorante Université du Québec à Montreal
- Gib van Ert Exec. Legal Officer Supreme Court of Canada

• Leilani Farha, UN Special Rapporteur on adequate housing; Exec. Director Canada Without Poverty

Speakers/Conférenciers

- Alex Neve, Secretary **General Amnesty** International Canada
- Prof. Benoît Frate Université du Québec à Montréal, Département d'études urbaines et touristiques

10:30-10:45

10:45-12:15

Concurrent Sessions 7 |

Séances simultanées 7

· Assoc. Prof. Mona Paré,

University of Ottawa

Coffee Break | Pause café Ottawa A-E

Session/Séance 7A Migrant Crisis/ La crise des migrants

Session/Séance 7B Keeping the Promise(s) of International Law: Approaches to Fostering **Treaty Compliance**

Session/Séance 7C International Adjudication and Climate Change -Mock Hearing



Poliquin-Greene



Victoria Hall

Freiman-Guiques

Chair/Président

• Prof. Olivier Delas Président de la Société Québécoise de droit international (SQDI)

Chair/Président

 Alan Cliff, Counsel Department of Justice Canada

Chair/Président

TBD



Speakers/Conférenciers

- Assoc. Prof. Delphine Nakache
- University of Ottawa
- Asst. Prof.IdilAtak Ryerson University Post Doctoral Researcher
- MulryMondelice McGill University
- Denise Otis Legal Officer United Nations High Commissioner for

Refugees

Lunch | Dîner

Secretariat

Canada

Speakers/Conférenciers

• General Counsel Anne

Daniel, Dept. of Juctice

Mines Action Canada

Organization (WTO)

Paul Hannon, Exec. Dir.

Valerie Hughes, Former

Director of the Legal Affairs Division of the World Trade

Speakers/Conférenciers

Sponsored by CIGI

Session/Séance 8C

Indiaenous

Rights/UNDRIP

12:15-13:30

13:30-14:45

Ottawa A-E

Keynote Address | Conférence principale

Victoria Hall

The Honourable Thomas Cromwell

Supreme Court of Canada Justice

14:55-16:15 Concurrent Sessions 8 | Séances simultanées 8

Session/Séance 8A **BREXIT** – repercussions for Canada?

Session/Séance 8B Promoting the compliance of non-state armed groups with international humanitarian law - Syria, Iraq and Libya



Poliquin-Greene

Chair/Président

 Lieutenant-Colonel Tammy Tremblay JAG Director, Military –Justice

Freiman-Guigues

Chair/Président

 Prof. Payam Akhavan McGill University

Speakers/Conférenciers

Ton Zuijdwijk, General

Counsel Trade Law Bureau

Victoria Hall

Chair/Président

- Karsten Mecklenburg Head of the Trade and Economic Section, EU Delegation to Canada
- Suiin Chan-Allen, Lawver Cleary Gottlieb (Brussels)
- Clifford Sosnow, Partner Fasken Martineau
- Alan Kessel, Deputy Commissioner to the United Kinadom, GAC

Speakers/Conférenciers

- Andrew Carswell Senior Delegate to Canada, ICRC
- Brian McQuinn Advisor on the Sociology of
- Non-State Armed Groups Jonathan Somer Founder, Persona Grata
- Sponsored by ICRC/Red Cross

Speakers/Conférenciers

- Prof. Kathleen Mahoney University of Calgary
- Prof. Douglas Sanderson University of Toronto

16:30-17:30

CCIL Annual General Meeting | Assemblée générale annuelle du CCDI **Foyer Victoria Hall**

Consulting

All Conference Attendees Welcome to Attend

ANNOUNCEMENTS

Accreditation Hours:

- Law Society of Upper Canada (LSUC): 3.0 Continuing Professional Development Credits (CPD) (Sessions 1A & 2A). Conference panels can also be used as Substantive Hours.
- Law Society of British Columbia (LSBC): 20 Hours
- Barreau du Québec: Automatically recognized, as a result of LSBC, by up to the same amount
 of hours for the purposes of mandatory continuing professional education requirements, under
 section "Formation reconnueautomatiquement".

Le congrès annuel est accréditée:

- Le Barreau du Haut-Canada, Ontario: 3 heures professionnelles (séances 1A et 2A).
- Barreau de la Colombie-Britannique: Jusqu'à 20 heures
- Barreau du Québec : Barreau de la Colombie-Britannique, et est donc automatiquement reconnu par le Barreau du Québec pour le même nombre d'heures aux fins d'exigences obligatoires de formation professionnelle continue, sous la rubrique "Formation association reconnue automatiquement".