



Canadian Council on International Law
Conseil canadien de droit international

41st Annual Conference

**SOS International Law:
International Law in Times of Crisis and Emergency**

**November 8-10, 2012
OTTAWA, CANADA**

FINAL PROGRAM

41st Annual Conference
SOS International Law:
International Law in Times of Crisis and Emergency

President's Welcome

I am very pleased to welcome you to CCIL's 41st annual conference, coming at the culmination of CCIL's 40th anniversary. This organization's first conference took place on October 13-14, 1972, and it has been an autumn tradition in Ottawa ever since.

The last 12 months have been busy ones at CCIL. We will soon be launching a new scholarship, directed at a Canadian Forces veteran entering a Canadian law school with an interest in international humanitarian law. (More information of CCIL's website -- tax creditable donations are still welcomed!) We anticipate rolling out other forms of recognition of excellence in international law next year. We conducted our first conference in parallel to the annual Jessup international law moot, and hope to repeat that experience this coming year (this time in Kingston). We have worked hard to replenish the ranks of our executive with new, young and energetic executive members -- and I am very pleased with the slate of executive members that will be before you at the AGM.

In the meantime, we look forward to a fabulous three days of conference-going. Our theme this year is "international law and disasters and crises" (no causality implied!). Under that umbrella you will find a rich offering of issues to appeal to all tastes.

As has been the case for several years now, our conference is now vast in scope -- with many parallel panels -- reflecting the breadth and depth of interest in international law in Canada. The scope of this conference also reflects the talents and unstinting efforts of our resolute conference Vice President Robert Brookfield (DFAIT) and our conference co-chairs Fannie Lafontaine (Laval) and Rodney Neufeld (DFAIT). Those who have organized conferences before know that it is a challenging and often nerve-wracking undertaking. Our vice president and co-chairs have been steadfast and the result is the quality event that you are now attending.

We are also the happy and fortuitous recipient of the many generous sponsorships listed in this program. These sponsors are all partners whose contributions makes the difference between this being a viable event and it being a much more muted and modest affair. We thank them very sincerely for their contributions and look forward to a terrific, on-going relationship.

Thanks go also to all of you: the audience for whom we do all of this. As I said this time last year, the CCIL is an act of faith: an organization whose purpose is to create a community of international lawyers from all corners of the profession, assembled to discuss and debate the law of nations. If it didn't exist, it would need to be invented. We are happy it continues to exist. And to that end, we know that your scarce conference budgets could have been spent somewhere else. Thanks for joining us.

Finally, this is a departure of sorts for me, as this event marks the end of my two year term as president. I shall now segue into the august role of "past president". I am very pleased to announce, however, that Robert Brookfield has agreed to take up the charge. Robert has been an incredibly able executive member and whatever I have managed to accomplish has merely been done standing on his shoulders. I regard him as the best president we have ever had, even before he assumes the office. We look forward to great things under his stewardship. That said, what he will accomplish will be directly proportional to the contributions offered by all of you in the international law community. And so your continued support and involvement is more than welcomed.

Enjoy the Conference!

Craig Forcese
President
Canadian Council on International Law

41st Annual Conference
SOS International Law:
International Law in Times of Crisis and Emergency

Co-Chairs' Welcome

From the financial turmoil in Europe and the environmental disasters in Haiti and Japan to the surge for democracy in the Middle East and the resulting civil strife, international relations move from crisis to crisis. This year's theme of International Law in Times of Crisis and Emergency will allow participants to consider the effectiveness of international law as well as its failures. On occasion, international law provides the tools to douse the flames and restore order. At other times, it is woefully inadequate. Crises and emergencies come in many forms. They may be financial, environmental or purely political, as states break apart, governments are ousted or armed conflict occur. And behind these newspaper headlines are countless crises averted or emergencies abated, where early intervention forestalls disasters before they emerge. We are delighted to welcome so many learned speakers who have offered to share their insights gained from their vast experience, and we look forward to a lively exchange of views. Thank you all for coming to the 2012 edition of the CCIL Conference.

Conference Co-chairs

Fannie Lafontaine (Université Laval)
Rodney Neufeld

CCIL Vice-president (Annual Conference)

Robert Brookfield

Continuing Professional Development Credits:

- Accredited by the Law Society of BC for up to 20 Hours
- Full attendance at the conference is eligible for up to 20 hours of continuing education for the purposes of the Barreau du Québec.
- Full attendance at the conference is eligible for up to 18.75 Substantive Hours of CPD for the purposes of the Law Society of Upper Canada requirements.
- Thursday's *Litigation Before International Tribunals* Workshop has been accredited by the Law Society of Upper Canada for 3 Professionalism Hours.

We are happy to assist you to obtain credit in other jurisdictions.

Thursday, November 8, 2012

Lester B. Pearson Building
125 Sussex Drive

Parking

Public parking is available at 111 Sussex Drive.

Limited guest parking is available after 15:45 behind the Pearson Building (125 Sussex Drive)

Convenient taxi or bus transportation is also available.

14:30-19:30 **Registration**
Skelton Lobby

PRE-CONFERENCE WORKSHOP

There is a separate fee for the litigation workshop which may be purchased during the online conference registration process.

14:00-17:00 **Litigation Before International Tribunals Workshop**
Cadieux Auditorium 

This workshop has been accredited by the Law Society of Upper Canada for 3 Professionalism Hours.



Chair

Gib van Ert, Counsel, Hunter Litigation Chambers

Speakers

Matthew Kronby, Partner, Bennett Jones

Jennifer Hillman, Cassidy Levy Kent

Payam Akhavan, McGill University

Linda Bianchi, Counsel, Public Prosecution Service of Canada

Don McRae, Professor, University Of Ottawa

Valerie Hughes, Director, Legal Affairs Division, WTO


Sponsored by:  **Hunter Litigation Chambers**
HUNTER / BERARDINO / McEWAN / KAARDAL

OPEN TO ALL CONFERENCE DELEGATES

15:00-17:00 **Student Job Fair**
Skelton Lobby

Student Job Workshops
Robertson Room
Group Sessions by Sign-up

17:15-18:00 **Open Forum with Foreign Affairs and International Trade (DFAIT)**
Cadieux Auditorium 

18:15-19:15 **Keynote Address**
The UNSC: Boom or Bust?
Cadieux Auditorium 

Introduction

Alan Kessel, Canadian Legal Adviser, DFAIT

Speaker

David Malone

President, International Development Research Council (IDRC)

19:15 **Reception**
Hosted by Canadian Legal Adviser, DFAIT
Skelton Lobby

20:30 **International Law Students Association (ILSA) Pub Night**
Earl of Sussex - 431 Sussex Drive, Ottawa ON (on the edge of the Byward Market)
Entry is by donation to ILSA and prizes will be raffled off.



Friday, November 9, 2012
John G. Diefenbaker Building (Old City Hall)
111 Sussex Drive

Parking

Public parking is available at 111 Sussex Drive
 Convenient taxi or bus transportation is also available.

07:30-18:00

Registration

Victoria Hall Foyer

08:00-16:15

Exhibition

Victoria Hall Foyer

08:00-09:10

Breakfast Sessions

Breakfast Served in Ottawa Room Foyer from 7:30am to 9:00am

The Contribution and Limits of International Law in Times of Security Crises: Case Studies in Terrorism and the Use of Force

Victoria Hall 

Speakers

Dr. Kimberly Trapp
 Lecturer in Public International Law
 Faculty of Laws
 University College London

Sean Richmond
 DPhil Candidate in International
 Relations
 Oxford University

Women and International Law Interest Group (WILIG) Breakfast

Freiman/Guigues Room

International Law as Stateless Law

Speaker

Jaye Ellis
 Professor
 McGill University

The Role of International Organizations During Crises

Poliquin-Greene Room

Speakers

Karin Loevy
 JSD Candidate
 NYU School of Law

Kristen Boon
 Professor
 Seton Hall Law School

09:15-10:40

President's Welcome and Opening Plenary

Victoria Hall 

Speaker

Philippe Sands, QC
 University College London

10:40-11:00

Refreshment Break and Exhibitors

Ottawa Room Foyer

Sponsored by:







Friday, November 9, 2012
John G. Diefenbaker Building (Old City Hall)
111 Sussex Drive

11:00-12:30	Concurrent Panel Sessions			
	<p>Panel 1A</p> <p>Migration in Crises and Emergencies: Contemporary Challenges <i>Victoria Hall</i> </p> <p>Chair Olivier Delas President, Société québécoise de droit international, Professor, Université Laval</p> <p>Speakers Denise Otis UNHCR</p> <p>Géraud de Lassus PhD Candidate Université Laval</p> <p>Idil Atak Postdoctoral investigator at the Public Law Research Centre (CRDP) of Université de Montréal and researcher at the Research Chair in Immigration, Ethnicity and Citizenship (CRIEC) of UQAM</p> <p>Marina Sharpe PhD candidate University of Oxford</p> <p><i>Organized by: la Société québécoise de droit international (SQDI)</i></p> <p><i>Sponsored by:</i></p>  <p style="text-align: center;">UNIVERSITÉ L'AV LAVAL Faculté de droit</p>	<p>Panel 1B</p> <p>The Responsibility to Protect: A Doctrine in Crisis? <i>Bytown Room</i></p> <p>Chair Kristen Boon Professor Seton Hall Law School</p> <p>Speakers Joanna Harrington University of Alberta</p> <p>David Antonyshyn LCol/ICol Director, International and Operational Law Office of the Judge Advocate General</p> <p>Ryan Liss Humphrey Scholar LLM Candidate Yale University</p>	<p>Panel 1C</p> <p>Export Controls and Sanctions <i>Freiman/Guigues Room</i></p> <p>Chair and Speaker Milos Barutciski Bennett Jones</p> <p>Speakers Jill Caiazzo Associate Sidley Austin</p> <p>Brian Heller Partner Heller, Rubel</p> <p><i>Sponsored by:</i></p> 	<p>Panel 1D</p> <p>Indigenous Peoples in Times of Crisis <i>Poliquin-Greene Room</i></p> <p>Chair and Speaker Cynthia Westaway Borden Ladner Gervais</p> <p>Speakers Qajaq Robinson Borden Ladner Gervais</p> <p>Teresa Edwards Director of International Affairs and Human Rights and In-House Counsel of the Native Women's Association of Canada</p> <p><i>Sponsored by:</i></p>  <p style="text-align: center;">BLG Borden Ladner Gervais</p>
12:30-13:15	<p>Lunch <i>Served in Ottawa Rooms A-E</i></p>			
12:45-14:00	<p>Canadian Association of Comparative Law Meeting <i>Bytown Room</i></p>			









Friday, November 9, 2012
John G. Diefenbaker Building (Old City Hall)
111 Sussex Drive

13:15-14:00	<p>Plenary Speech Between Myths and Crisis, the Necessity of Reconceptualising Migration Policies <i>Victoria Hall</i> </p> <p>Speaker François Crépeau UN Special Rapporteur on the Human Rights of Migrants</p>			
14:00-15:30	Concurrent Panel Sessions			
	<p>Panel 2A</p> <p>Law in Crisis? Normality and Exceptions in the Regulation of Armed Violence <i>Victoria Hall</i> </p> <p>Chair Ilario Maiolo Canadian Red Cross</p> <p>Speakers Chris Penny Professor Carleton University</p> <p>Marco Sassòli Professor University of Geneva</p> <p>Julia Grignon Professor Université Laval</p> <p>Steven Barela Postdoc University of Geneva</p>	<p>Panel 2B</p> <p>The Role of International Environmental Laws in Environmental Emergencies <i>Bytown Room</i></p> <p>Chair Michael Simms Partner, McInnes Cooper</p> <p>Speakers Dr. Machiko Kanetake Postdoctoral Researcher University of Amsterdam, Faculty of Law</p> <p>Dr. Elisa Ruozi University of Turin Department of Legal Studies</p> <p>Juan Antonio Martín Burgos Deputy Head of Mission Embassy of Spain</p> <p><i>Sponsored by:</i></p> <div style="text-align: center;">  <p>MCINNES COOPER <small>LAWYERS AVOCATS</small></p> </div>	<p>Panel 2C</p> <p>Force Majeure and the Doctrine of Hardship: Lessons for Public International Law <i>Freiman/Guigues Room</i></p> <p>Chair Bernard Colas Partner Colas Moreira Kazandjian Zikovsky</p> <p>Speakers Andrew Lanouette Counsel Cassidy Levy Kent</p> <p>Scott Fairley Partner Morrison Fairley LLP</p> <p><i>Organized by the International Law Association</i></p>	<p>Panel 2D</p> <p>Migration of Criminals: National Responses to the Phenomenon of Refugees with a Possible Criminal Background <i>Poliquin-Greene Room</i></p> <p>Chair James Simeon York University</p> <p>Speakers Joseph Rikhof Department of Justice Canada</p> <p>Jennifer Bond University of Ottawa</p> <p>Justice James O'Reilly Federal Court</p>
15:30-15:45	<p>Refreshment Break and Exhibitors <i>Ottawa Room Foyer</i></p>			
15:45-16:30	<p>Plenary Speech <i>Victoria Hall</i> </p> <p>Jennifer Hillman Cassidy Levy Kent former WTO Appellate Body Member</p>			



Friday, November 9, 2012
John G. Diefenbaker Building (Old City Hall)
111 Sussex Drive



<p>16:30-18:00</p>	<p>Concurrent Panel Sessions</p>			
<p>Panel 3A</p> <p>Food Security in Times of Food Crises : The Challenges of International Law <i>Victoria Hall</i> </p> <p>Chair Lucie Lamarche Professor University of Ottawa Gordon F. Henderson Human Rights Chair</p> <p>Speakers Geneviève Parent Professor Université Laval</p> <p>Dr. Christophe Golay Research Fellow Coordinator Project on ESC Rights, Geneva Academy of International Humanitarian Law and Human Rights</p> <p>Graham Riches Professor Emeritus School of Social Work University of British Columbia</p>	<p>Panel 3B</p> <p>International Economic Crises – Can International Labour Law contribute to the solution? <i>Bytown Room</i></p> <p>Chair John McKennirey University of Ottawa</p> <p>Speakers Lewis Karesh Assistant U.S. Trade Representative Labour Affairs</p> <p>Kevin Banks Assistant Professor Queen’s University</p> <p>Renée-Claude Drouin Associate Professor Faculty of Law University of Montreal</p> <p><i>Sponsored by:</i></p>  <p>The Professional Association of Foreign Service Officers L'Association professionnelle des agents du Service extérieur</p>	<p>Panel 3C</p> <p>International Criminal Justice at a Crossroads? The International Criminal Court at 10 <i>Freiman/Guiges Room</i></p> <p>Chair Jayne Stoyles Canadian Centre for International Justice</p> <p>Speakers Payam Akhavan McGill University</p> <p>Valerie Oosterveld Western University</p> <p>Darryl Robinson Queen’s University</p>	<p>Panel 3D</p> <p>Crisis and Resilience and the International Law of Sustainable Development <i>Poliquin-Greene Room</i></p> <p>Co-Chairs Jaye Ellis McGill University</p> <p>Neil Craik University of Waterloo</p> <p>Speakers Barbara Cosens University of Idaho</p> <p>Duncan French Professor University of Lincoln</p> <p>Hari Osofsky University of Minnesota</p> <p>Sara Seck Western University</p> <p><i>Sponsored by:</i></p> 	
<p>18:30-19:30</p>	<p>Reception <i>Grand Hall, Canadian Museum of Civilization</i> Cash Bar</p>			
<p>19:30</p>	<p>Banquet <i>Grand Hall, Canadian Museum of Civilization (Ticket Required)</i></p> <p>Keynote Speaker D.A. Bellemare, MSM, c.r./QC, Ad.E., former Chief Prosecutor of the Special Tribunal for Lebanon and former Commissioner, United Nations International Independent Investigation Commission (UNIIC)</p> <p><i>Sponsored by:</i></p>  <p>The Professional Association of Foreign Service Officers L'Association professionnelle des agents du Service extérieur</p>  <p>UNIVERSITÉ LAVAL Faculté de droit</p>  <p>HEI HAUTES ÉTUDES INTERNATIONALES</p>			



Saturday, November 10, 2012
John G. Diefenbaker Building (Old City Hall)
111 Sussex Drive

Parking

Public parking is available at 111 Sussex Drive
 Convenient taxi or bus transportation is also available

07:00-18:00	Registration <i>Victoria Hall Foyer</i>			
07:30-16:15	Exhibition <i>Victoria Hall Foyer</i>			
08:00-09:10	Breakfast Sessions <i>Breakfast Served in Ottawa Room Foyer from 7:30am to 9:00am.</i>			
	<p>International Disaster Relief Laws <i>Victoria Hall</i> </p> <p>Chair Samuel Schwisberg General Counsel and Corporate Secretary, Canadian Red Cross</p> <p>Speaker Hossam Elsharkawi Director of Emergencies and Recovery International Operations, Canadian Red Cross</p> <p>David Fisher Legal Advisor International Federation of Red Cross and Red Crescent Societies (IFRC)</p> <p><i>Sponsored by:</i></p> 	<p>Empowerment and Responsibilities in Times of Crisis: A New Outlook from Emerging Scholars <i>Bytown Room</i></p> <p>Chair Julia Grignon Professor Université Laval</p> <p>Speakers André Tschumi PhD Candidate Université Laval/Université de Strasbourg</p> <p>Audrey Gratadour PhD Candidate Université Laval/Université Lille-2</p> <p>Grace Sweeney JD Candidate University of New Brunswick</p>	<p>Global Public Health and the Law of Epidemical Crimes? <i>Freiman/Guigues Room</i></p> <p>Speaker Benjamin Brockman-Hawe International Legal Officer Court of Bosnia and Herzegovina</p>	<p>International Human Rights Interest Group Breakfast <i>Poliquin-Greene Room</i></p> <p>International Human Rights Law and Water: Where Do We Go From Here?</p> <p>Speaker Emma Lui Water Campaign Council of Canadians</p>



Saturday, November 10, 2012
John G. Diefenbaker Building (Old City Hall)
111 Sussex Drive

<p>09:15-10:45</p>	<p>Concurrent Panel Sessions</p>			
<p>Panel 4A</p> <p>Health Care in Danger <i>Victoria Hall</i> </p> <p>Chair Susan Johnson Director General International Operations Canadian Red Cross</p> <p>Speakers Dr. Kirsten Johnson McGill University's Health Centers</p> <p>Alexander Breitegger Legal Adviser ICRC</p> <p>Major Kimberley Maynard Deputy Director Canadian Forces Military Law Centre</p> <p><i>Co-sponsored by:</i></p>  	<p>Panel 4B</p> <p>International Justice and Conflict Resolution: An Interdisciplinary Dialogue <i>Bytown Room</i></p> <p>Chair Jean-Baptiste Jeangène Vilmer Researcher, Centre for Human Rights and Legal Pluralism Faculty of Law University of McGill</p> <p>Speakers Mark Kersten PhD Candidate London School of Economics, International Relations</p> <p>Jeremy Levitt Fulbright Chair in Human Rights and Social Justice, Center for Human Rights, University of Ottawa</p> <p>Philipp Kastner PhD Candidate Faculty of Law McGill University</p>	<p>Panel 4C</p> <p>Multinational Enterprises Operating in Times of Crisis <i>Freiman/Guigues Room</i></p> <p>Chair TBC</p> <p>Speakers Oonagh Fitzgerald Senior General Counsel Litigation Branch Department of Justice Canada</p> <p>Holly Cullen Winthrop Professor University of Western Australia</p>	<p>4D</p> <p>International Arbitration in Times of Crisis <i>Poliquin-Greene Room</i></p> <p>Chair Rahim Moloo Freshfields Bruckhaus Deringer LLP</p> <p>Speakers Annie Lesperance Counsel Cabinet Yves Fortier</p> <p>Mairee Uran Bidegain Legal Counsel, ICSID</p> <p>Alberto Alvarez University of Ottawa Faculty of Social Sciences</p> <p>Alix Tolliday Student University of Victoria</p>	
<p>10:45-11:00</p>	<p>Refreshment Break and Exhibitors <i>Ottawa Room Foyer</i></p> <p><i>Sponsored by:</i>  Freshfields</p>			
<p>11:00-12:30</p>	<p>Plenary Panel UN Security Council <i>Victoria Hall</i> </p> <p>Speakers David Malone, President, International Development Research Council (IDRC) Rohan Mukherjee, Princeton University Michael D. Bell, Paul Martin Sr. Senior Scholar in International Relations, University of Windsor</p> <p><i>Sponsored by:</i>  IDRC CRDI</p>			



Saturday, November 10, 2012
John G. Diefenbaker Building (Old City Hall)
111 Sussex Drive

12:30-13:30	Lunch <i>Served in Ottawa Rooms A-E</i>		
13:45-14:30	CCIL Annual General Meeting <i>Victoria Hall</i> 		
14:30-16:00	Concurrent Panel Sessions		
	<p>Panel 5A</p> <p>The Financial Crisis and International Rules <i>Victoria Hall</i> </p> <p>Chair Rambod Behboodhi General Counsel Finance Canada</p> <p>Speakers Tiff Macklem Senior Deputy Governor of the Bank of Canada and the Chair of the Compliance Committee of the Financial Services Board</p> <p>Alberto Costi Associate Professor of Law Victoria University of Wellington</p> <p>Katharine Christopherson Senior Counsel, Legal Department International Monetary Fund</p> <p>Monique Egli Costi Visitor, Victoria University of Wellington School of Law</p> <p>Rahim Mooloo Freshfields Bruckhaus Deringer LLP</p> <p>Closed to media and under Chatham House rule</p>	<p>Panel 5B</p> <p>Humanitarian or Development Assistance During Times of Crisis <i>Bytown Room</i></p> <p>Chair Adrian Di Giovanni Senior Program Officer, Law and Development, IDRC</p> <p>Speakers Dug Cubie PhD Candidate University College Cork</p> <p>Jill Caiazzo Associate Sidley Austin</p> <p><i>Sponsored by:</i></p> <p> IDRC CRDI</p>	<p>Panel 5C</p> <p>Extraterritorial Jurisdiction Redux: Cutting Edge Issues <i>Poliquin-Greene Room</i></p> <p>Chair Christopher D. Ram Department of Justice</p> <p>Speakers Rob Currie Dalhousie University</p> <p>Hugh Kindred Dalhousie University</p> <p>Teresa Scassa University of Ottawa</p>
16:00-16:15	Refreshment Break and Exhibitors <i>Ottawa Room Foyer</i>		
16:10-17:00	Closing Plenary <i>Victoria Hall</i> 		



The CCIL gratefully acknowledges the following sponsors
for their generous support of the 2012 Conference:

Platinum Level



Gold Level



Silver Level



Bronze Level



Exhibitors

Pearson ERPI

