



Canadian Council on International Law
Conseil canadien de droit international

Newsletter | Bulletin

Volume 39: Issue 1 | Édition 1

Spring | Printemps 2015

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Over the past few months, the CCIL has held several events including substantive discussion panels on cutting-edge issues in international law, awards ceremonies, and social events aimed at bringing together the international legal community. Nous sommes très fiers de continuer à fournir des événements pour les membres du CCDI à travers la Canada.

As many of you have seen from the call for proposals, the CCIL's 2015 Annual Conference will explore the issue of "International Law: Coherence or Chaos?" La conférence du CCDI examinera si le système juridique international complexe de nos jours est de plus en plus cohérent et harmonieux, ou au contraire, si l'on se dirige vers une fragmentation davantage ou un chaos. The conference will be held from November 5 to 7 in Ottawa, Canada, and we hope you will join us.

We have also started seeking sponsorship for our conference. Please consider sponsoring our banner event of the year. Les opportunités de parrainage de conférence sont maintenant ouvertes. Sponsorship brings with it a number of exciting benefits including the opportunity to support a panel and publicity for your organization. For more about sponsorship and to begin the dialogue, please feel free to send me a message through manager@ccil-ccdi.ca.

Adrienne Jarabek Marion
President / Présidente

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Be careful of what you want, you might just get it! Green Bag Lunch with Ed Couzens on the Recent ICJ Antarctic Whaling Case

By Ravipal Bains

On January 21, the CCIL co-hosted a green bag lunch with the Department of Foreign Affairs, Trade and Development (DFATD) - Legal Bureau, the University of Ottawa - Faculty of Law, and the International Union for Conservation of Nature (IUCN) - Academy of Environmental Law, concerning the recent International Court of Justice (ICJ) Antarctic Whaling decision.

Ed Couzens, formerly of the School of Law, University of KwaZulu-Natal, gave the presentation on the ICJ's verdict and its aftermath. The theme of his presentation was "Be careful of what you want, you might just get it" referencing Australia's decision to seek ICJ's intervention.



The case is important as it dealt with one of the hotly debated issues in contemporary international environmental law. Couzens added that the case had assumed further significance since the ICJ has seldom adjudicated on environmental matters in recent years. The Court closed its dedicated chapter for environmental cases in 2006 without hearing a single case.

In his presentation Couzens stated that Australia

UPCOMING CCIL EVENTS

ÉVÉNEMENTS CCDI

**44th Annual Conference:
"International Law: Coherence
or Chaos?"**

Ottawa | November 5 to 7

CCIL's 2015 conference is an opportunity for international law practitioners from academia, NGOs, the public sector, and the private sector to come together to explore the issue of how international law has grown and whether it has moved towards fragmentation or unification. The conference will feature prominent figures in international law as keynote speakers and present numerous panels with practitioners at the forefront of international law. More information on this must-attend event will be available soon.

**La 44e Conférence annuelle du
CCDI**

**Le droit international:
cohérence ou chaos?
Ottawa | 5 au 7 novembre**

La conférence du CCDI de 2015 est une occasion pour les académiciens du droit international, les praticiens d'ONG, du secteur public et du privé de se réunir pour examiner la question de savoir si le système juridique international complexe de nos jours est de plus en plus cohérent et harmonieux, ou au contraire se dirige vers une fragmentation davantage ou un chaos. Au titre des conférenciers,

initiated the litigation alleging that the Japanese research program (JARPA-II) was not a scientific research program as per Article 8 of the *International Convention for the Regulation of Whaling*. He added that domestic considerations and political pressures had also played a part in Australia's - and later New Zealand's - decision to join the litigation.

Reviewing the verdict, Couzens noted that it came out on the last day of the Japanese research whaling program for 2014. The ICJ held Article VIII to be an integral part of the convention. The Court stated that although the general Japanese whaling program could be described as research program, the particular program in dispute could not be described as scientific research program and the Court, therefore, ordered Japan to not issue any further licenses.

Discussing the implications for international environmental law, Couzens said that although Australia had won the case dealing a blow to Japan, it remained to be seen which country was best placed to turn the ruling to its advantage. As per the Court's decision any future program has to be justified on stringent scientific grounds. He mentioned that Japan has stated its intention to abide by the ICJ judgment, so it could be hard to argue against a new Japanese research-whaling program based on international law and scientific evidence as laid out in the verdict.

Congratulations to Anwar Mujtabah, Winner of the Leslie C Green Veterans Scholarship

The CCIL extends its congratulations to Anwar Mujtabah, the 2015 recipient of the Leslie C Green Veterans Scholarship. Anwar was presented with the award on March 2 at the University of Victoria. The ceremony featured a presentation by Commander Sheila Archer, Assistant Judge Advocate General, Pacific Region on The Application of the Law of Armed Conflict to Military Operations. It was presented in conjunction by the CCIL and the UVic Law International Human Rights Law

la conférence annuelle mettra en exergue des éminentes personnalités du droit international de même que de nombreux panels animés par des praticiens de pointe.

Participez à cet évènement extraordinaire, c'est aussi une opportunité unique de réseautage! Plus d'informations seront bientôt disponibles.

IN THE LEGAL COMMUNITY...

COMMUNAUTE JURIDIQUE...

**CCIL to Sponsor
The Asian Desk Forum
April 15 to 18 | Victoria**

CCIL is pleased to sponsor the Asian Desk Forum, taking place April 15-18 in Victoria, British Columbia, will look at recent legal developments in Asia and their relevance to the Americas.

The Forum will consist of an Asian Law Academy, aimed at early-career lawyers, and a main Conference Program, organized around issues of acute relevance to Asian legal practice, such as international arbitration in Asia, doing business in India, recent developments in China and ASEAN, energy law, corporate social responsibility, and Latin America-Asia legal relations. [Click here](#) for more information.

**Ontario Bar Association Event:
Key Developments in
International Investment Law**

Association. To read Anwar's testimonial, [click here](#).

The CCIL would also like to extend its thanks to the **John & Barbara Pool Memorial Funds** and the **Edmonton Community Foundation** for their generous support of the Leslie C. Green Veterans Scholarship. Without their contribution, it would not be possible to recognize the achievements of students and veterans like Anwar.

The Leslie C Green Veterans Scholarship provides tuition support to a Canadian Forces (Canadian Armed Forces) veteran entering or pursuing legal studies at the J.D. or LL.B. level in a Canadian law school. The scholarship is named in honour and memory of long-time friend of the CCIL and renowned international humanitarian law expert Professor Leslie C. Green. He spent his life advancing international law and developing humanitarian law for the greater protection of human rights during armed conflict.

CCIL & the Munk School of Global Affairs were Pleased to Co-host a Panel on the CETA & TPP

CCIL & the Munk School of Global Affairs (University of Toronto), in conjunction with the University of Toronto Asian Institute, were pleased to present "Trading Generation: the Comprehensive Economic and Trade Agreement and Trans-Pacific Partnership Agreement" on February 24, 2015, in the Vivian and David Campbell Conference Facility, Munk School of Global Affairs, Toronto.

and Investor-State Arbitration International Law May 5 | Toronto

This program will provide participants with an understanding of key developments in international investment law, including investor-state arbitration.

Speakers will cover key developments and issues under the NAFTA and new generation trade and foreign investment protection agreements such as the CETA, the Canada-China FIPA and the TPP. Expert speakers from government, the private sector and academia will offer views on key investment law issues that are essential to understand for anyone practising or wishing to practise in the area.

For more information, [click here](#).

ICSID: An Introduction to ICSID Process May 4 | Ottawa

The International Centre for Settlement of Investment Disputes will offer its one-day primer on practice and procedure in ICSID Convention Arbitration.

Canada's ratification of the ICSID Convention on November 1, 2013 made it possible for Canadian investors and the government of Canada to participate in ICSID Convention arbitration and conciliation. Opening remarks on the road to ratification of the ICSID Convention will be made by DFATD counsel and guests. The Secretary-General and experienced ICSID counsel will then present the ICSID system of



That afternoon, experts from a range of backgrounds provided their views and perspectives on the major legal and public policy issues arising from next generation free trade agreements. For instance, questions were asked such as "Do the TPP and CETA offer successful models of free trade agreements for a new generation of international trade?" and "What do these next generation treaties mean for Canada?"



The CCIL would particularly like to thank Frank LeSieur, from LeSieur Law, for coordinating the event.

Thank you to all for joining us and for an excellent afternoon!

Event Background:

On October 18, 2013, Canada and the 28-State European Union ("EU") announced the conclusion of a new Comprehensive Economic and Trade Agreement ("CETA"). Set to commence in 2016, the CETA will remove 99% of tariffs between both parties, open Canada to a market of 500 million consumers and a combined GDP of \$17-trillion. The breadth and scope of the CETA are unparalleled in the

arbitration.

For more information, [click here](#).

Conference: "International Law and Domestic Policies" October 30 to 31 | Ankara, Turkey

Organized in cooperation with the Canada-based Intercultural Dialogue Institute.

For more details, please visit www.ildpconference.com.

Panel & Reception: "Canadian Investment Law and Policy in the Global Context: Are we getting it right?"

April 30 | Ottawa
5:00 p.m. - 7:00 p.m.
Governor General II, The Westin Ottawa Hotel
11 Colonel By Drive, Ottawa

CIGI, in partnership with the University of Ottawa's Faculty of Law and the University of Bern's World Trade Institute, are delighted to invite you to a public panel on Canada's foreign investment policy.

Please RSVP by Friday, April 24th, 2015 [HERE](#)

International Disaster Law Course

April 27 to May 1 | Sanremo, Italy

The International Institute of Humnitarian Law, in cooperation

history of Canadian-treaty making.

A year prior, on October 9, 2012, Canada also joined the formal negotiations of the Trans-Pacific Partnership Agreement ("TPP"), an agreement aimed at promoting free trade within the Asia-Pacific region. Today, the TPP counts 12 participants (Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam), covers 40% of the world's economic output, and 26% of global trade in terms of GDP. Taiwan, the Philippines, and South Korea have also recently expressed an interest in joining the TPP talks.

The event featured two panels, one on CETA and another the TPP. Stephen J. Toope, Director of the Munk School of Global Affairs, University of Toronto moderated the afternoon. Thank you to all the excellent speakers. For a full gallery of pictures, please visit the CCIL Facebook page.

CCIL Jessup Judges and Coaches Reception

CCIL was pleased to renew its long-standing connections with the Canadian Round of the Jessup



International Law Moot Court Competition, which this year took place in Halifax on March 6. McInnes Cooper and the CCIL co-hosted an event which brought together the judges and coaches of the Jessup Moot.

with the International Federation of Red Cross and Red Crescent Societies and the International Disaster Law Project and with the support of the Italian Red Cross, will conduct the 2nd International Disaster Law Course from April 27 to May 1, in Sanremo, Italy.

The course on International Disaster Law (IDL) offers participants an opportunity to analyse one of today's most important legal challenges: the prevention and management of natural and man-made disasters.

For more information visit <http://www.iihl.org/idlcourse>.

New Publication - **Statelessness: the enigma of an international community** by William E Conklin

'Statelessness' is a legal status denoting lack of any nationality, a status whereby the otherwise normal link between an individual and a state is absent. The increasingly widespread problem of statelessness has profound legal, social, economic and psychological consequences but also gives rise to the paradox of an international community that claims universal standards for all natural persons while allowing its member states to allow statelessness to occur. In this powerfully argued book, Conklin critically evaluates traditional efforts to recognize and reduce statelessness. To read more about this new work, [click here](#).

New Publication - **Adjudicating International Human Rights:**



Held at the beautiful offices of McInnes Cooper overlooking Halifax harbour, members of the Halifax and Nova Scotia bar mingled with professors of international law, practitioners of international law both public and private, and enthusiasts of sound advocacy. The evening's gathering reflected the broad audience that the Jessup Moot attracts.



Congratulations to Jonathan T. Fried, Ambassador and Permanent Representative of Canada to the WTO, recipient of the inaugural CCIL Public Sector Lawyer Award

On March 17, 2015, CCIL presented its inaugural Public Sector Lawyer Award in the Cadieux Auditorium at the Department of Foreign Affairs, Trade and Development (DFATD) to Jonathan T. Fried, Ambassador and Permanent Representative of Canada to the World Trade Organization, Geneva.



Adrienne Jarabek, CCIL President /
Ambassador Jonathan T. Fried /
Kevin Gray, CCIL Awards
Committee

Essays in Honour of Sandy Gandhi, edited by James A. Green and Christopher P.M. Waters

Adjudicating International Human Rights honours Professor Sandy Gandhi on his retirement from law teaching. It does so through a series of targeted essays which probe the framework and adequacy of international human rights adjudication. Eminent international law scholars (such as Sir Nigel Rodley, Professor Javaid Rehman and Professor Malcolm Evans), along with emerging writers in the field, take Professor Gandhi's body of work - focused on human rights protection through legal institutions - as a starting point for a variety of analytical essays.

Adjudicating International Human Rights includes chapters devoted to human rights protection in a number of different institutional contexts, ranging from the ICJ and the Human Rights Committee to truth commissions and NAFTA arbitration tribunals.

For more information [click here](#).

A reception and awarding ceremony followed a panel discussion on "international law in government, the role of the public sector lawyer". Several high level government officials were on the panel who are, or have been, involved in international law issues while working for the government:

- Hugh Adsett, Deputy Legal Adviser, DFATD
- Colleen Swords, Deputy Minister, AANDC
- John Weekes, Senior Business Advisor, Bennett Jones LLP
- Cliff Sosnow, Partner, Fasken Martineau DuMoulin LLP



On behalf of the CCIL, congratulations to Ambassador Fried.

Congratulations to Professor Donald M McRae on his Appointment as a Companion of the Order of Canada

The CCIL would like to congratulate Professor Donald M. McRae, former President of the CCIL, for his recent appointment as a Companion of the Order of Canada. The Order of Canada, one of Canada's highest civilian honours, was established in 1967 during Canada's centennial year to recognize outstanding achievement,



dedication to the community, and service to the nation.

Professor McRae currently holds the Soloway Chair in Business and Trade Law at the University of Ottawa Faculty of Law. He is also an adjunct professor at the Norman Patterson School of International Affairs at Carleton University. In 2003, the CCIL awarded him the John E. Read Medal for his distinguished contribution to international law. In 2006, he was elected to the International Law Commission. He was made a Fellow of the Royal Society of Canada in 2002.

2014 Annual CCIL Conference: Thank You to Our Supporters

The CCIL held its 2014 Annual Conference from November 13 to November 15. We would like to take this opportunity to again thank our sponsors from last year.

Le CCDI remercie chaleureusement les commanditaires suivants pour leur généreuse contribution à la conférence 2014!





www.ccil-ccdi.ca

For questions or comments, please feel free to contact the Editor and Chair of the Communications Committee on the CCIL Board of Directors, Andrew Lanouette, at manager@ccil-ccdi.ca.

Si vous avez des questions ou des commentaires, n'hésitez-pas de contacter les rédacteurs du Conseil du CCDI, Andrew Lanouette, à manager@ccil-ccdi.ca.



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