Advancing International Law in a Global Society: Reconciliation, Participation and Collective Action

April 28, 2017 Jackman Law Building, University of Toronto Rm J140

April 29, 2017 Falconer Hall, University of Toronto Solarium
**Toronto Group Organizing Committee**

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Christopher Campbell-Duruflé, SJD Candidate, University of Toronto Faculty of Law
April 28, 2017, Room J140, Jackman Law Building, University of Toronto Faculty of Law, 4:30 to 6:30 p.m.

Toronto Group 10th Anniversary Keynote:

Climate Change and Human Rights: Some Heretical Thoughts
Balakrishnan Rajagopal, Associate Professor of Law and Development and Head, International Development Group, Massachusetts Institute of Technology

Speaker: Umut Özs, Assistant Professor, Carleton University, and Toronto Group Co-Founder

Moderator: Kerry Rittich, Professor and Associate Dean JD Program, University of Toronto Faculty of Law

Order of Proceeding

Acknowledgement of presence on Indigenous land and territories
Reflections on the 10th Anniversary of the Toronto Group, Umut Özs

Introduction of Keynote, Kerry Rittich

Climate Change and Human Rights: Some Heretical Thoughts, Balakrishnan Rajagopal

Moderated Discussion, led by Kerry Rittich

Open Discussion
April 29, 2017, Solarium, Falconer Hall, University of Toronto Faculty of Law

8:30-9:30am  Registration and Light Breakfast

9:30-11:00am  Adjudication in Many Forms - Addressing Global Challenges

Moderator: Professor Faisal Bhabha, Osgoode Hall Law School

This session will explore some adjudication venues and mechanisms, from international criminal courts, to state-to-state arbitration tribunals, and ad hoc investment panels. What are the differences between these mechanisms and how do they achieve – or fail to achieve – their own stated goals? How do they promote reconciliation, justice, compensation for victims, lasting peace between states, the building of historical records, and opportunities for storytelling? Panelists will engage with these questions while exploring the common themes of participation, collective action, and the shifting meanings ascribed to notions of independence and impartiality. They will also discuss the role that international and transnational adjudication mechanisms are called to play both today and in the future, asking how adjudication and dispute settlement mechanisms can be reconfigured or reimagined to better address the concerns of multiple stakeholders and evolving power dynamics.

Papers:

Edgardo Carlo Lasam Vistan, II (LLM(c), Yale), “Peace in the Dangerous Ground: Considerations for Shelving Claims and Building a Multilateral Regime over the Spratly Islands”

Emilija Dodevska (PhD(c), Scuola Superiore Sant’Anna), Reconciliation betrayed- the case of Seselj and Karadzic at the ICTY”

Pavla Kristkova (PhD(c), Osgoode), “Fundamental Values and ISDS”

11:00-11:15am  Health Break
11:15-12:45pm  New Forms of Liability in International, Transnational & Comparative Law

Moderator: Professor Anna Su, University of Toronto Faculty of Law

This session explores areas where existing mechanisms fail to provide robust protections for marginalized and vulnerable groups around the globe. These gaps include the recognition and protection of the rights indigenous peoples and male victims of sexual violence during times of conflict. They also include gaps in courses of action to address refugee crises and the responsibility of states generating these crises. How do we account for these gaps? What are their historical roots and why do they persist today? Who should address them and how? The panel will explore the potential role that international law and other sources of normativity can play in addressing these challenges moving forward. Panelists will offer novel solutions by proposing new forms of liability in international as well as transnational law.

Papers:

Adam R. Houston, (PhD(c), Ottawa) “UNderdogs: Advocacy Against the Odds in the Fight for Justice in the Haitian Cholera Epidemic

Maria Victoria Cabrera (Phd(c), Gottingen), “Addressing Indigenous Peoples in Times of Armed Conflicts: A Differential Approach”

Chao Yi, (PhD(c), McGill), “Enforcing the Liability of Refugee Generating Entities: Proposal for a Realistic and Institutional Solution”

12:45-1:45pm  Lunch
Where and when does international law’s growing reach collide with state sovereignty? From borders and migration, to the scope of international criminal law, numerous states have raised concerns about the impact of international law on the ability of states to govern effectively within their borders – and the unequal division of powers within international law. At the same time, various non-state actors and stakeholders have sought to carve out a space for themselves within the international legal system. Panelists will address the broader implications of these developments on the international and transnational legal order. Do these developments challenge the classical view that international law amounts to a law of sovereign states? What place is there for state sovereignty within an increasingly fragmented world? Do the norms that have historically been dependent on that sovereignty continue to govern in international and transnational law?

Papers:

Luca Ferro (PhD(c), Ghent), “Wanted: The Non-Intervention Principles, Dead or Alive”

Sarah Alghamdi, (PhD(c), Osgoode), “Promoting Democracy while Pushing Border Management: Implications of EU Policies on the Tunisian Transition”

Luljeta Ikonomi Caraoshi (PhD(c), UofT), “Can International Law Constrain State Sovereignty on Border and Migration Control? The Case of an International Order on the Movement of Migrants in a Globalized World”

Melanie Deshaies, (PhD(c), Osgoode) “From Global Governance to Global Domination? Analyzing the Ambivalent Role of Power Within International Criminal Law”

3:15-3:30pm    Health Break
Participation and Marginalized Groups

Moderator: Professor Obiora Chinedu Okafor, Osgoode Hall Law School

Despite clear stakes, many marginalized groups are excluded from decision-making and policy-setting processes that directly affect them. In this panel, the presenters will explore different instances where such groups are excluded from policy- and decision-making, and the impact of this exclusion on the rights of the groups themselves – be they migrants, Indigenous peoples, persons with disabilities or minority language speakers. Why are these voices excluded? How can these voices be heard? How can the demand for broader participation in international decision-making be met? And what impacts will broader participation have?

Papers:

Bernice Carrick (PhD(c), Melbourne), “Inequality and Risk in the Border: Australia and Canada”

Maša Anišić (PhD(c), Scuola Superiore Sant’Anna), “Stakeholder Participation in the Drafting of the UN Convention of Persons with Disabilities: ‘Nothing About Us Without Us’ in Action”

Ayan Zhibitayeva (PhD(c), Scuola Superiore Sant’Anna), “Language rights in Post-Imperialist linguistic situations: The case of Kazakhstan”

Jay Ramasubramanyam (PhD(c), Carleton), “Hegemonic International Legal Order: Indigenous Participation in Multilateral Negotiations on Climate Change – an analysis of legitimacy in the context of deliberative democracy”

Social at The Bedford Academy, 36 Prince Arthur Ave, Toronto Ontario

Appetizers and finger food will be provided.
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