



Premier of Ontario - Premier ministre de l'Ontario

September 30 – October 4, 2012

A PERSONAL MESSAGE FROM THE PREMIER

On behalf of the Government of Ontario, I am delighted to extend warm greetings to everyone attending the 31st Annual Course on International Law and Legal Information, hosted by the Faculty of Law, University of Toronto and the Osgoode Hall Law School, York University.

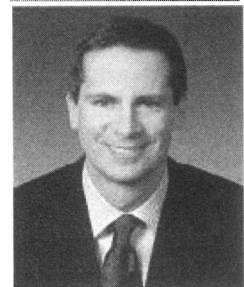
This conference plays a vital role in giving law librarians and other legal information professionals the opportunity to build on their already formidable skill set — and to apply these newly acquired insights to their vital work as specialists in the acquisition and dissemination of legal information. Drawing inspiration from its theme, *Canada: The Cultural Mosaic and International Law*, this year's conference offers participants a range of stimulating sessions that reflect Canada's unique perspectives on international and domestic legal issues. I was very pleased to see that delegates will have the opportunity to visit the Legislative Library and the Legislative Assembly of Ontario. Be assured that you are most welcome at both these fine provincial institutions.

I would like to thank the Local Planning Committee whose hard work on behalf of the International Association of Law Libraries has ensured the success of this much-anticipated event. I would also like to extend a warm welcome to all participants on this special occasion — the first time the conference is being held in Toronto, our provincial capital.

Please accept my best wishes for what I know will be an outstanding learning and networking experience.

A handwritten signature in black ink, appearing to read "Dalton McGuinty".

Dalton McGuinty
Premier





A Message from the Mayor

It gives me great pleasure to extend greetings and a warm welcome to everyone attending the 31st Annual Conference of the International Association of Law Libraries.

This year's conference will bring together law librarians from around the world to discuss topics that reflect Canada's perspectives on international and domestic issues. Themed, "*Canada: The Cultural Mosaic and International Law*," the conference speakers will include top Canadian legal academics, scholars, legal practitioners and law librarians.

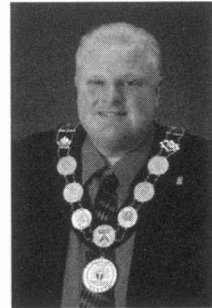
This conference is an opportunity for attendees to network with peers and colleagues in a setting designed for professional development.

Whether you are from Toronto, a frequent or first-time visitor, I welcome you to our city and encourage you to visit the wonderful attractions and vibrant neighbourhoods Toronto is known for.

On behalf of Toronto City Council, please accept my best wishes for an informative and enjoyable conference.

Yours truly,

Mayor Rob Ford
City of Toronto



OFFICE OF THE MAYOR
100 QUEEN STREET WEST, TORONTO, ONTARIO, M5H 2N2

Welcome From IALL 2012 Local Planning Committee

The Local Planning Committee welcomes all the delegates to Toronto for the 31st International Association of Law Libraries Annual Course on International Law and Legal Information: *Canada: The Cultural Mosaic and International Law*.

The Committee chose this year's theme as a reflection of Canada's multicultural heritage. With the exception of our First Nations, Canada is a nation of immigrants. The Local Planning Committee is representative of this fact, as four out of the six members of the committee are first generation immigrants to Canada. John Murray Gibbon first posited the idea of the "Cultural Mosaic" as part of Canada's national identity in 1938 in his book *The Canadian Mosaic: The Making of a Northern Nation*. In this text, Gibbon identified Canadian society as being analogous to a mosaic, with each nationality or immigrant group retaining their cultural identity, traditions, and *mores*, but also forming an integral and vital part of Canadian society as a whole. Prime Minister Pierre Trudeau formally recognized Canada's multicultural nature with the adoption of the Canadian Multicultural Policy in the House of Commons on October 8, 1971. This policy was formalized in 1988 by the *Canadian Multiculturalism Act*, RSC 1985 c 24 (4th Supp) which supports, promotes and protects "the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage" s 3 (1)(a). Multiculturalism is also entrenched in the *Canadian Charter of Rights and Freedoms* s 27 which states that the Charter "*shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.*"

We are proud to say that Toronto is one of the most multicultural cities in the world. 74% of Torontonians (15 or older) are first or second generation immigrants while only 26% of the population (aged 15 or older) were born in Canada to two Canadian-born parents.¹ This diversity is reflected in our neighbourhoods, our communities and our society as a whole.

We have crafted an educational programme to reflect Canada's multicultural nature and to offer our country's unique perspectives on domestic and international issues. True to the cultural mosaic theme, topics such as aboriginal laws of our First Nations, Canada's role and obligations

¹ (Source: Immigrants in Canada's Census Metropolitan Areas - Grant Schellenberg, Statistics Canada). From http://www.toronto.ca/quality_of_life/diversity.htm

under our national and international laws on issues such as polygamy, same-sex marriage, human rights, the environment and terrorism, will be delivered by leading Canadian legal academics, legal practitioners and law librarians. The conference is being jointly hosted by the University of Toronto and York University, two of Canada's most renowned post-secondary institutions with international reputations for excellence in research. The programme will be held at The University of Toronto's Chestnut Conference Centre, located in the heart of downtown Toronto and at York University's newly renovated Osgoode Hall Law School.

**Yemisi Dina, Connie Crosby, Sooin Kim, Sharon Wang, Susan Barker
and Daniel Perlin
Local Planning Committee**

Conference Program

Sunday, September 30, 2012

Law Society of Upper Canada, 130 Queen Street West

Access to the Law Society Building and Great Library is through the Law Society reception doors on the east side of the building.

Time	Event	Speaker(s)
16:00-18:00	Registration	
17:15-17:45	Library Tour Great Library, Law Society of Upper Canada	Ms Jeanette Bosschart
18:00-19:30	Welcome Reception Convocation Hall, Law Society of Upper Canada	Ms Petal Kinder IALL President Ms Deborah Deller Clerk of the Legislative Assembly

Monday, October 1, 2012

University of Toronto, Chestnut Conference Centre, 89 Chestnut Street

Time	Event	Speaker(s)
9:00 - 9:30	Registration	
9:30 - 10:15	Welcome	Ms. Petal Kinder <i>IALL President</i>
	Keynote Address	Dean Lorne Sossin <i>Osgoode Hall Law School</i>
	Welcome Video Message	The Right Honourable Beverley McLachlin, P.C. <i>Chief Justice of Canada</i>
10:15-11:00	Session 1 Multiculturalism and Citizenship	Prof Ayelet Shachar <i>Faculty of Law</i> <i>University of Toronto</i>
11:00-11:30	Refreshment Break	
11:30-12:15	Session 2 International Human Rights: the Canadian Approach	Prof Faisal Bhabha <i>Osgoode Hall Law School</i> <i>York University</i>
12:15-13:15	Lunch	
13:30-14:30	Session 3 Canadian Aboriginal Law	Prof Kent McNeil <i>Osgoode Hall Law School</i> <i>York University</i>
		Prof Douglas Sanderson <i>Faculty of Law</i> <i>University of Toronto</i>
14:30-15:00	Refreshment Break	

Time	Event	Speaker(s)
15:00-15:45	Session 4 Same Sex Marriage in Canada	Prof Brenda Cossman <i>Faculty of Law</i> <i>University of Toronto</i>
15:45-16:30	Session 5 Polygamy, Women and Children: Canada's Obligations Under International Law	Ms Cheryl Milne <i>Executive Director</i> <i>David Asper Centre for</i> <i>Constitutional Rights</i> <i>Faculty of Law</i> <i>University of Toronto</i>
18:30	Dinner at the CN Tower Generously sponsored by Kluwer Law International Transportation by shuttle bus leaving Sheraton Centre Hotel Downtown at 17:45 and returning to the Sheraton Centre Hotel Downtown after dinner	

Tuesday, October 2, 2012

University of Toronto, Chestnut Conference Centre, 89 Chestnut Street

Time	Event	Speaker(s)
9:00-10:00	Session 6 Canadian Legal Research: Common Law and Civil Law	Mr John Papadopoulos <i>Chief Law Librarian</i> <i>Bora Laskin Law Library</i> <i>Faculty of Law</i> <i>University of Toronto</i> Ms Nancy McCormack <i>Associate Professor</i> <i>Faculty of Law</i> <i>Queens University</i> Ms Catherine Cotter <i>Reference/Instruction Librarian</i> <i>Gerard V. La Forest Law Library</i> <i>Faculty of Law</i> <i>University of New Brunswick</i> Ms Dominique Lapierre <i>Acting Law Librarian</i> <i>Bibliothèque</i> <i>de l'Université Laval</i>
10:00-10:30	Refreshment Break	
10:30-11:15	Session 7 Domestic Implementation of International law	Ms Renu Mandhane <i>Director, International Human</i> <i>Rights Program</i> <i>Faculty of Law</i> <i>University of Toronto</i>
11:15-12:30	IALL AGM	
12:30-13:45	Lunch	

Time	Event	Speaker(s)
13:45-14:30	Session 8 The 9/11 Effect: Comparative Anti- Terrorism Law	Prof Kent Roach <i>Faculty of Law</i> <i>University of Toronto</i>
14:30-15:00	Refreshment Break	
15:00-16:00	Session 9 Environmental Law: Canada's International Obligations	Mr Hugh Wilkins <i>Environmental Lawyer</i> <i>Ecojustice Canada</i>
16:00	Shuttle bus to the Legislature pick up at the Sheraton Centre Hotel Downtown	
16:30-17:30	Tours 16:30 Ontario Legislative Library 17:00 Ontario Legislature	
17:30	Shuttle bus pick up from the Legislature and return to the Sheraton Centre Hotel Downtown Dine-Arounds and Evening at Leisure	

Wednesday October 3, 2012

Osgoode Hall Law School, Ignat Kaneff Building, York University, 4700 Keele Street

Time	Event	Speaker(s)
7:45	Shuttle bus pick up at the Sheraton Centre Hotel Downtown	
8:15	Shuttle bus departs for York University	
9:45	Shuttle bus arrives at York University	
10:00-10:45	Session 10 Canadian Constitutional Law	Prof Peter Hogg <i>Scholar-in-Residence</i> <i>Blakes, Toronto</i> <i>(Former Dean</i> <i>Osgoode Hall Law</i> <i>School</i> <i>York University)</i>
10:45 - 11:00	Refreshment Break	
11:00 - 11:45	Session 11 Open Access to Legal Information in Canada	Ms Sonia Poulin <i>Director</i> <i>Alberta Law Libraries</i>
		Ms Sooin Kim <i>Faculty Services</i> <i>Librarian</i> <i>Bora Laskin Law</i> <i>Library</i> <i>Faculty of Law</i> <i>University of Toronto</i>
		Ms Susan Barker <i>Digital Service and</i> <i>Reference Librarian</i> <i>Bora Laskin Law</i>

*Library
Faculty of Law
University of Toronto*

- 11:45-12:45 Developments in International Legal Information:
Presentations and Product Demonstrations by Major
Sponsors: HeinOnline, Kluwer Law International and Justis
- 12:45-13:45 Lunch
- 14:00-14:45 Tour of Scott Library Archives/Display Mr Donald Simpson
will speak about the
Donald Simpson Fonds
at the Clara Thomas
Archives & Special
Collections at the York
University Libraries
- 14:45-16:00 Osgoode Hall Law School/Library
Tour
- 16:00 Shuttle bus leaves York University
- 17:00/17:15 Shuttle bus arrives at the Sheraton
Centre Hotel Downtown
- 18:00 Shuttle bus pick up at Sheraton
Centre Hotel Downtown
- 18:10 Shuttle bus departs for Annual
Dinner venue
- 18:30 Annual Dinner - Bram & Bluma
Appel Salon at the Toronto
Reference Library
Shuttle bus departs for Sheraton
Centre Hotel Downtown after
dinner

Thursday, October 4, 2012 (Optional Day)

Niagara Region, Niagara College, 5881 Dunn Street, Niagara Falls, ON

Time	Event	Speaker(s)
7:45	Shuttle bus pick up at Sheraton Centre Hotel Downtown	
8:00-9:30	Shuttle bus departs for Niagara Shuttle bus arrives at Niagara	
9:30-10:30	Special Program on International Trade Law	Prof Robert Wai <i>Osgoode Hall Law School York University</i> Mr Greg Tereposky <i>Founder TradeLaw Guide</i>
10:30-11:30	Special Program on Foreign Investments	Prof Gus van Harten <i>Osgoode Hall Law School York University</i> Mr Jon R Johnson <i>International Trade Law Practitioner</i>
12:00-14:00	Lunch at the Niagara College Winery	
14:00-15:00	Winery tour	
15:00-18:00	Trip to Niagara-on-the-Lake OR Niagara Falls	
18:30	Shuttle bus departs for Toronto	

Summaries of Presentations and Biographies of Speakers

Session 1: Multiculturalism Canada's Export for the World

Professor Ayelet Shachar

Ayelet Shachar is Professor of Law, Political Science, and Global Affairs at the University of Toronto, where she holds the Canada Research Chair in Citizenship and Multiculturalism. She has published and lectured widely on citizenship theory, immigration law, multiculturalism, cultural diversity and women's rights, family law and religion in comparative perspective, highly skilled migration, and global inequality. Shachar is the author of *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge, 2001; Winner of the American Political Science Association 2002 Foundations of Political Theory Section Best First Book Award), which has inspired a new generation of thinking about how to best mitigate the tensions between gender equality and religious diversity. Beyond receiving wide scholarly recognition, this award-winning work has also proven influential in the real world, intervening in actual public policy and legislative debates. It was cited, most recently, by England's Archbishop of Canterbury, Ontario's Ministry of the Attorney General, and the Supreme Court of Canada. Her latest book, *The Birthright Lottery: Citizenship and Global Inequality* (Harvard University Press, 2009; named International Studies Association 2010 International Ethics Notable Book), has similarly created a groundswell of interest among policymakers and academics alike. Shachar is the recipient of numerous excellence and research fellowships, and currently serves on the editorial boards of six peer-reviewed journals in her field. She has held the Leah Kaplan Visiting Professor in Human Rights at Stanford Law School, and the Jeremiah Smith Jr. Visiting Professor at Harvard Law School.

Summary

Canada remains one of the world's most open societies to immigration, and in contrast with most European countries, it has not retreated from the idea of endorsing diversity and multiculturalism. This lecture will explore the constitutional, theoretical and applied dimensions of multiculturalism in Canada, and its relation to gender, religion, and human rights protections. The discussion will further identify the core case law developed by the Supreme Court of Canada in accommodating diversity, while promoting dignity and equality – the hallmark of Canada's unique commitment to multiculturalism, which I will label as advancing *fair*

inclusion. This must be distinguished from a new type of challenge on the horizon: the rise of *privatized diversity* claims. Whereas the quest for fair inclusion is centripetal, the pull of privatized diversity is centrifugal. I will argue that these emerging trends of privatized diversity will have potentially dramatic implications for how we conceive of the relationship today between secular and religious law, especially in societies committed to their rigid separation. I will offer several ideas as to how to mitigate and address these new challenges, while drawing attention to comparative examples and experimentations with religious and cultural accommodation in other countries and regions. Finally, the lecture will close by articulating the major lessons that can be drawn globally from Canada's "exceptional" brand of immigration and multiculturalism, and its significance to cementing the bonds of membership in a deeply diverse society.

Session 2 International Human Rights: The Canadian Approach

Professor Faisal Bhabha

Professor Faisal Bhabha has researched and published in the areas of human rights, equality, multiculturalism, national security and access to justice. Previously, he sat as Vice-chair of the Human Rights Tribunal of Ontario, where he mediated hundreds of discrimination claims, and penned more than 100 decisions. He holds an LL.M. from Harvard Law School and has carried on a varied public and private law practice, appearing before administrative boards and tribunals and at all levels of court, including the Supreme Court of Canada. He has also advised or represented numerous public interest organizations and NGOs in matters related to constitutional law and human rights. He has lived, worked and researched in Israel/Palestine and South Africa.

Summary

The presentation will look at the ways in which international human rights have been implemented, referenced and interpreted in Canadian courts and tribunals.

Session 3: Aboriginal Law in Canada

Professor Kent McNeil

Kent McNeil is a distinguished research professor at Osgoode Hall Law School in Toronto, where he has taught since 1987. He is the author of numerous works on the rights of Indigenous peoples, including two books: *Common Law Aboriginal Title* (1989) and *Emerging Justice? Essays on Indigenous Rights in Canada and Australia* (2001). He recently co-edited a

collection, *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (2009), with Professors Benjamin Richardson and Shin Imai.

Summary

TBA

Professor Douglas Sanderson

Douglas Sanderson was managing editor of the inaugural edition of the *Indigenous Law Journal* in 2002 while a student in the JD program. He went on to get his LL.M from Columbia University. Professor Sanderson is a member of the Opaskwayak Cree Nation, and he has been deeply engaged in Aboriginal issues from a policy perspective. From 2004-2007 he was a Senior Advisor to the Government of Ontario, first in the Office of the Minister Responsible for Aboriginal Affairs, and later, to the Attorney General. Professor Sanderson's research areas include Aboriginal and legal theory, as well as private law (primarily property law) and public and private legal theory.

Summary

A modest proposal to reform the *Indian Act*

Since 1850, Canada has attempted to set out its relationship with 'Indians' via legislation, and principally through the *Indian Act*. The *Act* determines, among other matters, who is and is not an Indian person, the powers that Indian governments may exercise, the form that government will take, the real and personal property interests that will be recognized on Indian lands, and the kinds of activities that Indians may engage in with respect to their lands. Calls for elimination of the *Act* are legion, but academic and policy based proposals for reforms to the *Act* are surprisingly few and far between. In this paper I propose very modest legislative reforms to allow meaningful exercise of Indian communities' powers to determine their membership, coupled with the ability of community members to pay their federal income tax to their home communities. This would produce a revenue stream for Indian communities to reduce dependence on federal transfers, and properly align the incentives between expanding community membership with the democratic accountability of community leaders.

Session 4: Same Sex Marriage in Canada

Professor Brenda Cossman

Brenda Cossman is Professor of Law at the University of Toronto, and is also currently the Director of the Mark S. Bonham Centre for Sexual Diversity Studies. She teaches and researches in the areas of family law,

gender and law, law and sexuality. Her most recent book, *Sexual Citizens: The Legal and Cultural Regulation of Sex and Belonging*, was published by Stanford University Press in 2007. She has written extensively on the legal regulation of intimacy, sexuality and the family. Professor Cossman has been actively involved in law reform, particularly in the area of same sex couples and definitions of family. She authored reports for the Law Commission of Canada and the Ontario Law Reform Commission on the legal regulation of adult relationships.

Summary

The presentation will provide an overview of the legal regulation of same sex marriage in Canada. First, it will highlight the Charter challenges and the role of the courts versus legislatures in realizing same sex marriage in Canada. Second, it will explore some of the challenges that same sex marriage - and divorce - in Canada presents to private international law, where many countries do not recognize same sex marriage. In particular, it will touch on the problem faced by non-resident same sex couples who marry in Canada, but find themselves unable to divorce.

Session 5: Polygamy, Women & Children - Canada's obligations under International Law

Ms Cheryl Milne

Cheryl Milne, LL.B., M.S.W. – Executive Director of the David Asper Centre for Constitutional Rights, Faculty of Law, University of Toronto. Cheryl practised at the legal clinic Justice for Children and Youth from 1991 to 2008 where she appeared at all levels of court and various administrative tribunals on behalf of young people and the clinic itself in interventions and applications such as the section 43 constitutional challenge and constitutional cases involving consent to medical treatment by minors and a challenge to the Youth Criminal Justice Act. She has represented the Asper Centre in *R. v. Conway* and recently in the Polygamy Reference case. She teaches Constitutional Advocacy at the Faculty of Law, University of Toronto and Social Work and the Law in the School of Social Work at Ryerson University. She has authored a number of articles and book chapters on the rights of children in Canada.

Summary

The decision of the Supreme Court of British Columbia in *Reference re. Section 293 of the Criminal Code of Canada* (“the Polygamy Reference”) was released in November 2012 and is not being appealed to a higher court. In a lengthy judgment, Chief Justice Bauman catalogues the volumes of

evidence demonstrating the harms to women and children associated with the practice of polygamy around the world and in our own backyard, in Bountiful, British Columbia. Relying upon the evidence of Professor Rebecca Cook, an international human rights expert, Justice Bauman held that the consensus of these international treaty bodies is that the practice of polygamy violates various provisions of the treaties that Canada has ratified. In addition to giving high priority to the children's right to protection from harm, the ruling reinforces the state's positive obligations to prevent violations of the rights of both women and children, and makes strong links between rights under the Charter and under various treaties including the Convention on the Rights of the Child (CRC). Chief Justice Bauman specifically notes Canada's positive obligations to prevent violations of the CRC, stating, "These positive obligations are heightened with regard to the CRC as children are, of course, inherently less able to advocate on their own behalf. The Canadian Coalition for the Rights of Children and the David Asper Centre for Constitutional Rights at the University of Toronto joined forces to intervene as an interested party to present the perspective of the constitutional and international human rights of children. The presenter will provide an overview of the case, the types of evidence before the court and the significance of the findings in respect of the impact of international human rights and the Canadian Charter.

Session 6: Canadian Legal Research/Common Law and Civil Law

Mr John Papadopoulos

John Papadopoulos is the Chief Law Librarian at the Bora Laskin Law Library, University of Toronto Faculty of Law. He teaches legal research methods at the University of Toronto Faculty of Law. John is a co-author of *The Practical Guide to Canadian Legal Research* 3rd ed (Carswell, 2010). Prior to joining the University of Toronto, John worked at a number of Toronto law firms as a reference librarian.

Ms Nancy McCormack

Nancy McCormack is an Associate Professor and Librarian at the Faculty of Law, Queen's University. She teaches Advanced Legal Research to upper year and graduate law students, and is the co-author of *The Practical Guide to Canadian Legal Research* (Carswell, 2010) and *Updating Statutes and Regulations for all Canadian Jurisdictions* (Carswell, 2012).

Ms Catherine Cotter

Catherine Cotter, BA LLB MLIS, is the Reference/Instruction Librarian at the Gerard V. La Forest Law Library at the University Of New

Brunswick Faculty of Law. She teaches legal research to all first year law students and this year will teach an Advanced Legal Research and Writing course, the first time such a course has been offered at UNB.

Ms Dominique Lapierre

Dominique Lapierre is acting Law Librarian at Laval University. She holds a master's degree in information sciences; she also continues to study law. She is particularly interested in research training and has facilitated more than a dozen training sessions on specific aspects of legal research. She has published on current awareness, library systems and mixed jurisdictions. She is a member of the Law Libraries Section (IFLA).

Summary

England's common law system, which dates back to feudal times, developed over subsequent centuries and spread to the colonies of the British Empire. Accordingly, the common law tradition was adopted by the various regions of Canada at different times and in different ways. This session provides an overview of the reception of English law in Canada, and the publication thereafter of domestic sources of law in Canada's common law jurisdictions—statutes and case law. The session also explores Quebec's two legal systems, and how both civil law and common law manage to exist side-by-side in the province.

Session 7: Domestic Implementation of International Law

Ms Renu Mandhane

Renu Mandhane is the Director of the International Human Rights Program, including its award-winning legal clinic, at the University of Toronto, Faculty of Law. Renu graduated from the Faculty with a J.D., articulated at Torys LLP in Toronto, and completed her LL.M. at New York University with a focus on international human rights law. In addition to publishing in the area, Renu is the co-chair of the Advocacy Committee of Human Rights Watch Canada, and has worked at a number of domestic and international organizations focused on advancing women's human rights, including the Centre for Reproductive Rights in New York. Renu is a recognized expert on international human rights law and has trained Canadian and foreign judges through the National Judicial Institute of Canada. Prior to joining the Faculty, Renu practiced criminal law from an equality rights perspective for approximately four years and routinely represented survivors of domestic and sexual violence, as well as federally-sentenced prisoners.

Summary

This program will be an exciting opportunity for librarians around the world to learn about a topic of significance to all legal systems and one that continues to evolve and emerge in importance: namely, the domestic application of international human rights law. The program will focus on the status of treaties, customary international law (including jus cogens norms), and recommendations from treaty-monitoring bodies within Canadian law.

Session 8: The 9/11 Effect: Comparative Anti-Terrorism Law

Professor Kent Roach

Kent Roach is a Professor of Law at the University of Toronto where he holds the Prichard-Wilson Chair of Law and Public Policy. He is also an honorary conjoint professor of law at the University of New South Wales. He is a graduate of the University of Toronto and of Yale, and a former law clerk to Justice Bertha Wilson of the Supreme Court of Canada. Professor Roach has been editor-in-chief of the *Criminal Law Quarterly* since 1998. In 2002, he was elected a Fellow of the Royal Society of Canada.

Professor Roach has specialized in the last decade on security issues. He is the author of *September 11: Consequences for Canada* (McGill Queens, 2003), *The Unique Challenges of Terrorism Prosecutions: Towards a Workable Relation Between Evidence and Intelligence* (Ottawa: Supply and Services, 2010) and most recently *The 9/11 Effect: Comparative Counter-Terrorism* (Cambridge University Press, 2011) which examines counter-terrorism in nine countries and the United Nations and was a co-recipient of the 2012 Mundell Medal for contributions to legal writing. He is also a co-editor of *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill* (University of Toronto Press, 2001) and of *Global Anti-Terrorism Law and Policy* (Cambridge University Press, 2005) with a new second edition published by Cambridge in 2012.

Professor Roach's articles on anti-terrorism law and policy have been published in Australia, Canada, Hong Kong, India, Israel, Singapore, South Africa, the United Kingdom, and the United States. He has taught courses on comparative counter-terrorism law and policy at the National University of Singapore, the University of New South Wales and the Centre for Transnational Legal Studies in London. He was recently appointed the general report on the topic "Counter-Terrorism Law" for the Proceedings of the XIX International Congress of Comparative Law to be held in Vienna in July, 2014.

Professor Roach served on the research advisory committee of the Maher Arar Inquiry and was research director (legal studies) of the Air India

inquiry. He has also appeared before legislative committees on anti-terrorism issues in Canada, Indonesia and the United States. He was qualified as an expert witness on the distinction between intelligence and evidence in the Diab extradition proceedings. He also acted as counsel for the British Columbia Civil Liberties Association in its intervention in *R. v. Khawaja* concerning the constitutionality of Canada's definition of terrorist activities and has won awards for his pro bono work on behalf of civil liberties and Aboriginal groups.

Summary

This presentation will discuss some of the impact of the 9/11 terrorist attacks on law and assess its effects on the study of comparative law and its implications for law schools and law libraries.

Session 9: Environmental Law: Canada's International Obligations

Mr Hugh Wilkins

Mr Wilkins BAH (Queen's), LLB (Queen's), LLM (London School of Economics) practices environmental law at Ecojustice Canada, specializing in the areas of climate change, municipal and natural resources law. He is also the Managing Editor of the *Review of European Community and International Environmental Law* and an adjunct professor at Osgoode Hall Law School teaching resources management law.

Summary

Mr Wilkins will be discussing recent developments concerning Canada's role in international environmental law and diplomacy, surveying trends in the field and the perspectives and contributions that Canada is providing. He will review developments in various areas of international environmental law, including with respect to climate change and the Kyoto Protocol, chemicals management, forests, energy, and the recent Rio+20 Conference in Brazil. Mr Wilkins will identify the path that Canada is taking and the impacts it will have on the development of international legal principles and Canadian law.

Session 10: Canadian Constitutional Law:

Professor Peter Hogg

Peter W. Hogg, C.C., Q.C., L.S.M., F.R.S.C., is Scholar-in-Residence at the law firm of Blake, Cassels & Graydon LLP, where he provides counsel

to the firm in his areas of expertise, mainly constitutional law and governmental liability. He is a Professor Emeritus of the Osgoode Hall Law School of York University, where he taught from 1970 to 2003, and served as Dean from 1998 to 2003. He is the author of *Constitutional Law of Canada* (Carswell, 5th ed., 2007) and *Liability of the Crown* (Carswell, 4th ed., 2011 with Patrick J. Monahan and Wade K. Wright), as well as other books and articles. His writings have been frequently cited by the Supreme Court of Canada. He also appears as counsel in constitutional cases.

Summary

In this paper, Professor Hogg relates the major developments in Canadian Constitutional Law: the *Constitution Act, 1867*, which united the British North American colonies and established a federal system for the new country of Canada (but without a bill of rights); and the *Constitution Act, 1982*, which adopted a bill of rights, the Charter of Rights. Judicial review of legislation by the courts was the method of enforcing the federalism rules after 1867, and became the method of enforcing the *Charter of Rights* as well after 1982. This all led to a considerable body of Supreme Court decisions interpreting the Constitution. These stimulated much new academic writing, including a comprehensive text book and many monographs, articles and collections of essays. It also led to academic debate about the legitimacy of judicial review—the counter-majoritarian problem of unelected judges overturning the decisions of elected legislators. The paper expands on these issues.

Session 11: Open Access to Canadian Legal Information

Ms Sonia Poulin

Sonia Poulin was appointed Director, Alberta Law Libraries, in April of 2008. She is accountable for the vision, leadership, direction and management of legal information resources and services to the judiciary, practicing bar and public in Alberta. This is achieved through a province-wide network of 50 law libraries and 4 Law Information Centres.

Prior to joining Alberta Justice, Ms Poulin held a number of progressively responsible law librarian positions in both academia and private law firms in Montreal, Vancouver, Moncton and Ottawa. She was also in charge of credited Legal Research courses for more than 1700 law students and taught legal research and advanced legal research at the undergraduate and graduate levels. Trilingual, she has a BA in Linguistics and French Studies (second language teaching concentration) (Concordia), a Master of

Library and Information Studies degree (McGill). She has also studied Law (University of London) and completed courses towards a PhD (McGill). She currently is completing an MBA (Strathclyde Business School) She lives outside of Edmonton and plays in the Rockies with her family, 5 dogs and one cat.

Ms Sooin Kim

Sooin Kim is the Faculty Services Librarian at the Bora Laskin Law Library, University of Toronto. Her major responsibility is managing the highly successful service at the Law School that provides critical research and teaching support for its Faculty members. In the recent past, Sooin has co-taught the Legal Literature & Librarianship course at the Faculty of Information, University of Toronto. Sooin is an active member of a number of professional associations, currently serving on the committees of both CALL and IALL. She was also on the TALL Board of Directors for four years, including her term as its President during 2008-2009. Sooin's current research interests include professional development of law librarians, instruction, and adult education, training and development.

Ms Susan Barker

Susan Barker is the Digital Services and Reference Librarian at the Bora Laskin Law Library, University of Toronto, Faculty of Law. She holds a Master of Information Studies from the University of Toronto and a Diploma in Library Techniques from Seneca College. Susan co-teaches the Legal Literature & Librarianship course at the Faculty of Information, University of Toronto, edits the *Toronto Association of Law Libraries Quarterly* and is book review co-editor for the *Canadian Law Library Review*. As well as contributing to the 5th Edition of *Legal Problem Solving* (LexisNexis, 2010), she is the co-author of *The Ultimate Guide to Canadian Legal Research* (LexisNexis 2010).

Summary

The establishment of the first Legal Information Institute at the Cornell University Law School in 1992 effectively marked the beginning of the Free Access to Law Movement. Today, with over 40 members, the movement is strong and growing; progressively working towards fulfilling its ideology of free public access to legal information.

Our presentation aims to highlight some significant contributions the Canadian legal community has made to this important movement. While the Canadian Legal Information Institute (CanLII), the country's largest free-access provider of Canadian legal material, has been a key player in the early and ongoing development of legal information institutes around the world,

there are other Canadian access initiatives that also deserve recognition. The Canadian federal government's Justice Laws Website, Ontario's E-laws, and the Internet Archives project also strive to provide open access to legal information (case law, legislation, treaties, law reform proposals and legal scholarship), reflecting a collective commitment to the philosophy that embodies the ideals of the Free Access to Law Movement.

Session 12: Fond Collection at York University Library

Mr Donald Simpson

Donald (Don) George Simpson is a Canadian innovator and mentor in organizational development who has worked as an educator, historian, businessman, Third World aid administrator, researcher, consultant and entrepreneur, in more than 70 countries worldwide. Simpson was born in 1934 in Weston, Ontario (west Toronto), and grew up in Sudbury and Mimico, a suburb west of Toronto. Simpson's organization, Innovation Expedition (IE) keeps working with organizations committed to transforming themselves, the company has undertaken projects in North America, Europe, Africa, India, Southeast Asia, China and Japan. In 1993, he received the Commemorative Medal for the 125th Anniversary of Canadian Confederation, awarded to people who have made a significant contribution to Canada, their community or to their fellow Canadians.

His fond collection at the Clara Thomas Archives and Special Collections of the York University Libraries consists of records documenting the personal and professional experiences of Don Simpson from the 1950s to 2011 in countries around the world. Records include correspondence, notebooks, reports and toolkits, speeches, resource material, memorabilia and other records relating to his activities in a wide range of educational, social justice, development, government and business innovation organizations.

Optional Day: Summaries of Presentations and Biographies of Speakers

Special Program on International Trade Law

Normal Trade Law

Professor Robert Wai

Robert Wai has been a professor at Osgoode Hall Law School since 1998 and served as Associate Dean of the Law School from January 2006 through June 2008. He has taught Contracts, Ethical Lawyering in a Global Community, International Business Transactions and International Trade Regulation. Prior to joining Osgoode, Professor Wai served as law clerk to Justice Gérard La Forest of the Supreme Court of Canada, articulated at the firm of Russell & DuMoulin in Vancouver, and worked as an associate in corporate/commercial law with the firm of Debevoise & Plimpton in New York. He completed his M.Phil. in international relations as a Rhodes Scholar at Oxford University and his S.J.D specializing in international law at Harvard Law School. Professor Wai's current research focuses on transnational governance through plural systems of public and private law in areas such as international business transactions and international trade regulation.

Summary

In the pre-WTO era, the concept of Normal Trade was used in a variety of ways including to explore international trade relations possible among states with diverse forms of domestic markets. The WTO era of international trade regulation signalled new assumptions about convergence enabling liberalized trade, and associated with that the role that law would play in the definition and conduct of such normal trade relations. In more recent years, however, hopes for the legal order centered around the WTO have faded.

This presentation uses the concept of Normal Trade Law to explore several ways in which we see a changed debate about what is normal for international trade law. These include (a) a policy shift that undermines the primacy of open trade as the shared objective of normal trade and shifts to a more contested discussion in which open trade is only one objective among a variety of other economic and social policy concerns for trade law; (b) an associated shift in legal reasoning in trade law from formalism towards pragmatic balancing; (c) a renewed emphasis on bilateralism, regionalism and variable geometries, rather than comprehensive multilateralism; (d) pluralism with respect to the relevant legal regimes that are considered trade law; and (e) the increased prominence of mixed orders of trade law like the investment

treaty regime or the trade remedies system. The overall result is a trade law in which WTO law plays a more circumscribed role vis-à-vis other forms of law as well as vis-à-vis more traditional forms of politics in international economic relations.

USA pork and beef? Dolphin safe? Low carbon? - Labelling Regulation and the International Trade Rules of the WTO

Mr Greg Tereposky

Greg Tereposky is the founder, designer and editor of the WTO legal research database *www.TradeLawGuide.com*, the leading database for comprehensive research on WTO law.

In addition to his legal research activities, Mr Tereposky is a partner and member of the International Trade and Arbitration Group at Borden Ladner Gervais LLP, a leading Canadian law firm. He has practiced international trade and investment law for over 20 years and was counsel in three recent WTO appeals that will establish the legal foundation for future challenges under the TBT Agreement (*US – Clove Cigarettes*, *US – Tuna Dolphin II*, *US – COOL*). He has been counsel and advisor in over thirty WTO disputes and regularly appears as counsel before panels, arbitrators and the Appellate Body in WTO dispute settlement proceedings, NAFTA panels, investor-state arbitration tribunals and Canadian domestic trade authorities and tribunals. He is recognized in *Chambers Global – The World's Leading Lawyers* (International Trade/WTO), *The International Who's Who of Trade & Customs Lawyers* and *Who's Who Legal: Canada* (Trade & Customs). He was recognized by *The Best Lawyers in Canada* as the 2012 Ottawa International Trade and Finance Law Lawyer of the Year.

Summary

In 2012, the WTO Appellate Body issued three reports which, for the first time, clarified the framework for disciplining discriminatory and trade restrictive technical regulations under Articles 2.1 and 2.2 of the *WTO Agreement on Technical Barriers to Trade*. The reports in *US – Clove Cigarettes*, *US – Tuna Dolphin II* and *US – COOL* will have significant implications for the future regulatory actions of WTO Members. Technical regulations play an important role in the domestic laws of WTO Members and are used for a broad range of purposes including consumer information. Moreover, it is expected that technical regulations will play a key role in the implementation of national regimes to address climate change issues. When will technical regulations, which inherently restrict trade, be too trade restrictive? When will technical regulations, which often restrict imports from certain sources but not others, be discriminatory? Can WTO Members intentionally shape the information that is made available to consumers so that

they interfere with the free operation of consumer choice? How much regulatory space do WTO Members have to pursue legitimate regulatory objectives? These are just some of the questions that will be addressed in this presentation.

Special Program on Foreign Investments

Title: Investor-State Provisions

Professor Gus van Harten

Gus Van Harten is an associate professor at Osgoode Hall Law School where he teaches Administrative Law and International Investment Law. He was previously a lecturer in the Law Department of the London School of Economics. His research focuses on investment treaty arbitration and on international and comparative aspects of public law. He consults widely with governments, international bodies, and non-governmental organizations about investment treaties. His publications are freely available at: <http://ssrn.com/author=638855>. His research database on international investment arbitration, oriented to researchers, policy-makers, and journalists, is freely available at: www.iiapp.org.

Title: International Investment Agreements since NAFTA

Mr Jon Johnson

Jon has extensive experience in the practice of international trade law. He participated as a legal advisor in Canada's Trade Negotiation Office respecting the automotive provisions of the *Canada-U.S. Free Trade Agreement* ("CUFTA") and advised Canada's Office of the Trilateral Trade Negotiations during the negotiation of the *North American Free Trade Agreement* ("NAFTA"). Jon has advised industry associations and other clients, both in the public and private sectors, on matters involving international trade arising under NAFTA and the *Agreement Establishing the World Trade Organization* ("WTO Agreement"). He also advised the Federal Government in respect of actions brought by U.S. investors under the NAFTA investment chapter including claims brought by Ethyl Corporation, Pope & Talbot and UPS. He has advised industry stakeholders in respect of WTO challenges brought against Canada regarding automotive duty remission programs and pharmaceutical patent issues, and in respect of WTO challenges brought by Canada against the United States in respect of the softwood lumber dispute. Has advised clients respecting antidumping and countervailing duty actions brought under the *Canadian Special Import Measures Act* as well as respecting customs matters, import and export controls and other border measures. Recipient of the Award of Excellence in International Law from the International Section of the Ontario Bar

Association, October 20, 2009. His publications include *The North American Free Trade Agreement: A Comprehensive Guide*. Jon retired as a partner at Goodmans LLP and is currently a sole practitioner.

Summary

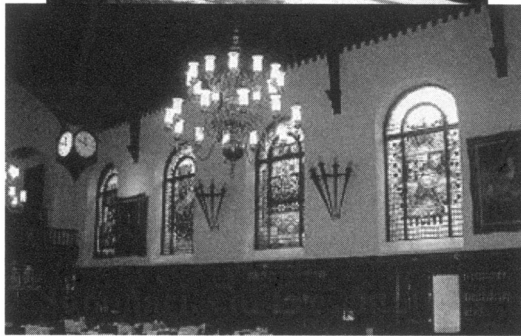
The speakers will provide the background history of investor-state arbitration as a novel form of international dispute resolution. They will review the substantive provisions of these agreements. Comments will be provided on how substantive standards in investment treaties, such as national treatment, most-favoured-nation treatment, expropriation, or fair and equitable treatment, have been interpreted and applied by arbitrators. The presentation will explain in more detail the process of investor-state arbitration, whereby companies and other foreign asset-owners are given special rights to sue countries under international law. It will offer a critique of this arrangement on various grounds, including its lack of judicial independence, lack of openness, and lack of public accountability. The speakers will outline potential reforms to address these concerns.

Social Events

Sunday, September 30, 2012

Welcome Reception

Law Society of Upper Canada, 130 Queen Street West



The opening Reception will be at Toronto's historic Osgoode Hall, home of the Law Society of Upper Canada. Built in the early nineteenth century, and featuring Palladian and Neoclassical architectural elements, Osgoode Hall is one of Toronto's landmark heritage buildings. Convocation Hall is noted for its beautiful stained glass windows and excellent catering. Attendees will be greeted by entertainers in the Canadian style. Osgoode Hall is within easy walking distance of the conference hotels. The reception will be preceded by a tour of Osgoode Hall's Great Library.

Monday October 1, 2012

Dinner

360 Restaurant, CN Tower, 301 Front Street West, Toronto

Sponsor: Kluwer Law International

Transportation: Shuttle bus from the Sheraton Centre Hotel Downtown



The CN Tower is one of Toronto's most visible and famous attractions. Completed in 1975 as a communications tower, the CN Tower was, for more than 34 years, the tallest free-standing structure in the world. 360 the award winning, revolving restaurant at the top of the CN Tower provides great food with an amazing view of the city more than 351 metres (1,151 ft.) below. Thanks to Kluwer Law International for providing delegates an opportunity to enjoy this famous Toronto landmark.

Tuesday October 2nd, 2012

Dine-Around Toronto

Throughout the city

Sign up: Registration Desk



The “dine-arounds” will showcase Toronto’s excellent multicultural cuisine. Delegates can sign up to join our volunteer hosts at their choice of restaurants in Toronto’s Greek town, Little Italy, Little Korea, Chinatown, Baldwin Village and other locations.

Wednesday October 3rd, 2012

Annual Dinner

Bram & Bluma Appel Salon at the Toronto Reference Library, 2nd Floor, 789 Yonge Street

Transportation: Shuttle bus from the Sheraton Centre Hotel Downtown



The Toronto Public Library System is one of the most used and best loved public library systems, generally averaging a higher per capita circulation than any other urban library system in the world. The Toronto Reference Library is one of the flagship libraries in the city and houses the Bram & Bluma Appel Salon. Named in honour of Bram and Bluma Appel, philanthropists, supporters of the arts and of libraries, this newly renovated space is located in the ideal location for our annual dinner.

Thursday October 4th, Optional Day

Niagara Region

Transportation: Shuttle bus from the Sheraton Centre Hotel Downtown

After the educational sessions, delegates will enjoy a winery tour at the Niagara College. There is a choice of either visiting the Niagara Falls or Niagara-on-the-Lake.

Niagara Falls is one of the wonders of the world and is a major tourist attraction; participants will have the opportunity to experience a view of the Horseshoe Waterfalls. Depending on the weather and timing, they may also be able to participate in other tourist activities such as the Journey Behind the falls.



Niagara-on-the-Lake is a beautiful historic town full of interesting architecture, art galleries or shopping. According to the Town Council of Niagara-on-the-Lake, it was chosen as the " #1 Wine and Food Destination in Canada and its designated as Canada's Prettiest Town". It is the home of the Shaw Festival and many wineries in the province.



Tours

Sunday, September 30, 2012

The Great Library, Law Society of Upper Canada



Before the start of the welcome reception, a tour will be offered of the Great Library at the Law Society of Upper Canada. The library's primary mandate is to meet the legal research and information needs of Law Society members by providing access to information, documents and services necessary to the practice of law.

Tuesday October 2, 2012

Legislative Assembly of Ontario & Library



Designed by British architect Richard Waite in the Richardson Romanesque style, Ontario Legislative building opened officially on April 4, 1893. The Ontario Legislative Library provides research services to Members of the Provincial Parliament.

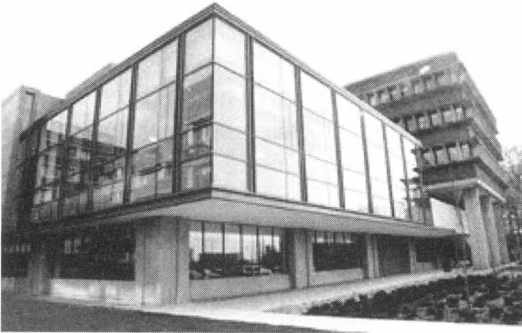
Wednesday October 3rd, 2012

Scott Library York University/Archives



The Scott Library on the Keele campus houses the social sciences and humanities collections and services as well as Archives and Special Collections. Mr Donald Simpson will speak to delegates about his Fonds collection.

Osgoode Hall Law School/Library



The 43 year old Osgoode Hall Law School and Library underwent a \$50-million renovation and expansion. Take a tour of this remarkable new building!

Thursday October 4th, Optional Day

Niagara College Winery



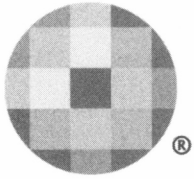
A guided tour of the winery will lead delegates through the state-of-the-art facility and provide a history lesson of Canada's only commercial Teaching Winery.

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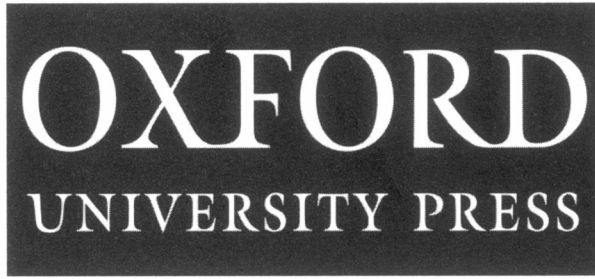
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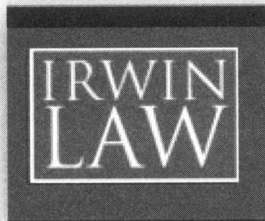
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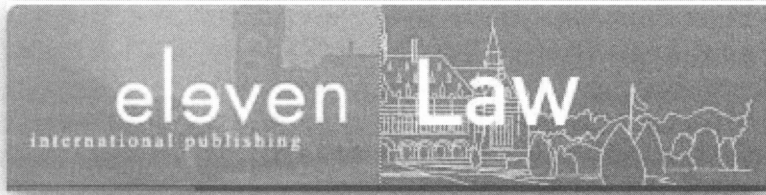
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One World. One Legal Research System