

2017 McGill Graduate Law Students Association Annual Conference

GOVERNING OUR COMMONS: WHAT MATTERS TO US TODAY

McGill Faculty of Law, Montreal, Canada
May 13 & 14, 2017

With keynote speeches by Professors Noah Weisbord & Sajal Lahiri

This seminar is accredited by a recognized provider for 13 hours of continuing legal education
Formation d'un dispensateur reconnu aux fins de la formation continue obligatoire pour une durée de 13 heures

Proudly held in collaboration with the Dean Maxwell and Isle Cohen
Doctoral Seminar Series in International Law & the McGill Faculty of
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2017 McGill Graduate Law Conference



Governing Our Commons: What Matters to Us Today

Saturday, May 13, 2017 (Dean Maxwell and Isle Cohen Seminar on International Law) & Sunday, May 14, 2017
Third Floor, New Chancellor Day Hall, Faculty of Law, McGill University, 3644 Peel St, Montreal, QC H3A 1W9

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The graduate students of McGill University's Faculty of Law are pleased to announce their annual graduate law conference, "Governing Our Commons: What Matters to Us Today". This conference offers an academic forum for graduate students, other scholars, members of the legal profession, government and industry to consider, exchange and develop new ideas, concepts and approaches that bridge the gap between law and other disciplines. Conference participants will have the opportunity to share in McGill University's rich intellectual culture, with its vibrant graduate community.

The theme for this year's conference is "Governing Our Commons: What Matters to Us Today". In the words of the United Nations Environmental Program (UNEP) (online: <http://www.unep.org/delc/GlobalCommons/tabid/54404/>): "The 'Global Commons' refers to resource domains or areas that lie outside of the political reach of any one nation State. International law identifies four global commons namely: the High Seas; the Atmosphere; Antarctica; and, Outer Space."

However, we use the term in a far broader sense, as meaning anything or anyone in which the public at large has a common interest.

The panels will be moderated mainly by members of the McGill Faculty of Law and will cover the following "sub-themes":

International Humanitarian and Refugee Law • Air and Space Law • General International Law • Transnational Labour Law • International Criminal Law • Law and the Social Sciences • Human Rights • Law, Information, and Technology • Law and Social Justice • Environmental Law

Contact: governing.our.common@gmail.com

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C'est avec plaisir que les étudiants aux cycles supérieurs de la Faculté de droit de l'Université McGill annoncent la tenue de leur conférence annuelle. Cette conférence constitue, pour les communautés académiques, juridiques et gouvernementales ainsi que pour le secteur privé, l'occasion de débattre, d'échanger, et de développer de nouvelles idées, concepts et approches afin de construire des ponts entre le droit et d'autres disciplines. Ceux qui participeront à la conférence auront la chance de profiter de la richesse du milieu intellectuel de l'Université McGill, de concert avec sa communauté vivante d'étudiants aux cycles supérieurs.

Le thème de la conférence est « Gouverner notre patrimoine commun : ce qui nous importe à l'ère moderne ». Selon le Programme des Nations Unies pour l'environnement (PNUE) (en ligne : <http://www.unep.org/delc/GlobalCommons/tabid/54404/>) (c'est nous qui traduisons) : « Le patrimoine commun de l'humanité réfère aux ressources se trouvant en dehors de l'influence politique de toute nation. Le droit international identifie quatre types de patrimoines communs, soit : les hautes mers, l'atmosphère, l'antarctique et l'espace. »

Toutefois, nous choisissons d'employer le terme « patrimoine commun » dans un sens plus général ; en effet, nous choisissons d'élargir le sens de ce mot afin d'y inclure toute forme de patrimoine physique, intellectuel ou humain portant une importance particulière pour le grand public.

Les panels seront pour la plupart animés par des membres de la Faculté de droit McGill et recouvriront les « sous-thèmes » suivants :

Droit international humanitaire et des réfugiés • Droit aérien et spatial • Droit international général • Droit transnational du travail • Droit international pénal • Droit et sciences sociales • Droits humain • Droit, information, et technologie • Droit et justice sociale • Droit de l'environnement

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2017 McGill Graduate Law Conference



PROGRAM

Day 1: Saturday, May 13, 2017

Dean Maxwell and Isle Cohen Seminar on International Law (1/3)

0800	Registration and breakfast			
0900	Housekeeping	Upasana Dasgupta	Co-Chair of the Conference Organisation Committee	
		Christopher Whitehead	Co-Chair of the Conference Organisation Committee	
0905	Introductory speech	Professor Richard Gold	Faculty of Law, McGill University; Associate Dean, Graduate Studies (Sponsor of the Conference)	
0915	Introductory speech	Ms JoAnne Sulzenko	Dean Maxwell and Isle Cohen Fund (Sponsor of the Conference and the Dean Maxwell and Isle Seminar on International Law)	
0925	Keynote speech	Professor Noah Weisbord	College of Law, Florida International University	
0955	Coffee and tea break			
1005	Panel 1.1: International Humanitarian and Refugee Law	Delphine Bonnardot	MA, Doctorante <i>Histoire et sociologie de la diversité dans les Forces armées canadiennes</i> , Université Paul Valéry (Montpellier 3); Lieutenant de vaisseau, Officier des Affaires publiques du Groupe-soutien de la 2e Division du Canada, Forces armées canadiennes; Co-présidente du comité Diversité+ de la 2e Division du Canada; Senior Fellow, Département de sociologie, Chaire de la gouvernance, Université d'Ottawa	<i>Introductory speaker, moderator, and discussant</i>
		Chao Yi	Pursuing a DCL, McGill University	Domestic Contextualization of the “Common” Norm of International Refugee Law: The example of Australia’s State Practice on the Internal Relocation Principle
		Chris O’Meara	Pursuing a PhD, Faculty of Laws, University College London	Should International Law Recognize a Right of Humanitarian Intervention?
		Mirka Fries	LLM, University of Amsterdam and Columbia University; Practitioner	Prosecuting Former Child Soldiers under International Criminal Law: Towards a System of Just Punishment

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Day 1: Saturday, May 13, 2017

Dean Maxwell and Isle Cohen Seminar on International Law (2/3)

1115	Coffee and tea break			
1125	Panel 1.2: Air and Space Law	Professor Ram Jakhu	Faculty of Law, McGill University; Associate Director, Centre for Research of Air and Space Law (Sponsor of the Conference)	<i>Introductory speaker, moderator and discussant</i>
		René David-Cooper	Clerk, Federal Court of Appeal of Canada; LLM, Institute of Air and Space Law, McGill University	Protecting the Health and Safety of Pilots: A Critical Analysis of Flight and Duty Time Regulations in Canada
		Aram Daniel Kerkonian	Pursuing an LLM, Institute of Air and Space Law, McGill University	<i>Tutmonda Spaco Agentejo: The Case for a Terran Space Agency</i>
		Maria Manoli	Pursuing a DCL, Institute of Air and Space Law, McGill University	The Legitimation of Space Natural Resources Commercial Exploitation through Benefit Sharing Mechanisms
1235	Lunch, sponsored by the McGill Institute of Air & Space Law			
1320	Panel 1.3: General International Law	Professor Geneviève Saumier	Faculty of Law, McGill University; Peter M Laing QC Professor of Law (Sponsor of the Conference)	<i>Introductory speaker, moderator, and discussant</i>
		Ming-Yu Bob Kao	Pursuing a PhD, Centre for Commercial Law Studies, Queen Mary University	Water Cannons, Razor Wires and Citadels on the High Seas: The Shipping Industry's Self-Regulatory Responses to Maritime Piracy
		Martijn Hoogeland	Pursuing an LLM, Ghent University	The South China Sea Dispute: A Legal Clash over Troubled Waters
		Kai Chi Chang	Pursuing an SJD, Indiana University	International Judicial Impartiality and Independence: The Bloc Voting within the International Court of Justice

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Day 1: Saturday, May 13, 2017

Dean Maxwell and Isle Cohen Seminar on International Law (3/3)

1430	Coffee and tea break			
1440	Panel 1.4: Transnational Labour Law	<p>Professor Adelle Blackett</p> <p>Thierry Galani Tiemeni</p> <p>Christopher Whitehead</p> <p>Si Chen</p>	<p>Faculty of Law, McGill University; Canada Research Chair in Transnational Labour Law and Development (Sponsor of the Conference)</p> <p>Postdoctoral Fellow, McGill University</p> <p>Pursuing a DCL, McGill University; Co-Chair of the Conference Organisation Committee</p> <p>Pursuing a DCL, McGill University</p>	<p><i>Introductory speaker, moderator, and discussant</i></p> <p>Rethinking the Labour, Trade and development nexus: Cotton and the Dynamics of Informality in the Rural South</p> <p>Using the Law to Promote Gender Equality: The Case of Financial Institutions in Canada, England, and France</p> <p>“Decent Work for All” in the Global Business context: lessons from the textile industry in Southeast Asia</p>
1550	Coffee and tea break			
1600	Panel 1.5: International Criminal Law	<p>Professor Frédéric Mégret</p> <p>Vincent Dalpé</p> <p>Asad Kiyani</p> <p>Randle DeFalco</p> <p>Mélanie Deshaies</p>	<p>Professor, Faculty of Law, McGill University</p> <p>Pursuing a DCL, McGill University; Vice President of the Conference Organisation Committee (Communications)</p> <p>Assistant Professor of Law and Adjunct Professor, Centre for Transitional Justice and Post-Conflict Reconstruction, Western University; PhD, University of British Columbia</p> <p>Pursuing an SJD, University of Toronto</p> <p>Pursuing a PhD, Osgoode Hall School of Law</p>	<p><i>Introductory speaker, moderator, and discussant</i></p> <p>For a Culturally Sustainable International Criminal Law Project</p> <p>The Limits of the Legal Pluralism Project in International Criminal Law</p> <p>The Atrocity Aesthetic</p> <p>The Lawmaking in International Criminal Law: Between Common Interests and Global Values</p>
1730	End of Day 1			

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Day 2: Sunday, May 14, 2017 (1/3)

0800	Registration and breakfast			
0915	Housekeeping	Vincent Dalpé	Vice President of the Conference Organisation Committee (Communications)	
		Stéphanie Pepin	Vice President of the Conference Organisation Committee (Logistics)	
0905	Keynote speech	Professor Sajal Lahiri	Department of Economics, Southern Illinois University, Carbondale	
0935	Coffee and tea break			
0945	Panel 2.1: Law and the Social Sciences	Professor Shauna Van Praagh	Faculty of Law, McGill University; Sponsor of the Conference	<i>Introductory speaker, moderator, and discussant</i>
		Mirosław Michał Sadowski	Pursuing an LLM, University of Wrocław	Urban Cultural Heritage: Managing and Preserving a Local Global Common in the 21st Century
		Hannah Birkenkötter	Pursuing a PhD, Humboldt-Universität zu Berlin	Mapping the Rule of Law in the United Nations System: A Quantitative Textual Analysis
		Upasana Dasgupta	Pursuing a DCL, McGill University; Co-Chair of the Conference Organisation Committee	The National Law Universities in India—An Experiment that Needs Reform
		Jessica Leblanc	Pursuing an LLM, Université du Québec à Montréal	Les traductions de la notion de « commons » en droit privé de tradition civiliste

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Day 2: Sunday, May 14, 2017 (2/3)

1115	Coffee and tea break			
1125	Panel 2.2: Human Rights	Professor Nandini Ramanujam	Faculty of Law, McGill University; Executive Director and Program Director, Centre for Human Rights and Legal Pluralism (Sponsor of the Conference)	<i>Introductory speaker, moderator, and discussant</i>
		Stéphanie Pepin	Pursuing a DCL, McGill University; Vice President of the Conference Organisation Committee (Logistics)	An Institutional Approach to Human Rights Regimes
		Jiangyuan Fu	Pursuing a PhD, Sutherland School of Law, University College Dublin	Multilateral Governance in International Food Trade: Interfaces of Private and Public Food Safety Governance
		Anumeha Mishra	Pursuing a PhD, Indian Law Institute	Human Rights and Individual Obligations: Examining the Horizontal Application
1235	Lunch			
1320	Panel 2.3: Law, Information, and Technology	Vanessa Henri	pursuing a DCL, McGill University; Co-Chair of the Conference Organisation Committee 2016	<i>Introductory speaker, moderator, and discussant</i>
		Ido Kilovaty	Pursuing an SJD, Georgetown University	Does International Law Protect Cyberspace?
		Isabelle Lefroy	Pursuing an MA in Interdisciplinary Studies in Law and Indigenous Governance, University of Victoria	An Absence of Law: Appropriation of Indigenous Art in Canada
		Sophie Verrier	LLM, McGill University; Master 2 Panthéon-Assas University (Paris 2)	La vie privée comme patrimoine commun : peut-on patrimonialiser les données personnelles pour mieux protéger le droit à la vie privée ?

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Day 2: Sunday, May 14, 2017 (3/3)

1430 Coffee and tea break

Panel 2.4: Law and Social Justice	Professor Mark D Walters	Faculty of Law, McGill University; F R Scott Professor of Public and Constitutional Law (Sponsor of the Conference)	<i>Introductory speaker, moderator, and discussant</i>
	Jeffrey Kennedy	Pursuing a DCL, McGill University	The Democratic Case against Retribution: Public Reason in Criminal Sentencing
	Blair Major	Pursuing a DCL, McGill University	Looking for the Evolution of Religious Freedom in Canada
	Stephanie Chipeur	Pursuing a DCL, McGill University	Missed Opportunities: Canada's National Building Code and the Disability Rights Movement

1550 Coffee and tea break

1600 Panel 2.5: Environmental Law	Professor René Provost	Faculty of Law, McGill University; Sponsor of the Conference	<i>Introductory speaker, moderator, and discussant</i>
	Samuel Cogolati	Fellow, PhD, Research Foundation Flanders	International Law to Save the Commons? The International Legal Protection of Commons in Development Projects
	Alberto Quintavalla	Pursuing a PhD, Erasmus Graduate School of Law, Erasmus University	The Right to Water as a Non-Unitary Concept—A Positive and Normative Analysis of Recent Legal Developments
	Johanna Aleria P Lorenzo	Pursuing a JSD, Yale University	“Development” versus “Sustainable Development”? View from the World Bank

1710 Closing

Wanshu Cong	Vice-President of the Conference Organisation Committee (Finance)
Upasana Dasgupta	Co-Chair of the Conference Organisation Committee
Christopher Whitehead	Co-Chair of the Conference Organisation Committee

1730 End of Day 2 and the Conference