

**Mapping Emergent Terrains, Contesting Rigidified Traditions:  
The First Annual Graduate Student Conference of  
The Toronto Group for the Study of International, Transnational, and Comparative Law**

University of Toronto Faculty of Law

11-13 January 2008

**PROGRAM**

Conference Organizers: Michael Fakhri and Umut Özsu  
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**Friday, 11 January 2008**

**4:15 – Registration**

**5:00 – General Welcome (Bennett Lecture Hall)**

Michael Fakhri and Umut Özsu (University of Toronto Faculty of Law)

**5:10 – Preliminary Remarks (Bennett Lecture Hall)**

Kim Stanton (Graduate Law Students Association, University of Toronto Faculty of Law)

**5:20 – Opening Address (Bennett Lecture Hall)**

Dean Mayo Moran (University of Toronto Faculty of Law)

**5:30 – Opening Plenary (Bennett Lecture Hall)**

Prof. Ed Morgan (University of Toronto Faculty of Law) – “Fear and Loathing in *Jus Cogens*”

**6:30 – Graduate Law Students Association Reception (Faculty Common Room)**

**Saturday, 12 January 2008**

**8:30 – Light Breakfast**

**9:00 – Early Morning Session**

*Latin America’s “Turns” (Flavelle House A)*

Chair: Prof. Shin Imai (Osgoode Hall Law School, York University)

Amaya Alvez and Joel Colon-Ríos (Osgoode Hall Law School, York University) – “The Latin American Path to Constitutional Politics”

Nelson Dordelly-Rosales (University of Ottawa Faculty of Law) – “Venezuelan Constitutional Democracy: Are there Lessons to be Learned from Canadian Constitutional Democracy?”

Paul Martin (University of Toronto Faculty of Law) – “Venezuela’s Bolivarian Revolution and Democracy in the Organization of American States”

*The International Law / International Relations Interface (Flavelle House B)*

Chair: Prof. Jutta Brunnée (University of Toronto Faculty of Law)

Eugene C. Lim (University of Toronto Faculty of Law) – “A Long ‘TRIP’ Home: Intellectual Property Rights, International Law and the Constructivist Challenge”

Joonui Park (Boston University Department of Political Science) – “State Compliance through Legislation within International Institutions: Perspectives from Northeast Asia – China, South Korea, and Japan”

Prabhakar Singh (National Law Institute University, Bhopal) – “The Political Narratives of International Law and International Relations: In the Defense of Universal Constitutionalism”

**10:30 – Second Plenary (Bennett Lecture Hall)**

Prof. Frédéric Mégret (McGill University Faculty of Law) – “Competing Narratives of International Law: Internationalist Sensitivity and the Idea of Resistance”

**11:00 – Coffee Break**

**11:10 – Late Morning Session**

*Canadian Constitutionalism (Bennett Lecture Hall)*

Chair: Prof. David Dyzenhaus (University of Toronto Faculty of Law and Department of Philosophy)

Faisal Bhabha (Bakerlaw) – “Between Exclusion and Assimilation: Experimentalizing Multiculturalism”

Willmai Rivera-Perez (University of California at Los Angeles School of Law) – “Dolphin Delivery: The Constitutional Values Standard and its Implication for Quebec Private Law”

Alexander Schwartz (Queen’s University of Belfast School of Law) – “*Charkaoui* and the Rule of Unwritten Law”

Sara Smyth (Osgoode Hall Law School, York University / Rochester Institute of Technology) – “Online Child Pornography: An International Crisis from a Canadian Perspective”

**12:30 – Lunch**

**1:00 – Early Afternoon Session**

*Liberalism and its Limits (Flavelle House A)*

Chair: Prof. David Dyzenhaus (University of Toronto Faculty of Law and Department of Philosophy)

José Luis Fernández (State University of New York at Stony Brook Department of Philosophy) – “Scalia’s Textualist Jurisprudence: Exegesis or Eisegesis?”

Mónica García-Salmones (University of Helsinki Faculty of Law / Erik Castrén Institute of International Law and Human Rights) – “The International Rule of Law of Thomas Hobbes: An Approach”

Meital Pinto (University of Toronto Faculty of Law) – “On Offence to Religious Feelings”

*Socialisme ou Barbarie (Flavelle House B)*

Chair: Prof. Karen Knop (University of Toronto Faculty of Law)

Irina Ceric (Osgoode Hall Law School, York University) – “Rule of Law Imperialism and Post-Socialist Transition”

Golnoosh Hakimdavar (University of Turin / Cornell Law School) – “Democracy, Implementation, and Power Struggles”

Boris Mamlyuk (University of Turin / Cornell Law School) – “Reflections on Post-Soviet Law: The Theory of Lack Reexamined”

Zoran Oklopcic (University of Toronto Faculty of Law) – “New ‘Self-Determination’ After the End of the Cold War: From the Self-Determination of Peoples to Principles of Polity Creation?”

Umut Özsü (University of Toronto Faculty of Law) – “Imposition and Appropriation: The Power of Legal ‘Norm-Internalization’”

*International Law from the Commanding Heights (Bennett Lecture Hall)*

Chair: Prof. Darryl Robinson (University of Toronto Faculty of Law)

Shivam Chowdry and Ankit Kejriwal (NALSAR University of Law, Hyderabad) – “Critical Analysis of Judgment of ICJ on Palestine-Israel Wall”

Dror Harel (George Washington University Law School) – “Looking Beyond the Obvious: Judges’ Underlying Reasons in Denying *Jus Cogens* Civil Actions”

Cathleen Powell (University of Toronto Faculty of Law) – “Critique of the United Nations Security Council: New Tools from Domestic Public Law”

Vincent-Joël Proulx (McGill University Faculty of Law) – “Rethinking International Law after 9/11: Advancing State Responsibility through United Nations Institutional Mechanisms, with Special Reference to the Security Council”

Nidhi Singh and Preshit Surshe (NALSAR University of Law, Hyderabad) – “UN General Assembly Resolutions and Space Law”

## **2:30 – Coffee Break**

## **2:35 – Mid-Afternoon Session**

*War and its Laws (Flavelle House A)*

Chair: Prof. Frédéric Mégret (McGill University Faculty of Law)

Ruba Ali Al-Hassani (Osgoode Hall Law School, York University) – “Legalizing the Occupation of Iraq? The Iraqi High Tribunal”

Dan Kuwali (Lund University Faculty of Law) – “Grey War Zone? – The Question of Privatization of Warfare and Civilianization of the Military”

Yvenson St-Fleur (Université du Québec à Montréal) – “Aerial Bombardments in Contemporary Warfare: The Historical Development of Standards Controlling the Use of Excessive Force”

*Disaggregation and De-Territorialization (Flavelle House B)*

Chair: Prof. Audrey Macklin (University of Toronto Faculty of Law)

Joyce Chia (University of London, University College London Faculty of Laws) – “Re-Mapping Migration Review: Problems and Prospects”

Philipp Socha (University of Toronto Faculty of Law) – “Cultural Property”

Rayner Thwaites (University of Toronto Faculty of Law) – “The Constitutional Impact of ‘Securitization’: Immigration Detention in Australia”

*Globalization and Development (Bennett Lecture Hall)*

Chair: Prof. Kerry Rittich (University of Toronto Faculty of Law)

Lisa Kelly (Harvard Law School) – “Percy Corbett: ‘A Citizen of the World’?”

Derek McKee (University of Toronto Faculty of Law) – “Legislating Foreign Aid: The ODA Accountability Bill”

Julie Paquin (McGill University Faculty of Law) – “‘Best Practices’ and Contract Enforcement in Developing Countries: A Senegalese Reality Check”

Evita Rackow (College of Law, London) – “Tracing the Glocalization of a Legal Battle: IMF Conditionality and Economic, Social, and Cultural Rights in Current Poverty Reduction Strategies in Nicaragua”

#### **4:00 – Late Afternoon Session**

##### *Law's Gender (Flavelle House A)*

Chair: Prof. Jennifer Nedelsky (University of Toronto Faculty of Law and Department of Political Science)

Simone Cusack (University of Toronto Faculty of Law) – “Addressing Gender Stereotyping under the Convention on the Elimination of all Forms of Discrimination against Women: The Case of Ciudad Juárez”

Harlovleen Kaur (Osgoode Hall Law School, York University) – “Gender Specific Implementation of International Humanitarian Law”

Reem W. M. Mohamed (American University of Cairo Department of Law) – “Rape Law in Egypt: Defining ‘State Responsibility’ in National, Regional, and International Law”

Oishik Sircar (University of Toronto Faculty of Law) – “Disciplining the ‘Radical Evil’ of ‘Postcoloniality’: Women’s Rights and the Crises of International Human Rights Interventions”

##### *Human Rights and International Law: Variegated Experiences and Expectations (Flavelle House B)*

Chair: Prof. Obiora Chinedu Okafor (Osgoode Hall Law School, York University)

Peter Atudiwe Atupare (Queen’s University Faculty of Law) – “The Pillars and Kernel of Independence of National Human Rights Institutions: A Comparative Analysis of Canada, Ghana, and South Africa Human Rights Commissions”

Jennifer Dalton (Osgoode Hall Law School, York University) – “Indigenous Self-Determination: The Significance of International Law in Canada”

Graham Hudson (Osgoode Hall Law School, York University) – “Neither Here nor There: The (Non-)Impact of International Law on Judicial Decision-Making in Canada and South Africa”

Kim Stanton (University of Toronto Faculty of Law) – “Public Inquiry or Truth Commission: What’s in a Name?”

##### *International Trade Law (Bennett Lecture Hall)*

Chair: Prof. Brian Langille (University of Toronto Faculty of Law)

Mark Bennett (University of Toronto Faculty of Law) – “A Practical Approach to Critical Legal Studies of International Trade Law”

Muhammad Masum Billah (University of Ottawa Faculty of Law) – “Incentive Effect of Liability Rules in the Presence of Liability Insurance in Maritime Law Context: An Economic Analysis”

Michael Fakhri (University of Toronto Faculty of Law) – “Avoiding Legitimization as an Analytical Lens: Reconstructing the WTO Debate Away from Preconceived Notions of Institutional Legitimacy Towards Notions of Development”

Mohammad Nsour (McGill University Faculty of Law) – “Regional Trade Agreements in the Era of Globalization: A Legal Analysis”

Robert Russo (University of British Columbia Faculty of Law) – “Cultural Imperialism or Decent Work? The Enforcement of International Labour Standards through Free Trade”

**5:30 – Coffee Break**

**5:40 – Keynote Address (Bennett Lecture Hall)**

Prof. Anne Orford (University of Melbourne Law School) – “The Responsibility to Protect and the Politicization of International Law”

**7:00 – Dinner (L’Espresso Bar Mercurio – 321 Bloor Street West)**

**Sunday, 13 January 2008**

**9:00 – Light Breakfast**

**9:30 – Early Morning Session**

*Human Rights: Under-Inclusion, Over-Extension (Bennett Lecture Hall)*

Chair: Prof. Anne Orford (University of Melbourne Law School)

Carlos Iván Fuentes (McGill University Faculty of Law and Centre for Human Rights and Legal Pluralism) and Sujith Xavier (University of Toronto Faculty of Law) – “The Living Instrument Doctrine as a Trans-Regional Discourse: Overcoming the Fragmented Regional Human Rights Regime”

Noura Karazivan (Université de Montréal Faculty of Law) – “Extraterritorial Application of Human Rights: Between Formalism and Anti-Formalism”

Chilenye Nwapi (University of Calgary Faculty of Law) – “Extra-Territorial Jurisdiction over Transnational Corporations for Corporate Human Rights Abuses: Need for More Creative Thinking”

*Text and Context (Flavelle House A)*

Chair: Prof. Thomas Skouteris (Leiden University Faculty of Law)

Luis Campos (University of Toronto Faculty of Law) – “Mapping the Archive: Canadian Frontier Narratives in Contemporary Aboriginal Territorial/Title Disputes”

Mark Toufayan (Osgoode Hall Law School, York University / University of Ottawa Faculty of Law) – “When British Justice (in African Colonies) Points Two Ways: On Dualism, Formalism, Mimicry and the Vocabulary of Progress in International Law”

*Questions of Health: Problematizing the Pathological (Flavelle House B)*

Chair: Prof. Joanna Erdman (University of Toronto Faculty of Law)

Rupal Agrawal and Anubha Singh (Hidayatullah National Law University, Raipur) – “Striking the Balance: Towards Harmonization”

Sabrina Fortin (Université de Montréal Faculty of Law) – “Genomic Databases as a Global Public Good”

Idowu Ohioze (University of Alberta Faculty of Law) – “Health or Wealth: Contemporary Issues in the Access to Medicines Conundrum”

**11:00 – Closing Plenary: What is to be Done? (Bennett Lecture Hall)**

Prof. Thomas Skouteris (Leiden University Faculty of Law)