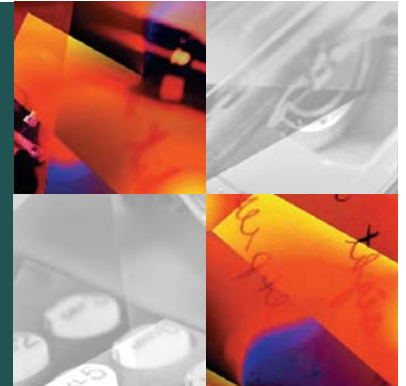




THE CANADIAN BAR ASSOCIATION  
L'ASSOCIATION DU BARREAU CANADIEN

# The Hard Edge of Soft Law - The Real Impact of Customary International Law and Soft Law in Canada



Presented by the Canadian Bar Association's  
National Section on International Law and  
the Continuing Legal Education Committee

**October 23, 2008**  
**Toronto Marriott Bloor Yorkville**  
**Hotel, Toronto, ON**

## Sponsor



## Conference Co-Chairs:

**Paul Lalonde**, Heenan Blaikie LLP, Toronto

**Monique Pongracic-Speier**, Schroeder Speier, Vancouver

Now in its sixth year, the CBA International Law Conference brings together leading international law experts to give practitioners insight into the most current developments in international law.

This one day seminar will focus on topics of interest to practitioners in the areas of trade and investment, international dispute resolution, international business law and human rights and labour law.

The conference will feature luncheon keynote speaker Judge Philippe Kirsch, President of the International Criminal Court, and will provide an opportunity to meet and mingle at a closing cocktail reception at the Toronto Marriott Bloor Yorkville.

Cette année marque la sixième année que la Conférence de l'ABC en droit international rassemble d'éminents experts en droit international qui offrent aux juristes un aperçu des développements les plus récents dans ce champ du droit.

Le séminaire d'une journée complète est axé sur des sujets qui intéressent les avocats et avocates se spécialisant en commerce et investissements, règlement de différends internationaux, droit international des affaires, droit de la personne et droit du travail.

Le juge Philippe Kirsch, président de la Cour pénale internationale, sera le conférencier d'honneur lors du déjeuner de la Conférence. Vous aurez également l'occasion de rencontrer vos collègues à la réception de clôture à l'hôtel Marriott Bloor Yorkville de Toronto.

Ce programme est offert uniquement en anglais.



# Program Agenda

THURSDAY, OCTOBER 23, 2008

8:30 | 9:00 am     **Registration**

9:00 | 9:05         **Opening Comments by Conference Co-Chairs**  
**Paul Lalonde**, Heenan Blaikie LLP, Toronto  
**Monique Pongracic-Speier**, Schroeder Speier, Vancouver

9:05 | 10:15       **Plenary Session**

**Framework issues concerning soft law norms and custom**  
What are they, what role do they play in law and what are the emerging issues?

Speakers:

**Professor Jutta Brunnee**, University of Toronto Law School, Toronto  
**Hon. Donald Johnston**, P.C., O.C., Q.C., Heenan Blaikie LLP, Montréal, former Secretary General of the OECD

*Co-sponsored by the Canadian Council on International Law*

10:15 | 10:30      **Refreshment Break**

10:30 | 12:00      **Plenary Session**

**Reception and application issues**  
The role of custom and soft law in dispute resolution in or involving Canada.

Speakers:

**Matthew Kronby**, General Counsel, Trade Law Bureau, Department of Foreign Affairs and International Trade, Ottawa  
**Hon. Marc Lalonde**, PC, OC, QC, Sole Practitioner, Montréal  
**Marie-Claire Cordonnier Segger**, Centre for International Sustainable Development Law, Montréal

12:00 | 1:30       **Lunch**

1:30 | 3:15         **Concurrent Sessions**

CONCURRENT SESSIONS		
<p><b>Understanding the impact of custom and soft law norms on labour standards in Canada and on Canadian entities</b></p>	<p><b>Trade and investment workshop: the “Venedor” scenario</b></p>	<p><b>Customary international law in Canadian courts: Litigating claims for breaches of corporate social responsibility obligations abroad</b></p>
<p><b>Moderator - TBC</b></p> <p><b>Global compact and corporate social responsibility</b>  <b>Brian Burkett</b>, Heenan Blaikie LLP, Toronto</p> <p><b>Application of custom and soft law to women’s labour rights in Canada</b>  <b>Mary Cornish</b>, Cavalluzzo Hayes Shilton McIntyre &amp; Cornish LLP, Toronto</p> <p><b>General impact of custom and soft law on public interest litigation in Canada</b>  <b>Steven Shrybman</b>, Sack Goldblatt Mitchell, Ottawa</p>	<p><b>Moderator: John Boscaroli</b>, McCarthy Tétrault LLP, Toronto</p> <p><b>The impact of soft law on investment in Ecuador and Bolivia</b>  <b>Roque Bernardo Bustamante</b>, Bustamante &amp; Bustamante, Quito, Ecuador</p> <p><b>Which law would an arbitral tribunal apply to “Venedor” and how:</b> The question of precedent and role of arbitral decisions in international investment arbitration as a form of soft law  <b>Ian Laird</b>, Fulbright &amp; Jaworski LLP, Washington, DC</p> <p><b>Protect, respect and remedy:</b> Soft law, customary law, and conventional law in reconciling host country and investor interests in “Venedor”  <b>Noemi Gal-Or</b>, Kwantlen Polytechnic University, Surrey</p>	<p><b>Moderator: Robert Wisner</b>, McMillan LLP, Toronto</p> <p><b>Stéphane Beaulac</b>, Université de Montréal, Montréal</p> <p><b>John Keefe</b>, Goodmans, LLP, Toronto</p> <p><b>John Terry</b>, Torsys, LLP, Toronto</p>

**3:15 | 3:30**

**Refreshment Break**

**3:30 | 4:15**

**Keynote Address**

**Judge Philippe Kirsch**, President, International Criminal Court

**4:15**

**Closing Remarks**

**4:30 | 6:00**

**Closing Cocktail Reception**

*Sponsored by Woods LLP*

**FRIDAY, OCTOBER 24, 2008**

**9:00 | 4:00 pm**

**Section Business Meeting**

**Heenan Blaikie** (200 Bay Street South Tower, Royal Bank Plaza)

CBA International Law Section Members and Executive

All Section members are invited to join the Executive Committee at the International Law Section business meeting. Section updates, planning for the upcoming year and other items of interest to members will be discussed at the meeting.

*Speakers subject to change*

# Registration Form

## MEETING VENUE & ACCOMMODATIONS

Marriott Toronto Bloor Yorkville Hotel  
90 Bloor Street East, Toronto, ON  
1-800-859-7180  
www.marriott.com/hotels/travel/yyzmc-toronto-marriott-bloor-yorkville-hotel/

## HOTEL RESERVATION

Please contact the hotel directly at 1-800-859-7180 and refer to the **CBA International Law CLE Conference** to obtain the preferred rate. The preferred room rate is available until **September 22, 2008**.

## TRAVEL

Air Canada is the official carrier for all our CBA meetings. In order to receive a 10% discount, you must book your flight on-line at [www.aircanada.ca](http://www.aircanada.ca) and indicate the promotion code **3WH7THQI**. **The discount is not available if you call Air Canada directly.**

## CAR RENTAL

AVIS, the official rental car supplier of the CBA, offers several special rates. Call 1-800-331-1600 or visit [www.avis.com](http://www.avis.com) to reserve your car. You must quote discount number **C136498**.

## REGISTRATION

Pay by credit card (Visa or MasterCard **only**), or send cheque or money order made payable to the Canadian Bar Association together with this registration form to:

**Ashley Woodford**  
**CLE Program Coordinator**  
**Canadian Bar Association**  
**865 Carling Ave., Suite 500**  
**Ottawa, ON, K1S 5S8 or**  
**fax information to 613-237-0185**

**PAYMENT MUST BE RECEIVED PRIOR TO THE ACTUAL CONFERENCE TOGETHER WITH A COMPLETED REGISTRATION FORM**

**ALL RECEIPTS ARE MAILED OUT AFTER THE CONFERENCE.**

**INVOICES WILL NOT BE ISSUED**

**REFUND POLICY:** There will be a 20% administrative charge for any cancellation received in writing prior to September 30. No refund will be given after September 30.

There will be no refunds for "no-show" registrants. The program material will be shipped to registrants unable to attend the program within 15 days of the program.

## INFORMATION

For further information about this program, please contact **Ashley Woodford** at the CBA National Office by telephone at **613-237-2925 or 1-800-267-8860 ext. 186**, or by e-mail at [ashleyw@cba.org](mailto:ashleyw@cba.org).

For updates on the program please visit our web-site at [www.cba.org/CBA/CLE](http://www.cba.org/CBA/CLE)

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	FEE	GST (5%)	TOTAL
<input type="checkbox"/> CBA Members	\$375.00	\$18.75	\$393.75
<input type="checkbox"/> Students (CBA Members)	\$200.00	\$10.00	\$210.00
<input type="checkbox"/> Non-Members	\$475.00	\$23.75	\$498.75

### Payment due with registration application.

- Yes**, I would like to join the CBA now and pay the member fee to attend this program. I understand that a membership representative will be contacting me.
- No**, I cannot attend but would like to purchase the course material in PDF format following the conference. The publication coordinator will contact me after the conference to discuss cost and details to receive the materials electronically.

CBA Membership No.

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Authorized Signature

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CBA's programs are supported by preferred suppliers, sponsors, and exhibitors. Subject to the following paragraph, I understand that the provision of contact information on this form constitutes my consent to such information being disclosed to the preferred suppliers, sponsors, and exhibitors of this program. For further information about the CBA's treatment of personal information, see members' Privacy Policy at [www.cba.org](http://www.cba.org).

By checking this box , I do not wish my contact information disclosed to the preferred suppliers, sponsors, and exhibitors of this program. I understand that my name will not appear on the delegates list.