

# ***Concerning States of Mind, Disturbing the Minds of States***

The Third Annual Conference of the Toronto Group  
for the Study of International, Transnational, and Comparative Law

**29-30 January 2010**

**PROGRAM**

## **Conference Location**

*Concerning States of Mind, Disturbing the Minds of States* will take place at **Flavelle House**, at the **University of Toronto Faculty of Law**, 78 Queen's Park Crescent West, Toronto, Ontario, M5S 2C5.

## **About the Toronto Group**

The Toronto Group for the Study of International, Transnational, and Comparative Law consists of graduate students from the University of Toronto Faculty of Law and from Osgoode Hall Law School, York University.

## **Conference Organizing Committee**

- Amar Bhatia, University of Toronto Faculty of Law
- Patrícia Galvão Ferreira, University of Toronto Faculty of Law
- Derek McKee, University of Toronto Faculty of Law
- Claire Mummé, Osgoode Hall Law School, York University
- Sujith Xavier, Osgoode Hall Law School, York University

**The organizers would like to thank the following for their financial support:**

- The University of Toronto Faculty of Law
- Osgoode Hall Law School, York University
- The Jack & Mae Nathanson Centre on Transnational Human Rights, Crime and Security, Osgoode Hall Law School, York University
- The Osgoode Hall Graduate Law Students' Association
- The University of Toronto Graduate Law Students' Association

**For more information:**

<http://torontogroup.wordpress.com>  
[torontogroup2010@gmail.com](mailto:torontogroup2010@gmail.com)

*This program is brought to you by the Nathanson Centre and printed on sugarcane environmentally-friendly paper.*

# Friday, 29 January 2010

- 8:30-9:30 Registration and Breakfast
- 9:30-11:00 **Opening Keynote: ‘Sovereignty: Is it Still a Useful Notion?’**  
**Martti Koskenniemi**, Academy Professor, University of Helsinki  
 Moot Court  
*Chair:* **Michael Fakhri**, University of Toronto  
*Welcome Remarks:* **Benjamin J. Richardson**, Osgoode Hall Law School, York University  
*Introduction:* **David Dyzenhaus**, University of Toronto
- 11:00-11:30 Break
- 11:30-1:00 **The Development of the League of Nations and the Construction of the Periphery** Moot Court  
*Chair:* **Ladan Mehranvar**, University of Toronto  
*Discussant:* **Ruth Buchanan**, Osgoode Hall Law School, York University
- *The 1937 International Sugar Agreement: The Rise of the Postcolonial State Through the League of Nations* **Michael Fakhri**, University of Toronto
  - *‘A Subject Which Excites the Deepest Interest throughout the Civilised World’: The Greek-Turkish Population Exchange and the Craft of Diplomatic Nation-Building* **Umut Özsu**, University of Toronto
  - *Ethiopia and the League of Nations: Alterity, Hybridity and the Corruption of the Disciplinary Self* **Rose Parfitt**, School of Oriental and African Studies, London
  - *Rights, Légion Arménienne and the Making of Statist Nationalism in International Law: A Social History of Interwar Métissage* **Mark Toufayan**, University of Ottawa
- Bodies, Faith and Time: Subject and Object Relations**  
 FLC  
*Chair:* **Lisa Kelly**, Harvard University  
*Discussant:* **Bruce B. Ryder**, Osgoode Hall Law School, York University
- *Disturbing the Concept of Religion...or Creating a Disturbance for Freedom of Religion?* **Dia Dabby**, Université de Montréal
  - *A Place for Religion in the Post-Colonial Secular State?* **Sarah Hamill**, University of Alberta
  - *International Law and Crisis: A Feminist Temporal Approach* **Mary H. Hansel**, London School of Economics and Political Science
  - *The Challenge of Discourse Reified: The Legally Overdetermined Body* **Caroline Hodes**, York University
- 1:00-2:30 Lunch

2:30-4:00

## National Traditions in International Law FLA

*Chair:* **Derek McKee**, University of Toronto

*Discussant:* **Chantal Thomas**, Cornell University

- *The Notion of ‘Comparative International Law’: Some Definitional and Methodological Thoughts* **Marco Benatar**, Vrije Universiteit Brussel
- *The Zero Years of Spanish International Law, 1939-1953* **Ignacio de la Rasilla del Moral**, Brown University
- *Comparative International Law?* **Boris N. Mamlyuk**, University of Torino
- *From Good to Great Power: Legalism in America’s First Century of Foreign Policy* **Alan Nissel**, University of Helsinki

## Art as a Challenge to Law FLB

*Chair:* **Claire Mummé**, Osgoode Hall Law School, York University

*Discussant:* **Rosemary Coombe**, Osgoode Hall Law School, York University

- *If a Shark is Killed and Pickled for Display, Does it Tell the Truth?* **Saptarishi Bandopadhyay**, Brown University
- *Selecting Heritage: The Interplay of Art, Politics and Identity* **Lucas Lixinski**, European University Institute
- *Copyright and the Ephemeral* **Adriane Porcin**, Université de Montréal
- *Chiptunes and the Ethics of Sampling of Creative Commons Licensed Sounds* **Martin Zeilinger**, University of Toronto

4:00-4:45

## Break

## Performance and Installation:

### ‘Out of Balance, Out of Focus... Miscalculated’

Fireside Lounge (outside Flavelle House Dining Room)

**Julie Lassonde**

*Discussant:* **Jennifer Nedelsky**, University of Toronto

4:45-6:00

## Nations Disturbing the Rights of States FLA

*Chair:* **Kaushalya Bannerji**, Osgoode Hall Law School, York University

*Discussant:* **Shin Imai**, Osgoode Hall Law School, York University

- *Conceptualizing Indigenous Language Rights: An Exploration* **Hugo Choquette**, Queen’s University
- *Writing the Rules of Co-management: Transplanted from the Centre* **Sari M. Graben**, Osgoode Hall Law School, York University
- *Indigenous Residential Schools and the International Crime of Genocide* **Graham Hudson**, Osgoode Hall Law School, York University

## Normative Gaps: Transnational to International FLB

*Chair:* **Igor Gontcharov**, Osgoode Hall Law School, York University

*Discussant:* **David Schneiderman**, University of Toronto

- *Proportionality Analysis at the Intersection of Comparative Law and Socio-Legal Studies* **Amaya Alvez Marin**, Osgoode Hall Law School, York University
- *Individuals and International Norms* **Sébastien Jodoin**, Amnesty International Canada
- *From ‘Constitutionalism as Mindset’ to Legal Pluralism* **Derek McKee**, University of Toronto

## Reified Identities FLC

*Chair:* **Sujith Xavier**, Osgoode Hall Law School, York University

*Discussant:* **Amanda Glasbeek**, York University

- *The Role of Transnational Networks and Bodies in Fighting Domestic Violence Against Women: The 2006 Brazilian Statute* **Joanna V. Noronha**, PUC Law School, Rio de Janeiro
- *From Love to Money: Care Labour and the State* **Genevieve Painter**, University of California, Berkeley
- *‘National Traditions’ of Violence and Impunity? Rape Survival, Impatience, Insurrection* **Emily Rosser**, York University

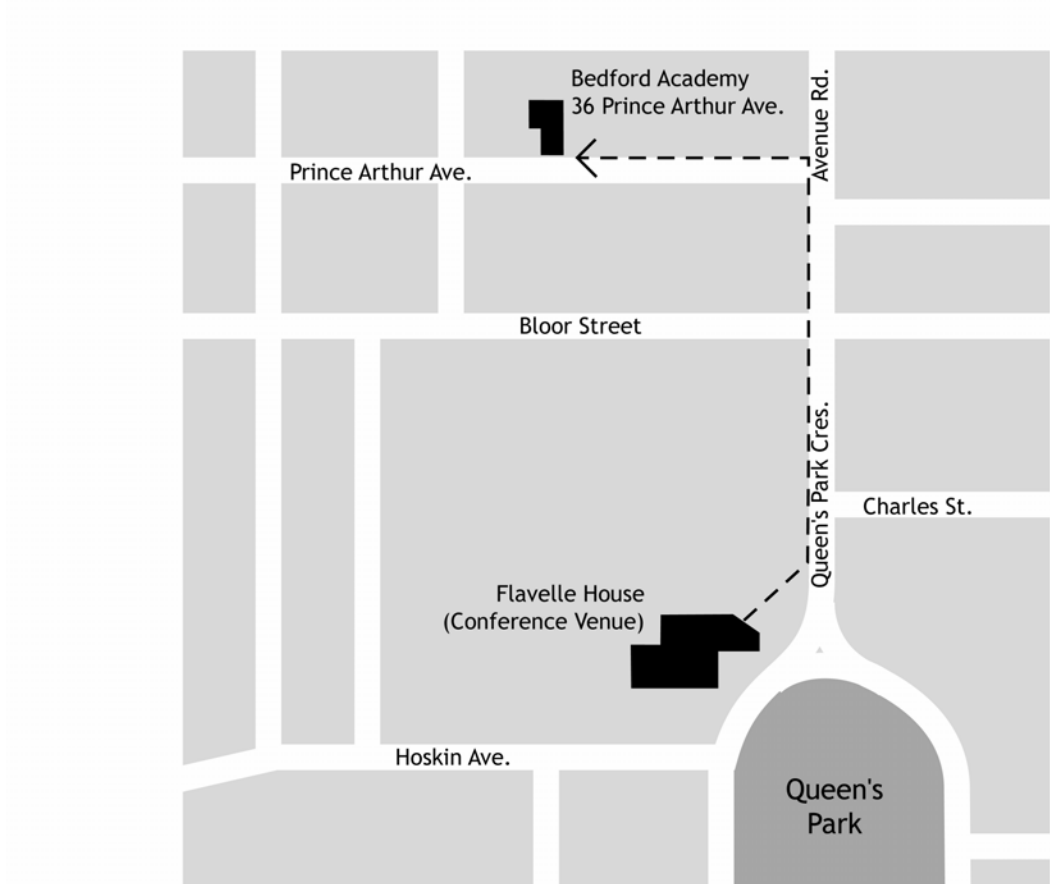
6:30-

## Informal Pub Gathering: **Bedford Academy**

36 Prince Arthur Avenue; 416-921-4600.

Walking directions (about 5 minutes):

1. From Flavelle House (the conference venue) walk north on Queen's Park Crescent.
2. Crossing Bloor Street, continue north on Avenue Road.
3. Turn left and head west on Prince Arthur Avenue. The Bedford Academy will be on your right.



Evening free

# Saturday, 30 January 2010

8:30-9:30 Breakfast

9:30-11:00 **Life in Limbo: Statelessness in International Law** FLA

*Chair:* **Mazen Masri**, Osgoode Hall Law School, York University

*Discussant:* **Sean Rehaag**, Osgoode Hall Law School, York University

- *Stateless Persons in the 21st Century: The Challenges Ahead* **Georgios Andriotis**, International Criminal Tribunal for the Former Yugoslavia
- *The Claim to Inclusion: Statelessness and the Contestation of the Limits of Citizenship* **Kiran Banerjee**, University of Toronto
- *Permanent Transition: International Governance and Israel/Palestine* **Zinaida Miller**, Brown University
- *Whose Right to What Justice? Humanitarian Intervention and the Administration of Justice in Refugee Camps* **Anna Lise Purkey**, McGill University

11:00-11:30 Break

11:30-1:00 **'You Ask Me to Enter, But then You Make Me Crawl'** FLA

*Chair:* **Amar Bhatia**, University of Toronto

*Discussant:* **Sara Slinn**, Osgoode Hall Law School, York University

- *'An Evident Violation of Natural Liberty and Justice': Adam Smith and a Jurisprudence of Immigration* **Colin S. Grey**, New York University
- *Gendered Citizenship and Migrant Work after B.C. Health Services* **Alexandra Law**, Université de Montréal
- *Migrant Workers: Where Lies Their Haven under the United Nations' Migrant Workers' Convention?* **Okeowo Ademola Oladimeji**, Queen's University
- *Are We Searching for the Right Rights? Temporary Foreign Workers, Labour Regulation and (Misguided) Debates on Immigration* **Anastaziya Tataryn**, University of Ottawa

**Law, State and Empire** FLB

*Chair:* **Kim Stanton**, University of Toronto

*Discussant:* **Kerry Rittich**, University of Toronto

- *Legal Balkanism* **Irina Ceric**, Osgoode Hall Law School, York University
- *The Paradox of Constitutionalism in Modern Arab States: The Case of Palestine* **Asem Khalil**, New York University
- *From Coloniser's Edict to Universal Norm: The Doctrine of Emergency in International Law* **John Reynolds**, National University of Ireland, Galway
- *The UN's Constitutional Assistance: New Additions to the 'Standard of Civilization'?* **Vijayashri Sripati**, Osgoode Hall Law School, York University

**Corporate Rights and Wrongs** FLB

*Chair:* **Patrícia Galvão Ferreira**, University of Toronto

*Discussant:* **Aaron Dhir**, Osgoode Hall Law School, York University

- *The Lightness of Being (a Multinational): MNEs Exist Holistically only with Respect to their Investment Treaty Claims* **Robin Hansen**, University of Saskatchewan
- *Territory as Responsibility: Attribution in State Responsibility and in Corporate Responsibility* **Peter Szigeti**, Harvard University
- *Pakootas v. Teck Cominco Metals, Ltd. Revisited: The Role of Civil Liability in Preventing Transboundary Pollution by Private Actors* **Gail Henderson**, University of Toronto
- *Holding TNCs Directly Accountable for Human Rights Violations: The Role of the International Criminal Court* **Evangelia Sarikaki**, Association of Defence Counsel, International Criminal Tribunal for the Former Yugoslavia

1:00-1:30

**Lunch**

Lunch will be served outside classroom FLA; however please bring your lunch into the Moot Court for the keynote lecture.

1:30-3:00

## Lunch Keynote: 'Jurisdiction and Scale: Toward a Multiscalar Analysis of Governance' Mariana Valverde, Professor of Law and Criminology, University of Toronto Moot Court

*Chair:* Lisa Philipps, Osgoode Hall Law School, York University

*Discussant:* Annie Bunting, Osgoode Hall Law School, York University

3:00-4:30

## 'Where the Work of Globalization Gets Done' FLA

*Chair:* Ruby Dhand, Osgoode Hall Law School, York University

*Discussant:* Matthew Light, University of Toronto

- *Precarious Working Conditions and Regulation of Mental Health at Work in Brazil: A Socio-Legal Perspective* Julia Gitahy da Paixão, University of Ottawa
- *Beyond the Global Monolith: The Globalized City as a Site of Legal Pluralism and the Extension of Immigrant Homeland* Alexandra R. Harrington, McGill University
- *Social Protection in the Age of Migration: Rethinking Prostitution, Rights and the Risks of Recognition* Carolina S. Ruiz Austria, University of Toronto
- *Between Scale and Jurisdiction: Urban Governance in the EU* Gregory Smith, Osgoode Hall Law School, York University

## Legal Cross-Pollination FLB

*Chair:* Sujith Xavier, Osgoode Hall Law School, York University

*Discussant:* Lorne Sossin, University of Toronto

- *European Human Rights Law, International Law and International Organisations: Coordination through Comity, rather than Constitutionalism* Carl Lebeck, Stockholm University
- *Kadi and the Unity of International Law* Cathleen Powell, University of Toronto
- *From the 'Democratic Deficit' to a 'Democratic Surplus': Enhancing Participatory Regulatory Processes in the European Union* Athanasios Psygkas, Yale University
- *Is a Due Process of Global Significance the Way Forward? Insights from the Pluralist Jurisprudence of the European Court of Justice* Gianluca Sgueo, European Ombudsman's Office
- *In the Aftermath of the Bosphorus-Kadi Saga: The 'Hegemonic Struggle' of the 'Quasi-Constitutional' European Judge, Institutional Fragmentation within the European Subsystem and its Side-Effects for the Broader International System* Vassilis P. Tzevelekos, European University Institute

4:30-5:00

**Break**

5:00-6:45

## Roundtable: Academic Freedom in the Canadian Legal Academy: Israel/Palestine and Discussions on Paths to Peace <sup>FLA</sup>

*Chair:* **Michael Fakhri**, University of Toronto

- **Sharryn J. Aiken**, Queen's University
- **Jens Hanssen**, University of Toronto
- **Mazen Masri**, Osgoode Hall Law School, York University
- **Richard Moon**, University of Windsor
- **Bruce B. Ryder**, Osgoode Hall Law School, York University

## The Challenge of Sovereignty <sup>FLB</sup>

*Chair:* **Hélène Mayrand**, University of Toronto

*Discussant:* **Karen Knop**, University of Toronto

- *State Succession to Cultural Heritage: Towards a New International Regime* **Andrzej Jakubowski**, European University Institute
- *Legitimacy and the State: (Re)constructing the Political Authority of International Criminal Law* **Heidi Matthews**, Harvard University
- *Cutting the Cake of Sovereignty – Peoples, Groups, Collectives and their Legal Subjectivity in International Law* **Philipp Socha**, University of Göttingen
- *Beyond the Right to Self-Determination: Conditionality, Deformalization and the So-Called 'Earned Sovereignty'* **Mai Taha**, University of Toronto
- *The End of Westphalia? State Sovereignty at the International Court of Justice* **D. Alison von Rosenvinge**, New York Law School

## Normalizing Secrets, Secret Norms <sup>FLC</sup>

*Chair:* **Michael Nesbitt**, University of Toronto

*Discussant:* **François Tanguay-Renaud**, Osgoode Hall Law School, York University

- *Managing Torture by 'Necessity': From Legitimation to Un-prosecution* **Itamar Mann**, Yale University
- *Laws of War and Terrorism: Domestic Mirrors of International (non-)Arrangements* **Claudia Medina Aguilar**, Yale University
- *Constitutions, Coercion and Information* **Kalyani Ramnath**, Yale University



8:00-

## Dinner: Harlem

67 Richmond Street East; 416-368-1920.

Ticket required; ticketholders only until after 10:00 p.m.

Subway directions (30 minutes total subway and walking time; cash fare, \$3):

1. Enter the subway at Museum, just outside the conference venue.
2. Take the subway southbound toward Union station.
3. Stay on the subway as it passes through Union station and continues northbound; exit at Queen station.
4. Walk east along Queen Street.
5. Turn right (south) on Church Street.
6. Turn left (east) on Richmond Street. Harlem will be on your right.

