



Dalhousie University

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June 19, 1995

Professor R. St. J. Macdonald
Apt. 2005, 1333 South Park Street
Halifax, NS
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Dear Ron:

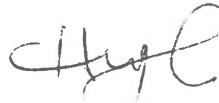
I have come across a letter from you asking a number of personal questions about my teaching of international law. I cannot find my reply and so I must assume I did not and do apologize for this gross oversight. If the long delay does not render my answers redundant, I hope the following comments may help you.

1. Biographical data: Please see the enclosed note.
2. Teaching history: I started teaching International Law in the fall of 1971 and provide a 3 hour per week, 1 semester survey of the general principles. Please see the summary Table of Contents of our casebook, of which I regularly use chapters 1-9 and 14 and selectively employ chapters 10-12.
3. Place in curriculum: The course is offered to 2nd and 3rd year students, optionally and is evaluated by a mid-course assignment, in several alternative choices, and a final exam.
4. Compulsory? I would love it to be so in first term second year (alongside Constitutional Law) but I believe that is an unrealistic wish at the moment.

5. Strengthening teaching of International Law: We should press for its inclusion wherever law is taught, including high school and undergraduate programmes. Also we should try and convince Political Science departments that they cannot teach International Relations adequately without also giving instruction in International Law. Similarly, we should strengthen our links in our own specialized areas, e.g. international environmental law, international trade law etc., with other departments in the University that teach those disciplines towards co-teaching or other arrangements to inject international legal regulation into their programmes. Likewise in the Law School we should continually inform and encourage our domestic law colleagues about international dimensions and developments in their fields of teaching. In hand with this should go a strengthening of graduate programmes by having more thesis students supervised jointly by international and domestic law faculty so that a more holistic legal understanding is obtained by the next generations of law teachers.

It was very good to meet you last week. I shall keep in touch.

Yours sincerely,



Hugh M. Kindred
Professor of Law

HMK/sm

enclosure

HUGH M. KINDRED

Biographical Note

Hugh M. Kindred LL.B. (Bristol), LL.M. (London), LL.M. (Illinois) and member of the Bars of England and Nova Scotia, is Professor of Law at Dalhousie University, Halifax, Canada where he has taught since 1971 in the areas of international law, commercial law and marine transportation. He was a Senior Legal Officer in the Shipping Division of the United Nations Conference on Trade and Development from 1985-86, and he has been a research associate of the Dalhousie Ocean Studies Programme, the Canadian Marine Transportation Centre, and the Oceans Institute of Canada. He is a member of the Canadian Maritime Law Association and past chair of its Carriage Documentation Committee. He is also a member of the Canadian Council on International Law and a past member of its Executive committee.

Professor Kindred's numerous publications in his three areas of interest include the major title International Law Chiefly as Interpreted and Applied in Canada. This two volume set, of which he is the general editor and co-author, is now in its 5th edition. Hugh Kindred is also associated with several law journals. In particular in the international field, he works on the Board of Editors of the Canadian Yearbook of International Law, and the Review Board of International Insights.

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International Law

Chiefly as Interpreted and Applied in Canada

FIFTH EDITION

1993

EMOND MONTGOMERY PUBLICATIONS LIMITED

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HUGH M. KINDRED

Biographical Note

Hugh M. Kindred LL.B. (Bristol), LL.M. (London), LL.M. (Illinois) and member of the Bars of England and Nova Scotia, is Professor of Law at Dalhousie University, Halifax, Canada, where he has taught since 1971 in the areas of commercial law, marine transportation and international law and trade. He was a Senior Legal Officer in the Shipping Division of the United Nations Conference on Trade and Development from 1985-1986, and a participant in the Marine and Environmental Law Programme at Dalhousie since it was established in 1974. Professor Kindred has advised governments and other public bodies, including Transport Canada (regarding shipping legislation), the N.S. Department of Natural Resources (maritime boundaries), the N.S. Department of Consumer Affairs (consumer protection law), the P.E.I. Department of the Attorney-General (court organization) and the Pearson International Peacekeeping Training Centre (international law). He has been a research associate of the Dalhousie Ocean Studies Programme, the Canadian Marine Transportation Centre, and the Oceans Institute of Canada. He is a member of the Canadian Maritime Law Association and past chair of its Carriage Documentation Committee. He works on the editorial boards of the Oceans Yearbook, the Canadian Yearbook of International Law, International Insights and the Dalhousie Law Journal.

Professor Kindred was the project co-ordinator and co-author of the 1982 Study for Transport Canada on *The Future of the Canadian Carriage of Goods by Water Law* and more recently he assisted the Department in the preparation of the Carriage of Goods by Water Act 1993. He is also the general editor and co-author (with 7 others) of *International Law Chiefly as Interpreted and Applied in Canada*, which is now in its 5th edition (1993) and is widely used across Canada. Amongst his other publications in maritime, commercial and international law is a book he co-authored with Max Ganado in 1990 on *Marine Cargo Delays*. His current research includes the legal implications of replacing paper documents by EDI (electronic data interchange) in the carriage of goods by sea. He is also collaborating with Dr. Mary Brooks, a colleague in the School of Business Administration at Dalhousie, in writing a book about the commercial risks and regulation of multimodal transport.

HUGH M. KINDRED

ABBREVIATED CURRICULUM VITAE

ADDRESSES

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LEGAL QUALIFICATIONS

| | |
|------|--------------------------------------|
| 1987 | Barrister and Solicitor, Nova Scotia |
| 1971 | LL.M. University of Illinois |
| 1969 | LL.M. London University. |
| 1968 | Barrister, Lincoln's Inn, England |
| 1967 | LL.B. Bristol University |

LEGAL APPOINTMENTS

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| 1979- | Professor of Law, Dalhousie University |
| 1985-86 | Senior Legal Officer, Shipping Division, United Nations Conference on Trade and Development, Geneva |
| 1974-79 | Associate Professor, Dalhousie University |
| 1971-74 | Assistant Professor, Dalhousie University |
| 1970-71 | Teaching Fellow, University of Illinois |
| 1970 | United Nations Secretariat Intern Programme, New York |
| 1969-70 | Research Assistant in Soviet Law and International Business Law, University of Illinois |

AWARDS

- 1992- S.S.H.R.C. Research Grant
 1991-92 S.S.H.R.C. Research Grant
 1991-92 Centre for International Business Studies, Dalhousie Research Grant
 1989-90 Ontario Centre for International Business Research Grant
 1989 Recipient of the International Handling and Coordination Association's prize for the best paper on a cargo handling topic at the 24th Annual Meeting of the Canadian Transportation Research Forum
 1984 Certificate of Distinction, Dalhousie University as Faculty Advisor to the Champion Team in the 1984 Philip C. Jessup International Law Moot Court Competition
 1978-79 Butterworths (U.K.) Overseas Legal Fellowship at the Institute of Advanced Legal Studies, London
 1978-79 Canada Council Leave Fellowship

AREAS OF SPECIALTY

Maritime Law (Carriage of Goods by Sea), Canadian Commercial & Consumer Law, International Law, International Trade Law

PRINCIPLE PUBLICATIONS AND PUBLIC ADDRESSES

Maritime Law (Carriage of Goods by Sea)

Books and Monographs

Marine Cargo Delays. With M. Ganado, Lloyd's of London Press Inc., London, 1990.

Freight Forwarders' Legal Liabilities for the Multimodal Movement of Goods. With D. Manara and S. Ellis, Canadian Marine Transportation Centre, Halifax, N.S., 1987.

The Legal Implications of Changes in Ocean Transport Documentation. With D. McGreer and G. Giles, Canadian Marine Transportation Centre, Halifax, N.S., 1985.

Identifying the Legal Issues in Automating Trade Transactions, Report for the Canadian Organization for the Simplification of Trade Procedures, 1984.

Delivery of Goods, Report for the Canadian Coast Guard, 1983.

The Future of Canadian Carriage of Goods by Water Law. Coordinator and principal co-author with McDorman, Brooks, Tetley, Letalik and Gold, Dalhousie Ocean Studies Programme, Halifax, N.S., 1982.

Articles

"Muddling Through the Maze of Liability for Multimodal Mishaps", Proceedings of the 30th Annual Meeting of the Canadian Transportation Research Forum 315 (1995).

"Goodbye to the Hague Rules: Will the New Carriage of Goods by Water Act Make a Difference?," 24 *Can. Bus. L.J.* 404 (1994-95).

"New and Improved? The UNCTAD/ICC Multimodal Rules Reviewed," with Mary R. Brooks 33 *Transportation Journal* no. 3, p. 5 (1994).

"Ocean Bills of Lading and EDI: Legal Precautions in Processing a Shipping Transaction Without Paper", Proceedings of the 6th World Conference on Transport Research 1387 (1993).

"A New Model for the Management of Commercial Risks and Legal Liabilities of Multimodal Transport Operations", with Mary R. Brooks, presented at the 6th World Conference on Transport Research, Lyon, France, 1993.

"Limited Liability in the Carriage of Goods By Sea: Where Are We Going?," presented at the Second Admiralty Seminar of the Canadian Department of Justice and the Ship Source Oil - Pollution Fund, Ottawa, 1993.

"Trading Internationally by Electronic Bills of Lading," presented at the Ontario Centre for International Business Seminar, Toronto, May, 1991, and published in 7 *Banking and Finance Law Rev.* 265 (1992).

"EDI in Ocean Transportation: The Legal Logistics of Processing a Shipping Transaction Electronically," Proceedings of the 26th Annual Meeting of the Canadian Transportation Research Forum 353 (1991).

"Slow But Sure: Responsibility for Delay in the Delivery of Multimodal Cargoes," Proceedings of the 24th Annual Meeting of the Canadian Transportation Research Forum 390, May 1989, and 31 *Journal of the Transportation Research Forum* 418 (1991).

"The Effects of Marine Cargo Delays in Law and Commerce," with Mary R. Brooks, Paper prepared for presentation at the 5th World Conference on Transport Research, Yokohama, Japan, July 1989, and published in 17 *Marit. Pol. Mgmt.* 189 (1990).

- "Canadian Maritime Law Developments During 1986-87, 4 *Yearbook of Maritime Law* 201 (1990).
- "Cargo Delays and the Canadian Shipper," with Mary R. Brooks. Working Paper for the Centre for International Business Studies, Dalhousie University, 1989 and published in *Canadian Shipper*, June/July 1990, p. 34.
- "Modern Methods of Processing Overseas Trade," 22 *Jo. of World Trade* issue 6, p. 5 (1988).
- "In Place of Ocean Bills of Lading: New Shipping Contracts for a Changed Shipping Industry," Proceedings of the 23rd Annual Meeting of the Canadian Transportation Research Forum 138 (1988).
- "When Bits Replace Bills, What Shall the Law Byte On? Legal Consequences of Automating Carriage Documentation," in Sharpe and Spicer eds., *New Directions in Maritime Law* 1984, Carswell, Toronto, 1985.
- "Old Wine in New Bottles: The Changing Forms of Shipping Contracts," Canadian Maritime Law Association Seminar, Saint John, N.B., 1984.
- "From Hague to Hamburg: International Regulation of the Carriage of Goods by Sea," 7 *Dalhousie L. Jo.* 585 (1983).

International Law

- International Law Chiefly as Interpreted and Applied in Canada.* General editor and co-author with Castel, Fleming, Graham, de Mestral, Reif, Vlastic and Williams, Emond Montgomery Publications Ltd., Toronto, 5ed. 1993, 2 vols.
- "Humanitarian Intervention" and "The Status of United Nations, Associated and NGO Personnel", Lectures delivered at the Lester B. Pearson Canadian International Peacekeeping Training Centre, Cornwallis, N.S. 1995.
- "Acts of State and the Application of International Law in English Courts," 19 *Can. Yrbk. Int'l L.* 271 (1982).
- "Acts of State and the Application of International Law in Canadian Courts," 10 *Revue de Droit, U. de Sherbrooke* 271 (1982).
- "Foreign Governments Before the Courts," 48 *Can. Bar Rev.* 602 (1980).
- "Patterns of Canadian-American Economic Problems," with B. Biggs, 1 *Can.-U.S. L. Jo.* 114 (1978).

"American Regulation of Oil Imports, Policy and Institutional Responsibility," with W.F. Schwartz, 5 *Jo. World Trade L.* 269 (1971).

Commercial and Consumer Law

"Legal Impediments to Electronic Commerce," Proceedings of the 11th International Trade Law Seminar of the Department of Justice, Canada 13 (1993).

"[Creditors' Duties Before] Enforcement of Chattel Securities," 85 N.S.R. (2d) 343; 14 *N.S. Law News* 122 (1988).

"When Are Chattel Mortgages Void?" 14 *N.S. Law News* 21 (1987).

"Unsecured Creditors and Unregistered Chattel Securities: Royal Bank of Canada v. First Pioneer Investments Ltd.," with V. Black, 64 *Can. Bar Rev.* 386 (1986).

"Ten Years of Commercial Law in Nova Scotia," 10 *N.S. Law News* 93 (1984).

"Creditors Under Chattel Security Acts," 10 *N.S. Law News* 93 (1984).

"How Secure is Your Personal Property Security?," N.S. Barristers' Society Semi-Annual Meeting, Halifax, N.S., 1978.

"Consumer Law Developments: A Note on the Impact of Recent Federal Legislation in Nova Scotia," 4 *Dalhousie L. Jo.* 383 (1978).

"The Licensing of Direct Sellers," 3 *N.S. Law News* No. 4, p. 4 (1977).

"Misleading Advertising," 3 *N.S. Law News* No. 3, p. 3 (1976).

"New Consumer Legislation in Nova Scotia," 2 *Dalhousie L. Jo.* 683 (1976).

Report on the State of the Law Affecting Consumer Transactions in Nova Scotia, for Minister of Consumer Affairs, N.S., 1975.

Report on the Adjudication of Civil Actions and Especially Small Claims in Prince Edward Island, for Deputy Attorney-General, P.E.I., 1974.

UNIVERSITY & COMMUNITY ACTIVITIES

- 1996- Editorial Board, Oceans Yearbook
 1995 Course consultant and lecturer, Lester B. Pearson Canadian International Peacekeeping Training Centre, Cornwallis N.S.
- 1993- Editorial Board, Dalhousie Law Journal
 1993- Editorial Board, Canadian Yearbook of International Law
 1993 Consultant to the N.S. Department of Natural Resources regarding maritime boundaries
- 1992- Member, Editorial Advisory Board, Dalhousie Journal of Legal Studies
 1991-94 Associate Editor, Dalhousie Law Journal
 1991-93 Member, Law News Committee, N.S. Barristers Society
 1991-92 Member, Dalhousie Senate Committee to Review the Law School
 1989-92 Consultant to the Department of Transport, Canada regarding enactment of the Carriage of Goods by Water Act
- 1989- Associate, Oceans Institute of Canada
 1988-90 Member, Advisory Committee to the Great Canadian Trials Project of the Centre for Education, Law and Society, Simon Fraser University, British Columbia
- 1987- Canadian correspondent for the international Yearbook of Maritime Law
 1987- Member, Carriage Documentation Committee, Canadian Maritime Law
 1986-91 Comments Editor, Dalhousie Law Journal
 1986-89 Associate, International Institute for Transportation and Ocean Policy Studies, Halifax, Nova Scotia
- 1985- Member, Review Board, International Insights
 1984-85 Instructor in the Law of Contracts, Civil Law-Common Law Exchange Programme
- 1982-85 Co-chairman, Carriage Documentation Committee, Canadian Maritime Law Association
- 1982-85 Founding Board of Directors, Public Legal Education Society of Nova Scotia
 1982-85 Associate Editor, Dalhousie Law Journal
 1982-84 Member, Executive Board, Canadian Council on International Law
 1982 Consultant to the Education and Law Project, Simon Fraser University, British Columbia
- 1981-82 Research Associate, Dalhousie Ocean Studies Programme
 1981-82 Member, Multimodal Transport Committee, Canadian Maritime Law Association
 1979-82 Board of Directors, Continuing Legal Education Society of Nova Scotia
 1977-81 Member, Dalhousie Art Gallery Committee
 1977-80 Editorial Advisory Board, Canadian Community Law Journal
 1976 Director, N.S. Summer Workshop in Law for Teachers
 1975-80 Co-ordinator, N.S. Project on Law in High Schools, for the Department of Education, Nova Scotia
- 1975-78 Maritime Correspondent to the Bulletin of the Canadian Council on International Law
 1975-78 Consultant to the Minister of Consumer Affairs for Nova Scotia
 1974 Consultant to the Department of the Attorney-General, Prince Edward Island

PROFESSIONAL MEMBERSHIPS

American Society of International Law
Canadian Council on International Law
Canadian Lawyers for the Advancement of International Human Rights
Canadian Association of Law Teachers
Canadian Association of University Teachers
Canadian Maritime Law Association
Canadian Transport Research Forum
Dalhousie Faculty Association
Society of Public Teachers of Law (U.K.)

FACULTY OF LAW UNIVERSITY OF TORONTO

September 9, 1994

Professor Hugh M. Kindred
Dalhousie Law School
6061 University Ave.
Halifax, N. S.
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Dear Hugh,

Although I think that the attached is fairly straightforward , I thought that I should send you just a few lines to say that I want to pay particular tribute to your own work and achievements in the field and that, for this and other purposes, I am hoping that you can accept an invitation to lunch at the end of the month. There is a lot to talk about and I am most anxious to see you. In the meantime, I send you not only best good wishes but also my congratulations on the new addition of the case book and, indeed, on your outstanding contributions to legal education as well as to international law in particular.

With personal good wishes, I remain,

Yours sincerely, *k*

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

FACULTY OF LAW UNIVERSITY OF TORONTO

September 9, 1994

Professor Hugh M. Kindred
Dalhousie Law School
6061 University Avenue
Halifax, N.S.
B3H 4H9

Dear Hugh,

I am trying to up-date my article in the Canadian Year Book on the teaching of public international law in Canada, and in this connection I am of course anxious to refer extensively to you and to your work in the field.

It goes without saying that I am anxious to discuss this project with you in the near future, not only in order to verify information about your courses and work but also to seek your guidance and advice as to the scope and organization of the paper. In the meantime, I am wondering if you would be so kind as to provide me with the following information:

1. a paragraph of biographical information indicating your date and place of birth, legal education, professional experience, and any other items that might bear on your work as an international lawyer (an up-to-date C.V. would fill the bill);
2. the date that you started teaching public international law, the aspects of the subjects on which you concentrate, the kinds of materials you use, the names of text books and case books which you prefer, etc.;
3. where your subject fits into the curriculum, e.g., second or third year, optional or compulsory, evaluation by paper or by examination;
4. whether, in your opinion, the basic course in international law ought to be compulsory in the law school and, if so, in what term or terms of what year it should be offered;
5. very briefly (just a couple of lines at this stage), what should be done to strengthen the teaching of public international law in the years just ahead? For example, should we be pressing for the teaching of the subject in high schools, universities and community colleges? Should we be trying to develop new sets of teaching materials?

continued ...

Professor Hugh M. Kindred

September 9, 1994

- 2 -

I do apologize for breaking in on you at the start of term, when I know that you are excessively busy with courses, students and administration. However, I hope to make token reciprocation by offering lunch or an extended coffee in the near future. I might just add that the reason for undertaking this project is to try to move our subject forward during this last decade of the 20th century.

With personal good wishes, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

P.S. As I am in Halifax at the present time, you could if it is convenient, leave anything for me with Sandra or Molly at the Reception in the Weldon Building, where I will pick it up during the next couple of weeks.



INTERNATIONAL LAW

Initial Course Schedule

H. Kindred: Fall '96

This course is a survey of the sources, methods and general principles of public international law. Given the breadth of the subject matter to be compressed into a one semester course, the survey is necessarily selective. Emphasis may only be given to some topical aspects at the expense of omitting other areas of interest. This year the course might be subtitled "International Law and the Individual", because it is organised first to expose the configuration of the legal system between nation states, and then to investigate its impact on the human rights and criminal responsibilities of individuals within the state.

An initial course schedule is printed below. Details for the last month of the course will be confirmed later when students have had an opportunity to select their topics of interest for research and presentation in class. (See the handout on Evaluation Methods for further details)

References for readings (R:) are to Kindred et al., International Law (5 ed. 1993), obtainable in the University Bookstore. This edition is in two volumes, a "casebook" and a documentary supplement. Be sure to peruse the documents in the supplement when directed to them in the "casebook". Classes will be conducted principally by discussion centred on the questions (Q:) in the Notes (N.) within the assigned readings, plus additional problems to be handed out in class.

Classes take place on Mondays from 3:00-4:30 p.m. and on Thursdays from 2:30-4:00 p.m., except for a few occasions noted in the schedule below, when they will be extended to 4:30 p.m.

| <u>Date</u> | <u>Chapter</u> | <u>Topic</u> | <u>Readings & Questions</u> |
|-------------------------------------|----------------|--|---|
| Thursday Sept. 5 | 1 | Introduction | R:1-10 |
| Monday Sept. 9 | 2 | United Nations Charter and Organisation | R:36-41, Doc. Supp. Q:39 |
| Thursday Sept. <u>to 4:30</u> | 2 | International Legal Persons: States and Statehood | R:11-27, Doc. Supp. Q:18 N.5-11; 20 N.1,2 |
| Monday Sept. 16 | 2 | Other Legal Persons | R:41-52 Q:46 N.2-4 |
| Thursday Sept. 19 <u>to 4:30</u> | 13 | U.N. Peacekeeping Powers | R:854-876; 882-886 Q:875-876 |
| Monday Sept. 23 | 2 | Peoples Seeking Self- Determination | R:52-57 Q:54 N.1-6 |
| Thursday Sept. 26 | 3 | Sources of International Law: Customary Law | R: 77-81;115-133 Q:130 N.1-7 |
| Monday Sept. 30 | 3 | Sources of International Law: Treaties | R:82-92; 97-104; 108-115 Q:99 N.1-3; 103 N.1,2 |
| Thursday Oct. 3 | 3 | Other Sources of International Law | R: 133-146 Q: 144 N.3,6 |
| Monday Oct. 7 | 4 | National Application of Customary International Law | R:147-160; 202-206 Q:154 N.1-4; 156 N.1,2; 158 N.1; 160 |

| <u>Date</u> | <u>Chapter</u> | <u>Topic</u> | <u>Readings & Questions</u> |
|------------------------------------|----------------|---|--|
| Thursday Oct. 10 | 4 | National Application of Treaty Law | R:160-188 Q:168; 171 N.3,4; 181 N.1-7; 186 N.1,2,8 |
| Monday Oct. 14 | - | (Thanksgiving Day - no class) | |
| Thursday Oct. 17 | - | (Canadian Council on International Law Conference no class) | |
| Monday Oct. 21 | 4 | National Application of Treaty Law (concluded) | R:188-201; 214-217 Q:194 N.2-6; 201 N.1-3 |
| Thursday Oct. 24 | 5 | Recognition of States | R:247-272 Q:252 N.1-5; 256-257; 262 N.1-6; 270 N.8 |
| Thursday Oct. 28 | 5 | State Immunities | R:280-311 Q:283 N.2; 303 N.1-7 |
| Thursday Oct. 31 <u>to 4:30</u> | 6,7,8 | State Jurisdiction | R:325-326; 383-392; 399-408; 423-440 |
| Monday Nov. 4 | 9 | State Responsibility | R:521-525; 532-540; 567-575 Q:524 N.3,4; 533 N.1-3; 540 N.2 |
| Thursday Nov. 7 | 8 | International Criminal Laws | TBA |
| Monday Nov. 11 | - | Remembrance Day - no class | |
| Thursday Nov. 14 | 8 | International Criminal Courts | TBA |
| Monday Nov. 18 | 8 | International Criminal Process | TBA |
| Thursday Nov. 21 | 10 | International Human Rights: universal and individual | TBA |
| Monday Nov. 25 | 10 | International Human Rights: regional | TBA |
| Thursday Nov. 28 | 10 | International Human Rights: collective | TBA |
| Monday Dec. 2 | | Review | TBA |

*See Concluding
Schedule
of classes &
speakers
for these
dates.*

INTERNATIONAL LAW

Evaluation Methods

The choice of evaluation methods in this course are as follows:

Basic Method:

Three-hour open book final exam for the full three course credits. In this exam Part I, allotted two hours and worth two credits, will contain problem-type questions. Part II, allotted one hour and worth one credit, will invite students to write an essay, from a selection of topics, evaluating some theme or perspective in the course. The exam has been timetabled on Thursday, December 12, 1996.

Alternative Methods:

In place of Part II of the exam (the essay portion), a student may elect one of the following two alternative methods of accruing credit. All students must complete Part I of the exam in two hours for two credits.

Alternative I:

Students may substitute for the exam essay a short written paper (less than 2000 words) at approximately mid-term on a choice of topics arising from our class discussions. The paper will not require any research, rather it will involve an application of the concepts and principles found in the course materials. The topics will be handed out by Thursday, October 3, 1996 and the typed papers will be due by class time on Monday, October 21, 1996. Students may opt for this alternative method of evaluation simply by handing in a typewritten paper by the due date.

Alternative II:

Alternatively students may elect to replace the exam essay with a piece of supervised research into a specific international legal topic which they will orally present to the rest of the class. The object of this research assignment is to enlarge and deepen understanding beyond the casebook of at least one area of international law by uncovering and sharing the current practice and developing thinking in that area.

Students are invited to select a topic concerning international criminal responsibility or international human rights for presentation during November (see the Initial Course Schedule). You may choose a topic from the appended list of suggestions or fashion one of your own within the context of this part of the course. Students may work alone or in pairs. Anticipate about 20 minutes for your presentation, which will be evaluated for credit both as to content and delivery. (No written paper is required, but I am happy to offer advice outside the context of the course about preparing a written manuscript for possible publication).

The number of students who may exercise this option is limited: about 4-6 may be accommodated in the course. Students who wish to elect Alternative II must make a firm commitment and agree their research topic with me by Monday, September 23, 1996.

Suggestions for Research Topics

International Criminal Laws: (see casebook pp. 446-460)

1. Review the limitations of the existing international criminal process since the Nurnberg War Crimes trials.
2. Code of Crimes against Peace and Security: assess the development and report the progress of the draft of the International Law Commission.
3. International Criminal Court: evaluate the constitution of such a court under discussion in the United Nations.
4. Compare the work of the Ad Hoc Tribunals constituted for the former Yugoslavia and Rwanda.
5. Evaluate the international attempts to suppress terrorism. (casebook 440-445, 876-882).

International Human Rights: (see casebook pp. 589-744)

1. Survey the human rights conventions and their adoptions: (who is protected from what and where?)
2. Evaluate the international machinery for advancing the protection of human rights: (e.g. work of HR Commission, HR Committee, UN High Commissioner for HR etc.).
3. Assess the various mechanisms for the enforcement of human rights internationally.
4. Review the rights for the protection of women (in light of the 1995 Beijing conference).
5. Canvas the development of human rights' protections and procedures in the Organisation for Security and Cooperation in Europe (OSCE) since the end of the Cold War. (casebook 611 fwd).
6. Compare the Inter-American and African systems for the protection of human rights. (casebook 613 N.6 and 618 fwd).
7. Investigate the evolution of a right to democratic government and civil society.
8. Investigate the development of the collective rights of indigenous peoples generally OR the native people of Canada. (casebook 615 fwd).
9. Assess the practice of international human rights laws and practices on Canadians and Canadian law. (casebook 201-206).
10. Explore the (Canadian) treatment of refugees. (casebook 484-490).

INTERNATIONAL LAW

Concluding Schedule

| <u>Date</u> | <u>Chapter</u> | <u>Topic</u> | <u>Readings & Questions</u> |
|-----------------------------|----------------|---|---|
| Thursday Oct. 31 to 4:30 | 6,7,8 | State Jurisdiction | R:325-326; 383-392; 399-408; 423-440 Q:388 N.1-4; 408 N.1-6; 434 N.1-3 |
| Monday Nov. 4 | 9 | Extraterritorial Jurisdiction State Responsibility | R:521-525; 533-540; 567-575 Q:524 N.3,4; 538 N.1-3; 540 N.2 |
| Thursday Nov. 7 | 8 | Evolution of International Criminal Laws | R:446-457 + Handout |
| Monday Nov. 11 | - | Remembrance Day - no class | |
| Thursday Nov. 14 | 8 | Implementation of International Criminal Courts | R:440-445 + Handout |
| Monday Nov. 18 | 8 | Creation of an International Criminal Court | R: Handout |
| Thursday Nov. 21 | 10 | International Human Rights: | R:589-603; 614-615 |
| Monday Nov. 25 | 10 | Individual/Collective Human Rights | R:615-644 |
| Thursday Nov. 28 | 10 | Regional, Women's & Refugee's Rights | R:486-490; 603-614 |
| Monday Dec. 2 | | Review | R:925-935 |

Please also take note of the attached schedule of visiting and student speakers under these topic headings.

INTERNATIONAL LAW

Schedule of Speakers

- Monday, Nov. 4 Extraterritorial Jurisdiction
 Andrew Montgomery: Tourist Trade in Prostitution
- Thursday, Nov. 7 Evolution of International Criminal Law
 Rob Omura: Legacy of War Crimes Trials
- Thursday, Nov. 14 Implementation of International Criminal Law
 Rob Currie: Policing International Crimes
 Jason Fung: Suppression of Terrorism
- Monday, Nov. 18 Creation of an International Criminal Court
 Lt. Cmdr. Maggie MacDonald: Progress in U.N.?
- Thursday, Nov. 21 International Human Rights
 Prof. Esmeralda Thornhill: An Overview and Perspective
- Monday, Nov. 25 Individual/Collective Human Rights
 Graham Murray: SCC Reference re Self Determination of Quebec
- Thursday, Nov. 28 Regional, Women's & Refugee's Rights
 Diana Babor: Women's Rights v. Population Control
 Philip Lupul: Canadian Refugee Law and Practice

Oct. 1996

H. Kindred

INTERNATIONAL LAW

H. Kindred: Oct. '96

Mid-course Written Assignment

The following 3 questions draw upon the materials and class discussions on chapters 1 and 2 of the Casebook. Choose ONE question and write a considered opinion in less than 2000 words on typed double-space paper.

You are not expected to research these questions, rather you should think about the materials assigned in the course and apply them succinctly.

This assignment is voluntary but if you elected to do it, it will be worth one third of your final grade in the course. It is due by class time on Monday, October 21, 1996. You may elect to participate simply by handing in a written paper on time.

Question 1

Critically review the attached opinion by Lawrence Herman about the status of Quebec at international law after an assumed unilateral declaration of independence. (Leave aside all issues about Quebec's right to secede.) Go on to discuss the impact that the principle of self-determination might have on this situation.

Question 2

Compass is an unhappy federal state. It consists of two provinces, Northland and Southland. Northland is much the smaller and poorer of the two, but its population is highly homogeneous. The people are Northeasterners. They are ethnically the same as, and culturally and socially related to, the inhabitants of the adjoining state of Eastland. Southland is a prosperous province with a diversified economy and an ethnically diverse population, which includes some Northeasterners.

The capital of compass is located at Compassion, which is within Southland. The federal government is proportionately representative of the two provinces but their great disparity in wealth and numbers of people ensures that Southland wields the effective power. Indeed, Northlanders have long regarded themselves as a colony within Compass deliberately subjugated by an alien government.

This resentment was focused recently in a referendum in Northland in which the population voted massively in favour of establishing Northland as a sovereign state independent of Compass. Shortly afterwards the provincial leaders made a unilateral declaration of independence of Northland and appealed to Eastland for recognition and support. They tried

RESOLUTION 940 (1994)

re Haiti

Adopted by the Security Council at its 3413th meeting,
on 31 July 1994

The Security Council, ...

Recalling the terms of the Governors Island Agreement
(S/26063) and the related Pact of New York (S/26297),

Condemning the continuing disregard of those agreements by
the illegal de facto regime, and the regime's refusal to
cooperate with efforts by the United Nations and the
Organization of American States (OAS) to bring about their
implementation,

Gravely concerned by the significant further deterioration
of the humanitarian situation in Haiti, in particular the
continuing escalation by the illegal de facto regime of
systematic violations of civil liberties, the desperate plight
of Haitian refugees and the recent expulsion of the staff of
the International Civilian Mission (MICIVIH), which was
condemned in its Presidential statement of 12 July 1994
(S/PRST/1994/32), ...

Determining that the situation in Haiti continues to
constitute a threat to peace and security in the region, ...

3. Determines that the illegal de facto regime in Haiti
has failed to comply with the Governors Island Agreement and
is in breach of its obligations under the relevant resolutions
of the Security Council;

4. Acting under Chapter VII of the Charter of the United
Nations, authorizes Member States to form a multinational
force under unified command and control and, in this

framework, to use all necessary means to facilitate the
departure from Haiti of the military leadership, consistent
with the Governors Island Agreement, the prompt return of the
legitimately elected President and the restoration of the
legitimate authorities of the Government of Haiti, and to
establish and maintain a secure and stable environment that

will permit implementation of the Governors Island Agreement,
on the understanding that the cost of implementing this
temporary operation will be borne by the participating Member
States;



International law shows up the specious claims of separatists

Let's assume for a few moments the unthinkable — that the Yes side succeeds in the Quebec referendum and the PQ government goes ahead with a unilateral declaration of independence.

What will Quebec's status be under international law? Will it be entitled to recognition in the councils of the world? Will it be entitled to automatically take part in international treaties such as the North American Free Trade Agreement and the World Trade Organization Agreement?

First, statehood. A new Quebec "state" can exist under international law if it possesses the following: (a) a permanent population; (b) an effective government; (c) a defined territory and (d) independence from external control.

While the first two criteria might be settled, a Quebec declaration of independence would not resolve the latter two conditions — the definition of its frontiers and its independence from some external control by Ottawa.

Regarding the territorial issue, there are a host of unresolved questions as to whether an independent Quebec has title to all the territory it now has as a province of Canada.

Admittedly, there are precedents where the boundaries of new states have not been fully defined without detracting from their claims to statehood under international law. However, the point is less clear where huge conflicts over major portions of a territory are involved, such as the northern one-third of Quebec.

On the matter of independence from outside control, in many key fields Ottawa will continue to exercise control and authority within and over Quebec. Monetary policy and the currency are the foremost examples.

Also on the list are the St. Lawrence Seaway, coastal waters, airports and air traffic control, navigation and fisheries, ports and harbors, citizenship and aboriginal matters, federal works in Quebec, all of which will remain under full or partial Canadian authority. Legal issues aside, Quebec will not have the available physical resources to manage and control all of these things and will have to rely on Canadian assistance.

The first international legal hurdle for a separate Quebec, then, will be to demonstrate that it possesses all of the requisite legal attributes for statehood.

The next question is sovereignty. Statehood and sovereignty are separate points. Under international law, a state can exist without being fully sovereign. For example, in the period after the Second World War, much of the sovereignty of Germany and Japan was taken over by the victorious powers, without denying the continued legal existence of those countries as states.

A separate Quebec will have no choice but to accept that a good part of its sovereignty has been conceded to Canada — particularly, the right to settle its own monetary policy and maintain its own

currency. Use of Canadian Forces for defence purposes is another example. There are many others, already referred to.

It means that, like Monaco, Liechtenstein, Luxembourg, Tibet, Nepal, the Vatican, Tokelau, Cook Islands and other independencies a significant component of Quebec's sovereignty will have been delegated to a foreign power. The result is that an independent Quebec, while possibly a state, will clearly not be a sovereign one. So the PQ's claim that a Yes vote will result in a fully sovereign Quebec is not sustainable as a matter of international law.

Under such circumstances, will Quebec be entitled to diplomatic recognition?

Recognition is a political act by governments, not a legal one. Recognition means that other states are prepared to accept the fact of Quebec's existence and to engage in diplomatic, commercial and other relations with it.

However, recognition alone cannot supplant the legal requirements for sovereignty and statehood. The fact that a few foreign governments might choose to "recognize" an independent Quebec and enter into diplomatic relations does not, in and of itself, confer status on it as a sovereign state. Some governments may have recognized Macedonia: this has not conferred on it the status of statehood, let alone sovereignty. For years, Rhodesia claimed it was an independent state, yet few governments accorded it recognition.

Finally, there is the important question of Quebec's right to take part in treaties. Despite the confident assertions in the sovereignty bill tabled in the Quebec assembly, international treaty law would not allow an independent Quebec to unilaterally assume the existing treaty rights and obligations of Canada, such as the WTO Agreement and the NAFTA. Treaties are contracts and require the consent of *all* parties.

Only once Quebec has negotiated and secured consent to its entry into these agreements with the pre-existing parties — including Canada — can there be any legal treaty relationship created.

Those negotiations are not likely to be smooth. As an example, there is no reason why the U.S. would automatically accept the so-called cultural exemption for Quebec in any agreement permitting Quebec into the NAFTA. While it has been agreed by the U.S. insofar as Canada is concerned, the cultural exemption was a matter of negotiation and quid pro quo. In the case of Quebec, the NAFTA accession negotiations will be a new ball game.

In each of these various areas, matters of international law need to be kept clear and distinct as we move into high gear in the Quebec referendum. The message is that Quebecers must not be seduced by the easy claims of the Yes side that it is all really quite simple. It decidedly is not.



FACULTY OF LAW,
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August 21, 1991

Professor Hugh M. Kindred
Dalhousie Law School
Dalhousie University
6061 University Avenue
Halifax, Nova Scotia
B3H 4H9

Dear Hugh,

I was delighted, absolutely delighted, to receive your letter of August 2nd, 1991, and to learn that you and the family are well and thriving and enjoying a splendid summer. I hope that there will be an opportunity to see you in the autumn, when I hope to be in town, and also in Ottawa.

Thank you Hugh for your characteristic promptness and consideration in sending me the information that I requested. I will, if I may, keep in fairly close touch with you as this little project develops, a project in which I hope to interest you and in which you will figure very prominently.

There is one more bit of information that I require and that you might perhaps be good enough to provide at your convenience. In addition to the topics with which you are dealing in public international law I would like to know the titles of the main case books and text books you are using, bearing in mind that I am writing the Note in question for readers of the next century, who will be looking back and wanting to know about the materials that were used by the professors concerned. Could you keep a list of the principal references, e.g., Canadian, British, American, that you use in your courses? The same would apply to your course on Comparative Marine Law and Policy. I will also need a few lines about your case book which is now so widely used.

With personal good wishes, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/mys



Dalhousie University

Dalhousie Law School
6061 University Avenue
Halifax, Nova Scotia
Canada B3H 4H9

August 2, 1991

Prof. R. St. J. Macdonald
Faculty of Law
University of Toronto
78 Queen's Park
Toronto, ON M5S 2L5

Dear Ron,

I gather we passed like ships in the night last month. Sheila and I were so sorry to discover on our return to Halifax that we had missed you and Mairi. I did not realize your visit would be so short. I do hope it was a happy one; you certainly struck the best of weather that the Maritimes could offer.

Meanwhile, our whole family were taking a vacation on the west coast, exploring it for the first time for most of us. We especially liked the Pacific Rim National Park on the western edge of Vancouver Island. Amongst friends and relatives visited, we also enjoyed a day with Doug and Judith Johnston. They have a delightful house and grounds, including an outdoor hot tub, on the outskirts of Victoria.

In answer to your enquiries about my international law teaching, I can supply the following details. I have taught continuously at Dalhousie since my appointment in 1971, except those years when I took sabbatical leave. In this time, I was responsible for the following international courses:

International Law, 1971 to date
World Trade Law, 1973-75
International Trade Transactions, new for 1991/92
International Advocacy, 1988 to date
Advisor to the Dalhousie team in the Jessup Moot since first participating in 1973 to date
Advisor to the Dalhousie team in the Niagara Moot 1988

.../2

- 2 -

I am enclosing an up-to-date abbreviated CV. I trust this is the information you desire, but I am happy to help you with anything else you may want.

With my best regards,



Hugh Kindred

PS Shall you come to the Symposium on the Democratic Intellect in honour of Madame Justice Wilson? I hope to see you then, if not, I shall look forward to meeting you at the CCIL conference in Ottawa in October.

HUGH M. KINDRED

Abbreviated Curriculum Vitae

Addresses: Faculty of Law, Dalhousie University
Halifax, Nova Scotia, Canada B3H 4H9
(902) 494-1028

16 Kirk Road, Halifax, N.S., B3P 1A7
(902) 477-1422

Personal Status: Born October 19, 1945
Married, with 2 daughters
Canadian and United Kingdom Citizen

Legal Qualifications: 1967 LL.B. Bristol University
1968 Barrister, Lincoln's Inn,
England
1969 LL.M. London University.
1971 LL.M. University of Illinois
1987 Barrister and Solicitor, Nova
Scotia

Legal Appointments: 1969-70 Research Assistant in Soviet Law
and International Business Law,
University of Illinois
1970 United Nations Secretariat
Intern Programme, New York
1970-71 Teaching Fellow, University of
Illinois
1971-74 Assistant Professor, Dalhousie
University
1974-79 Associate Professor, Dalhousie
University
1979- Professor of Law, Dalhousie
University
1985-86 Senior Legal Officer, Shipping
Division, United Nations
Conference on Trade and
Development, Geneva

Awards: 1978-79 Canada Council Leave Fellowship
1978-79 Butterworths (U.K.) Overseas
Legal Fellowship at the
Institute of Advanced Legal
Studies, London
1984 Certificate of Distinction,
Dalhousie University as Faculty
Advisor to the Champion Team in
the 1984 Philip C. Jessup
International Law Moot Court
Competition

- 1985-86 Visiting Scholar, Wolfson College, Cambridge (not taken up)
- 1988-89 S.S.H.R.C. Research Grant through Dalhousie University
- 1989 S.S.H.R.C. Travel Grant through Dalhousie University (not taken up)
- 1989 Recipient of the International Handling and Coordination Association's prize for the best paper on a cargo handling topic at the 24th Annual Meeting of the Canadian Transportation Research Forum
- 1989-90 Ontario Centre for International Business Research Grant
- 1990 Dalhousie University Sabbatical Leave Grant
- 1991-92 S.S.H.R.C. Research Grant through Dalhousie University
- 1991-92 Centre for International Business Studies, Dalhousie Research Grant
- 1991-92 S.S.H.R.C. Research Grant

Subjects Taught: Commercial Law, Consumer Law, Carriage of Goods by Sea, International Law, International Trade Law

Principal Publications and Public Addresses

CARRIAGE OF GOODS BY SEA

The Future of Canadian Carriage of Goods by Water Law. Coordinator and principal co-author with McDorman, Brooks, Tetley, Letalik and Gold, Dalhousie Ocean Studies Programme, Halifax, N.S., 1982.

Maritime Cargo Delays. With M. Ganado, Lloyd's of London Press Inc., London, 1990.

"From Hague to Hamburg: International Regulation of the Carriage of Goods by Sea," 7 Dalhousie L. Jo. 585 (1983).

Report on Delivery of Goods, for the Canadian Coast Guard, 1983.

Report on Identifying the Legal Issues in Automating Trade Transactions, for the Canadian Organization for the Simplification of Trade Procedures, 1984.

INTERNATIONAL LAW

International Law Chiefly as Interpreted and Applied in Canada.
General editor and co-author with Castel, Fleming, Graham, de Mestral, Vlastic and Williams, Emond Montgomery Publications Ltd., Toronto, 4ed. 1987.

"American Regulation of Oil Imports, Policy and Institutional Responsibility," with W.F. Schwartz, 5 Jo. World Trade L. 269 (1971).

"Patterns of Canadian-American Economic Problems," with B. Biggs, 1 Can. - U.S. L. Jo. 114 (1978).

"Acts of State and the Application of International Law in Canadian Courts," 10 Revue de Droit, U. de Sherbrooke 271 (1982).

"Foreign Governments Before the Courts," 48 Can. Bar Rev. 602 (1980).

"Acts of State and the Application of International Law in English Courts," 19 Can. Yrbk. Int'l L. 271 (1982).

COMMERCIAL AND CONSUMER LAW

Report on the Adjudication of Civil Actions and Especially Small Claims in Prince Edward Island, for Deputy Attorney-General, P.E.I., 1974.

Report on the State of the Law Affecting Consumer Transactions in Nova Scotia, for Minister of Consumer Affairs, N.S., 1975.

"New Consumer Legislation in Nova Scotia," 2 Dalhousie L. Jo. 683 (1976).

"Misleading Advertising," 3 N.S. Law News No. 3, p. 3 (1976).

"The Licensing of Direct Sellers," 3 N.S. Law News No. 4, p. 4 (1977).

"Consumer Law Developments: A Note on the Impact of Recent Federal Legislation in Nova Scotia," 4 Dalhousie L. Jo. 383 (1978).

"How Secure is Your Personal Property Security?" N.S. Barristers' Society Semi-Annual Meeting, Halifax, N.S., 1978.

"Creditors Under Chattel Security Acts," 10 N.S. Law News 93 (1984).

"Ten Years of Commercial Law in Nova Scotia," 10 N.S. Law News 93 (1984).

"Unsecured Creditors and Unregistered Chattel Securities: Royal Bank of Canada v. First Pioneer Investments Ltd.," with V. Black, 64 Can. Bar Rev. 386 (1986).

"When Are Chattel Mortgages Void?" 14 N.S. Law News 21 (1987).

"[Creditors' Duties Before] Enforcement of Chattel Securities," 85 N.S.R. (2d) 343; 14 N.S. Law News 122 (1988).

PUBLIC LEGAL EDUCATION

Law in High School: Teaching Guidelines. Department of Education, N.S., 1978.

Laws of Nova Scotia: A Sourcebook for Teachers. Edited with J. Holloman, Public Legal Education Society of Nova Scotia, 2 Vols., 1982.

"Legal Education for Teachers: Some Objectives," Proceedings of the Conference on Education and the Law, Saskatoon, 1977.

"Legal Education in Canadian Schools?" 5 Dalhousie L. Jo. 534 (1979).

"The Aims of Legal Education in High School," 3 Can. Community L. Jo. 20 (1979).

"Constructing a High School Law Course," 8 Emergency Librarian 12 (1981).

"Law for Everyone for the Librarian," 6 Dalhousie L. Jo. 699 (1981).

"Law Teacher-Training Experiments in Nova Scotia," 19 The History and Social Science Teacher 3 (1983).

Community Activities

1974 Consultant to the Department of the Attorney-General, Prince Edward Island

1975-78 Consultant to the Minister of Consumer Affairs for Nova Scotia

1975-80 Co-ordinator, N.S. Project on Law in High Schools, for the Department of Education, Nova Scotia

1975-78 Maritime Correspondent to the Bulletin of the Canadian Council on International Law

- 1976 Director, N.S. Summer Workshop in Law for Teachers
- 1977-80 Editorial Advisory Board, Canadian Community Law Journal
- 1977-81 Member, Dalhousie Art Gallery Committee
- 1979-82 Board of Directors, Continuing Legal Education Society of Nova Scotia
- 1981-82 Research Associate, Dalhousie Ocean Studies Programme
- 1981-82 Member, Multimodal Transport Committee, Canadian Maritime Law Association
- 1982 Consultant to the Education and Law Project, Simon Fraser University, British Columbia
- 1982-84 Member, Executive Board, Canadian Council on International Law
- 1982-85 Co-chairman, Carriage Documentation Committee, Canadian Maritime Law Association
- 1982-85 Founding Board of Directors, Public Legal Education Society of Nova Scotia
- 1982-85 Associate Editor, Dalhousie Law Journal
- 1984-85 Instructor in the Law of Contracts, Civil Law-Common Law Exchange Programme
- 1985- Member, Review Board, International Insights
- 1986-89 Associate, International Institute for Transportation and Ocean Policy Studies, Halifax, Nova Scotia
- 1986- Comments Editor, Dalhousie Law Journal
- 1987- Canadian correspondent for the international Yearbook of Maritime Law
- 1987- Member, Carriage Documentation Committee, Canadian Maritime Law
- 1988-90 Member, Advisory Committee to the Great Canadian Trials Project of the Centre for Education, Law and Society, Simon Fraser University, British Columbia
- 1989-90 Consultant to the Department of Transport, Canada
- 1989- Associate, Oceans Institute of Canada

- 1991- Senate Committee to Review the Law School
- 1991- Member, Law News Committee, N.S. Barristers Society

June 1991



Dalhousie University

Dalhousie Law School
6061 University Avenue
Halifax, Nova Scotia
Canada B3H 4H9

Prof. Ronald St. J. Macdonald
c/o Dalhousie Law School

14 September 1994

Dear Ron,

Thank you for your letter of 9th September. I am pleased to assist with your article.

1. Biographical info

Born 13 July 1957, in Malta. Received a doctor of laws (L.L.D.) from the University of Malta in 1981, and from Dalhousie a master of laws (LL.M.) in 1984 and a doctorate in the science of law (J.S.D.) in 1988. Former director of the International Ocean Institute, and the Mediterranean Institute at the University of Malta. Taught courses on marine issues at the University of Malta. Currently a member of the Faculty of Law, Dalhousie University, and Coordinator, Marine Affairs Program at the Faculty of Graduate Studies. Teaching courses in international marine law, policy and management. Supervising doctoral and masters students writing on the law of the sea.

2. Date of teaching

I have taught public international law only in the context of maritime law, international marine (law of the sea) and environmental law. Maritime law: Casebook originally developed by Edgar Gold, updated regularly (current edition is 9th, 1994). Law of the sea: use a mixture of materials from various periodicals, especially primary materials and UN documentation. Environmental law: mixture of primary and secondary materials, especially Hohmann's Basic Documents in International Environmental Law. Frequent use of municipal legal materials (statutes) used to implement international obligations, with the aim of illustrating the continuity of international and domestic law in certain areas (e.g., claims for environmental damage from oil spills, emergencies, hazardous wastes, etc.).

3. Place in curriculum

2nd and 3rd years. Graduate courses, especially for LLM and marine management students. Evaluation generally by paper and simulation exercises, with the exception of maritime law (exam plus exercises).

4. International law compulsory?

No position on this. The idea of a compulsory course sounds interesting, but I need to give it further thought.

5. Strengthening teaching of public international law

Need new approaches to capture the relevance and spirit of international law, perhaps along the lines of interdisciplinary classes with students in international relations, use of simulation exercises (role-playing, especially in the treaty negotiation, dispute settlement area), and field trips to the headquarters of UN secretariat/agencies.

I am not sure that teaching international law on its own is very useful at the high school level, unless it is combined with another discipline, e.g., history. What needs to be done is more role-playing approaches. Teaching materials per se could be supplemented by audio-visual materials that emphasise connections: i.e., similar to James Burke's BBC series on the history of ideas and growth of modern society. Nothing beats a beautiful combination of audio-visual methods in a television society such as North America!!

These are a few quick thoughts. I am generally quite lucky in generating interest in international issues in my classes, partly because I invariably have several international students. Multi-ethnic/national composition of class helps.

All the best and see you soon,

Warmest regards,



A. Chircop

RESUMÉ

Phillip Martin Saunders

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EDUCATION

- 1984: LL.B., Dalhousie University, Halifax, Nova Scotia. Specializing in Law of the Sea, International Law.
- 1982: M.A. (Political Science), Dalhousie University
Thesis: "The Foreign Policy of Botswana Since Independence".
- 1976: B.A. Honours (First Class) (Political Science), Dalhousie University.
Honours Essay: "The Angolan Civil War".
- 1974-75: Junior Year Abroad Programme, Lancaster University (Politics/Philosophy),
Lancaster, England.
- 1972: Secondary School, Sir James Dunn Academy, St. Andrews, New Brunswick.

EMPLOYMENT

- 1992- : Assistant Professor, Faculty of Law and Assistant Professor, School for Resource and Environmental Studies (1993), Dalhousie University. Teaching areas: Environmental Law; Torts; Judicial Remedies; International Advocacy (Jessup Moot).
- Director, Marine and Environmental Law Programme (1993)
 - Research Fellow, Centre for Foreign Policy Studies (1993-)
- 1991-92: Senior Policy Advisor, International Centre for Ocean Development (ICOD). Responsible for corporate policy and planning, evaluation and management information systems.

- 1988-91: Field Representative, Canadian Cooperation Office, South Pacific (Suva, Fiji); and Field Representative, International Centre for Ocean Development (ICOD), South Pacific.
- 1985-88: Programme Officer, ICOD (Technical Assistance - South Pacific, Caribbean and Indian Ocean Programmes).
- 1985-88: Lecturer (part-time), Faculty of Law, Dalhousie University (Environmental Law, Oral Advocacy, Jessup International Law Moot).
- 1984-85: Research Associate, Dalhousie Ocean Studies Programme.
- 1982-84: Research Assistant, Dalhousie Ocean Studies Programme.
- 1980-81: Rural Industrial Officer, Kgalagadi District, Botswana.
- 1978-80: District Officer (Development), Kgalagadi District, Botswana.
- 1976-77: Teaching and Research Assistant, Dept. of Political Science, Dalhousie University.

BOOKS, ARTICLES AND MONOGRAPHS

"Development Assistance Issues Related To A Convention On Forests"; to be published in *Forests and International Law* (Graham & Trotman, London, 1995), forthcoming.

"Moving On From Rio: Recent Initiatives On Global Forest Issues"; Canadian Yearbook of International Law (1995), forthcoming.

Conservation and Management of the Marine Environment: Responsibilities and Required Initiatives Under the 1982 U.N. Convention on the Law of the Sea, with Douglas Johnston, 1994. Updating of 1984 report prepared for the World Conservation Union (IUCN). Publication by IUCN forthcoming, 1995.

Toxic Chemicals Control in the Caribbean: Towards Model Legislation, ed., with G. Chiu, R. Coté and D. VanderZwaag (Dalhousie University: 1994).

"Practical Considerations in the Implementation of Industrial Chemicals Legislation in the Caribbean", in Chiu *et al.*

"Legal Issues in Development Assistance: The Challenge of Sustainable Development", in *The Legal Challenge of Sustainable Development*, O. Saunders, ed. (CIRL, Calgary: 1990).

Regional Issues and Developments in Maritime Boundary Delimitation, ed., with D.M. Johnston (Croom-Helm, London: 1988).

The Implementation of the New Law of the Sea in West Africa: Prospects for the Development and Management of Marine Resources, with P. Underwood *et al*, Dalhousie Ocean Studies Programme, 1985.

"The Gulf of Maine Boundary Decision: International Adjudication and Regional Marine Management", *International Insights* Vol. 1, No. 1, 1985.

"The Gulf of Maine Boundary: Dropping Anchor or Setting a Course", with T. McDorman and D. VanderZwaag, *Marine Policy*, Spring 1985.

REPORTS, PAPERS AND PRESENTATIONS

Regional Institutions and Ocean Management in the Post-UNCED Era: Lessons From the South Pacific. Presentation to **Workshop on Canadian-Australian Ocean Policy Post-UNCED**, September 1994.

Establishment Of Marine Parks In Mauritius: Legislative Requirements; Consulting Report to Government of Mauritius, August 1994.

The Law of the Sea and Environmental Management. Paper presented to **African Regional Seminar on Sustainable Development and Environmental Management**, Harare, 1994.

The United Nations Conference on Environment and Development: Legal Developments at Rio. Paper presented to **African Regional Seminar on Sustainable Development and Environmental Management**, Harare, 1994.

Legal Aspects Of Environmental Impact Assessment. Paper presented to **African Regional Seminar on Sustainable Development and Environmental Management**, Harare, 1994.

Developing Countries And The Implementation Of Article 76. Panel presentation to session on "Legal Response to Technical Challenges" in **Workshop On Implementation Of Article 76 Of The Law Of The Sea Convention**, University of New Brunswick, April 1994 (Proceedings published Sept. 1994).

Background Paper: Development Of A Recommendation To Bring The Western Indian Ocean Tuna Organisation (WIOTO) Into Operation On An Interim Basis; Consulting Report for WIOTO, with M.P. Shepard, December 1993.

The Public Trust Doctrine: American Experience and Canadian Prospects. Paper presented to the **International Submerged Lands Management Conference**, September 1993.

The Boundary of the Continental Shelf Between Nova Scotia and Newfoundland: A Review of Relevant Legal Issues; Consulting Report prepared for N.S. Government with Hugh Kindred, Dawn Russell and Galo Carrera; May 1993.

An Action Plan To Bring The Western Indian Ocean Tuna Organization (WIOTO) Into Operation; Consulting Report for WIOTO, with M.P. Shepard, January 1993.

Ocean Development and Management in West Africa: A Rationale for Marine Regionalism", with P. Underwood. Paper presented to **Conference on the Lagos Plan of Action**, 1984. Published as *Dalhousie African Working Paper No. 8*, 1985.

Institutional Constraints and Opportunities for the Management of Marine Environmental Quality in Atlantic Canada, with H. Mills *et al.* Consulting report to Environment Canada, 1984.

Report on the Botswana Borehole Drilling Industry, with M. Hall. Consulting Report to CIDA and the Government of Botswana, 1981.

OTHER LECTURES AND PRESENTATIONS

Emerging Issues in Environmental Law. Presentation to Henson Centre "Executive Development" seminar (training session for municipal, provincial and federal civil servants), October 1994.

Environmental Law and Sustainable Development: The Role of Common Law. Public lecture at Silliman University, Dumaguete City, Philippines. June 1994.

Implementation of the Law of the Sea Convention: National Issues. Presentation to Seminar on the Implementation of UNCLOS: **Philippines Foreign Service Institute**, June 1994.

Environmental Law and Traditional Use Rights, Presentation to **Annual Meeting of PANLIPI** (Philippines indigenous rights organization), May 1994.

Managing the Ocean Commons. Presentation and Module Coordinator - **International Environmental Management Seminar**, Henson Centre, August 1993.

Legal and Regulatory Tools for Environmental Management. Presentation and Module Coordinator - **International Environmental Management Seminar**, Henson Centre, August 1993.

Fisheries Access Agreements. Presentation to **International Ocean Institute EEZ Management Training Course**, Halifax, June 1993.

Environmental Law and Environmental Management. Presentation to Environmental Studies course, St. Mary's University, 1993.

Environmental Law Issues, Presentation to N.S. Continuing Legal Education Bar Refresher Course; January 1993.

The Common Law and The Environment. Public Lecture at the University of the West Indies Faculty of Law, Cave Hill Campus, Barbados, 1992.

Environmental Law and Ocean Management. Presentation to **Ocean Resources Management Programme Training Course**, Majuro, Marshall Islands, 1991.

Problems of Land Tenure and Economic Development. Presentation to **Law and Economics Workshop**, Joint University of Victoria/South Pacific Forum Secretariat project, Fiji, 1989.

Maritime Boundaries: A Functional Approach. Presentation to **SEAPOL/ASEAN Ocean Boundary Course**, Singapore, 1986.

Marine Environmental Management in the Caribbean. Presentation to **Caribbean Seminar on Environmental Impact Assessment**, University of the West Indies, Cave Hill, Barbados, 1985.

SCHOLARSHIPS AND AWARDS

Member of Dalhousie University team in the Philip C. Jessup International Law Moot Court Competition, winners of the 1984 Jessup Cup (20-country competition). Separate awards included:

- Best Oral Advocate, Jessup Cup Final Round, Washington, D.C.
- Best Oral Advocate, International Division.
- First place, Canadian Division (team award).
- First place, written memorials, Canadian Division (team award).

University Senate Certificate of Distinction, Dalhousie University, 1984.

Law Foundation of Nova Scotia Scholarship in Law, 1981-1984. (Renewable annually based on first class standing.)

Arthur S. Pattillo Prize for Advocacy, Dalhousie University Law School, 1984.

Co-winner, Smith Shield Moot Court Competition, Dalhousie University Law School, 1984.

Nova Scotia Barristers' Society Prize (Highest Average in Second Year Law), 1983.

Carswell Prize (Highest Average), 1983.

R. St. John Macdonald Prize in Public International Law, 1983.

R.B. Hanson Prize in Constitutional Law (Shared), 1983.

Goodfellow Mackenzie Prize (Second Place Standing in First Year Law), 1982.

C.W. Sperry Memorial Prize in Property Law (Shared), 1982.

Honourable A. Fraser Scholarship in Law, 1982.

Dalhousie University Graduate Fellowship, 1976-1977.

Goodman Memorial Prize in Canadian History, 1974.

Stewart L. Gibson Scholarship, 1973-1974.

Dalhousie University Scholarship, 1973-1974.

Sir James Dunn Scholarship, 1972-1976 (Renewable annually based on standing).

RESUME

NAME: David L. VanderZwaag

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EDUCATION

1985-1993 University of Wales, Cardiff
Ph.D. Maritime Law/Studies

1981-1982 Dalhousie Law School, Halifax, Nova Scotia
LL.M. International Law/Law of the Sea

1977-1980 University of Arkansas School of Law,
Fayetteville, Arkansas
J.D. degree, Environmental Law

1971-1974 Princeton Theological Seminary, Princeton, New
Jersey
M. Div. degree, Doctrinal Theology

1967-1971 Calvin College, Grand Rapids, Michigan
B.A. degree, Psychology/Biology

PRESENT POSITIONS:

- Associate Professor, Dalhousie Law School (Subjects: International Environmental Law, Environmental Law, Tort Law)
- Associate Professor, Dalhousie School for Resource and Environmental Studies (Environmental Studies, Cross-Appointment)

- Research Associate, Oceans Institute of Canada/Institute Canadien des oceans (formerly International Institute for Transportation and Ocean Policy Studies)
- Director, Marine and Environmental Law Program, Dalhousie Law School

PREVIOUS POSITIONS:

- Lecturer in Law, Dalhousie Law School (Insurance Law and Environmental Law, Sept. 1983 - June 1986)
- Research Associate, Dalhousie Ocean Studies Programme (Oct. 1982 - June 1986)
 - Co-coordinator of "Northern Waters Project" a four-year \$450,000 multidisciplinary study (funded by the Donner Foundation) into the legal, environmental, political, social, economic and technological issues associated with opening the Northwest Passage to year round ocean traffic.
 - Project Director of "Towards Regional Ocean Management in Davis Strait/Baffin Bay", a multi-disciplinary study (funded by the Social Sciences and Humanities Research Council of Canada) by researchers from Denmark, Canada and Greenland into marine environmental issues for the waters between Canada and Greenland.
- Director, Indonesian Environmental Law Training Programme, Dalhousie Law School (Sept. 1984 - Aug. 1989)
 - Position involved supervising graduate work in environmental law by law lecturers from Indonesia, facilitating development of law libraries in Indonesia, and organizing international conferences on environmental law
- Director, Marine and Environmental Law Program, Dalhousie Law School (1987 - 1989)
- Co-director, Dalhousie Marine Affairs Program, Graduate Diploma Program (1986-1991)
 - Position involved fund raising for interdisciplinary graduate program in international ocean development and management studies, curriculum and materials development and teaching in the ocean law and policy field.

- Instructor of Appellate Advocacy and Legal Writing, University of Arkansas School of Law (Aug. 1980 - June 1981)
- Law Clerk for Jacoway, Herdlinger, Jacoway and Stanley, Springdale, Arkansas (Jan. 1979 - Jan. 1980)
- Caseworker for the John Howard Society, Sydney, Nova Scotia. The job involved half-way house supervision, counselling and report writing for the National Parole Board of Canada (Jan. 1975 - May 1976)
- Visiting Adjunct Professor, Queensland University of Technology Faculty of Law, Brisbane, Australia (February-June 1993) (Subject, International Environmental Law)

EDUCATIONAL HONOURS AND ACTIVITIES

- DALHOUSIE Graduate Fellowship (Law of the Sea)
- ARKANSAS Member of the Arkansas Law Review; clerked at N.W. Arkansas Legal Services Corporation; represented the School of Law in the American Bar Association's Regional Client Counselling Competition; and Vice-President of the N.W. Arkansas Audubon Society
- PRINCETON Princeton Scholarship recipient; Dean's List for all six semesters; elected member of Student Senate; Athletic Director for two years.
- CALVIN State of Michigan Competitive Scholarship (four years)

PROFESSIONAL AFFILIATIONS

Member of:

The Canadian Council on International Law
The Canadian Association of Law Teachers
The National Executive of the Environmental Law Section, Canadian Bar Association (1987-1992)
Member of the Bar, Province of Nova Scotia

EDITORIAL/ADVISORY POSITIONS

Advisory Committee, Canadian Environmental Defense Fund
Editorial Board, Environmental Law Alert (Canada Law Book)
Editorial Board, Journal of Environmental Law and Practice (Carswell)
Regional Editor, Canadian Environmental Law 2nd Ed. (Butterworths)
Advisory Committee of Experts on Environmental Law, Law Reform Commission of
Canada (1986-1990)
Board of Directors, Canadian Institute for Environmental Law and Policy
Board of Directors, East Coast Environmental Law Association (1992 - present)
Advisory Committee on Marine Conservation, Canadian Arctic Resources Committee

OTHER ACADEMIC/PROFESSIONAL ACTIVITIES

Have lectured/presented papers at various workshops/ conferences/continuing legal education programs including:

- MIT Offshore Dispute Resolution Conference (Boston, Spring 1984)
- U.S.-Canadian Arctic Policy Forum (Banff, Alberta, October 1984)
- National Workshop on Inuit Offshore Rights (Ottawa, May 1985)
- Arctic Heritage Symposium (Banff, Alberta, August 1985)
- Canadian Arctic Resources Committee (CARC) Workshop on Regional Cooperation in the Arctic (Toronto, Winter 1986)
- S.E. Asian Ocean Boundary Seminar (Singapore, June 1987)
- Conference on Canadian Ocean Policy (Univ. of British Columbia, March 1988)
- South Pacific Forum Fisheries Agency Ocean Boundary Workshop (Western Samoa, August 1988)
- Environmental Management Conference hosted by the Association for Canadian Studies in the Netherlands (Utrecht, November 1988)
- Offshore Hydrocarbon Management Workshop (sponsored by Petro Canada and Pertamina, Denpasar, Indonesia, January 1989)
- Fisheries Council of Canada, 44th Annual Convention, Managing Fisheries Resources Beyond 200 Miles (Saint John, New Brunswick, October, 1989)
- Fourth Canadian Institute of Resources Law Conference on Natural Resources Law (Ottawa, May 1989)
- New Directions in Maritime Law Conference (Halifax, June 1989)
- Workshop on Regional and National Management of Industrial Chemicals in the Caribbean (Castries, St. Lucia, September 1989)
- Workshop on Managing Potential Conflicts in the South China Sea (Denpasar, Indonesia, January 1990)

- Canada-United States Environmental Relations Roundtable (Sponsored by Dartmouth College and Johnson Foundation, Racine, Wisconsin, March 1990)
- Arctic Strategic Concerns Workshop (Univ. California, Berkeley, March 1990)
- Commonwealth Secretariat Course on Environmental Management (Henson College, Halifax, October 1990 and September 1991)
- Chair of Canadian Bar Association Environmental Seminar on International Regulation of Hazardous Wastes (London, England, September 1990)
- Canadian-Soviet Cooperation in the Arctic Conference (Moscow and Leningrad, February 1991)
- Canada-United States Environmental Relations Roundtable (March 1991)
- South Pacific Applied Geoscience Commission Regional Workshop on Marine Minerals Policy, Luganville, Santo, Vanuatu (September 16-20, 1991)
- Workshop on Maritime Management Capacity Development in Vietnam (Hanoi, Vietnam, February 17-21, 1992) Lectured on topic of Sustainable Development: Implications for National Marine Policy and Law
- Workshop on Environmental Law and Practice, conducted by the University of Philippines Law Complex, Institute of Judicial Administration and the Institute of Environmental Science and Management, U.P. Los Banos (Diliman, Quezon City, Philippines June 18-30, 1992). Lectured on topics of Pollution Prevention Approaches and Reforming Liability and Compensation in the Environmental Field
- Workshop on Canada-Australian Ocean Law and Policy, University of Tasmania, Institute for Antarctic and Southern Ocean Studies, February 1993, Presented paper "Canada, Global Change and Environmental Security: Moving Softly Towards a New Song"
- Lecture on "Canada-U.S. Maritime Relations" given to students in the Maritime Semester offered by the Sea Education Association Inc., Woods Hole (August 1993)
- Luncheon address "Environmental Liability: Pollution Prevention Pays" to the Commercial Law Association of Australia (Hilton Hotel, Brisbane, May 25, 1993)
- Lecture, "Legalizing Sustainable Development: Agonies and Ecstasies for Law Practice" given to three law firms, Feez Ruthning, Sly and Weigall, and Thompson King Connolly (Brisbane, Australia, February-June 1993)
- Continuing legal education speaker on topic "Environmental Law in the 1990's-Recent Trends from an International Perspective" (Continuing Legal Education Department, Queensland Law Society, Parkroyal Hotel, Brisbane, June 24, 1993)
- Panellist at the First North American Conference on Environmental Law, organized by the Canadian Institute for Environmental Law and Policy, the

- Environmental Law Institute (U.S.A.) and the Fundacion Mexicana para la Educacion Ambiental A.C. (Tepotzotlan, Mexico, November 1992)
- The Fourth Informal Workshop on Managing Potential Conflicts in the South China Sea (Resource Person) (Sarabaya, Indonesia, August 23-25, 1993)
- Workshop on Managing the Common Ground: Cooperative Approaches to Protected Areas Planning. Presented paper, "Legal Limits to Protected Areas in Canada" (sponsored by Parks Canada, November 17-18, 1993)
- Workshop on New Policy Challenges for Southeast Asia: Canadian Perspectives on Emerging Issues. Presented paper (Canada-ASEAN Centre, Ottawa, May 7, 1994)
- Presented paper, "The Gulf of Maine Action Plan: A Novel but Nascent Approach to Regional Ocean Management" at the International Geographical Union Commission on Marine Geography Conference (St. Mary's University, May 1994), paper co-authored by A. Chircop and P. Mushkat to be published in special edition of Marine Policy
- Lectured on environmental law topics at the University of the Philippines at Los Banos, May, 1994 and assisted in the completion of a textbook on Environmental Law for non-lawyers to be used in the University's Ph.D program in environmental studies
- Lecture to special seminar, opened by the Vice-President of the Philippines and organized by PANLIPI, on topic of "Environmental Law in an Era of Sustainable Development" (Manila, Philippines, May 1994)
- Speaker at Policy Analysis Workshop for Integrated Ocean Planning and Management Strategies and Their Implementation for Philippine Fisheries (Manila, Philippines, 30 May - 2 June 1994)
- Speaker at and assisted in organization of "Recent Trends in Law of the Sea" Seminar, hosted by the Department of Foreign Affairs, Government of the Philippines", Manila, Philippines (June 7, 1994)
- Lecturer at "Training for the Trainers Course in Integrated Coastal and Ocean Management for Vietnam" (Hanoi, Vietnam, June 8-10, 1994) (sponsored by the Continental Shelf Committee of the Government of Vietnam)
- Lectured at Silliman University, Faculty of Law, Dumaguete, Philippines on "Future Trends in Environmental Law" (June 10, 1994)
- Co-chair, Workshop on Comparative Harbour Management: Case Studies of Boston and Halifax and Sydney and New Bedford, CZ '94 Conference, Halifax, September 22, 1994
- Panellist, Roundtable on Implementation of International Obligations, CZ '94 Conference, Halifax, September 23, 1994
- Panellist on "Canada and Global Forests" Session at Annual Conference of the Canadian Council on International Law, October 1994

- Invited environmental law expert to North American Commission for Environmental Cooperation planning meeting on Transboundary Issues, Montreal, November 3-5, 1994

Have organized three environmental law training courses for Indonesian government officials and academics on the topics of environmental mediation, environmental law academic curriculum and general environmental law.

Project Director, Designation and Management of Marine Protected Areas, Report prepared by the Oceans Institute of Canada on behalf of Environment Canada and the Department of Fisheries and Oceans (1989-1990).

Consultant with Environmental Resources Ltd. London, England, as environmental lawyer for World Bank - Government of Indonesia financed project on Indonesian Water Pollution Control and Monitoring (Jakarta, Indonesia May - June 1991).

Project Co-manager "Assessing U.S. and Canadian Laws and Programs Affecting the Marine and Coastal Environment of the Gulf of Maine" for the Gulf of Maine Council on the Marine Environment, report prepared by the Marine Law Institute, University of Maine and the Oceans Institute of Canada (January 1992).

Assisted in organization of Oceans Day at the Global Forum, Rio de Janeiro, June 1992 (on behalf of the Oceans Institute of Canada, participated in the negotiation/drafting processes of NGO environmental treaties and in facilitating NGO networking in the marine environmental field.

Legal Co-Director, Institutional Development for the Management of Industrial Chemicals and Wastes in the Caribbean Project (Caribbean Environmental Health Institute, Dalhousie School for Resource and Environmental Studies and Faculty of Law, University of the West Indies, 1992-1993).

Co-director of Canadian Network on Social Policy and Environmental Law (Pilot project funded by SSHRCC and the Canadian Department of Justice to increase research collaboration among Canadian law schools and interdisciplinary environmental institutes (National conference held in Ottawa in November 1991).

Participant in Canadian Council on International Law research project, "Towards an International Forestry Convention" (1993-1994).

Co-director of Training Course on Integrated and Sustainable Coastal Management in Vietnam in cooperation with the Continental Shelf Committee, Government of Vietnam and Centre for Asian Legal Studies, U.B.C. Lectured at first course in Kiengiang Province

(for approximately 50 provincial officials), August 1994. Two additional courses to be held in 1994-1995.

Co-authored and co-edited a paper "Conflict and Cooperation in Regional Seas: A Background Paper" for the Oceans Institute of Canada and the U.B.C. Centre for Asian Legal Studies. The paper was a background document for the Fifth Workshop on the Management of Conflict in the South China Sea, hosted by the Government of China in October 1994.

Principal Investigator of project entitled "Transboundary Pollution in the Canadian Arctic: Towards the Development of an Ecosystem Management Regime". Eco-Research Council funded our letter of intent request with \$25,000 to develop a full proposal by October 15, 1994. A \$2.7 million MELP proposal has been submitted involving an interdisciplinary team of researchers from Dalhousie, McGill Medical School, University of Toronto, and University of British Columbia.

Co-founder of Australian-Canadian Ocean Research Network (ACORN) and co-chaired workshop, involving Canadian and Australian researchers, in Halifax, September 24-25, 1994.

GRADUATE STUDENT THESIS SUPERVISION (LAW)

Takdir Rahmadi, "Environmental Mediation: The North American Experiences and Potential Applicability in Indonesia" (LL.M. 1987)

Suparman Diraputra, "Problems Associated with Regional Arrangements in Tuna Management and Conservation: With Special Reference to Southeast Asia" (LL.M. 1989)

Achmad Romsan, "The Future Role of Public Participation in Environmental Management and Decision-making Processes: A Case Study of Indonesian Transmigration Sites in the Province of South Sumatra" (LL.M. 1989)

Maria Teresa Cirelli, "A Comparative Investigation of Environmental Impact Assessment Approaches in North America and in the European Community" (LL.M. 1989)

Marsudi Triatmodjo, "Regional Approaches to Controlling Land-Based Marine Pollution: The Possible Role of ASEAN in Southeast Asia" (LL.M. 1990)

Desmond Yolisaguyau Tom'tavala, "National Law, International Law and Traditional Maritime Claims: A Case Study of the Trobriand Islands, Papua New Guinea" (LL.M. 1990)

Sukanda Husin, "National and International Laws for Heavy Industrial Air Pollution with Emphasis on North American and Indonesian Contexts" (LL.M. 1990)

Haryanto Triyono, "Towards Environmentally Sound Management of Hazardous Wastes in Indonesia: An Overview of International Law and North American Practices" (LL.M. 1990)

Bruce Pardy, "Environmental Damages; A New Theory for Tort Law" (LL.M. 1991)

Ray Bordnarek, "The Concept of Sustainable Development and Its Implications for Environmental Law" (LL.M. 1992)

Mik Maxino, "Legal Protection of Tropical Forests: A Critical Review of the Philippine Experience in the Era of Sustainable Development" (LL.M. 1994)

Janet Salo, "A Comparative Legal Analysis of Wilderness Protection in National Parks in Canada and the United States: Crown Jewels or Islands of Extinction?" (LL.M. 1994)

PUBLICATIONS

Books

The Fish Feud: The U.S. and Canadian Boundary Dispute (Lexington Press, 1983).

Transit Management in the Northwest Passage: Problems and Prospects (Cambridge University Press, 1986) (editor with C. Lamson).

Environmental Decisionmaking in a Transboundary Region (co-edited with A. Rieser, University of Maine Law School and J. Spiller, University of New Hampshire, Springer-Verlag, 1986).

The Challenge of Arctic Shipping: Science, Environmental Assessment and Human Values (edited with C. Lamson, McGill-Queens University Press, 1990).

Contemporary Issues in Ocean Policy and Management (4 Volumes, co-editor, Marine Affairs Program, Dalhousie University, 1990).

Canadian Ocean Law and Policy (editor, Butterworths, 1992).

Law and the Environment: Problems of Risk and Uncertainty (Canadian Institute for the Administration of Justice, 1993) (co-editor with R. Coté and D. Russell).

Articles/Papers

"Canadian Fisheries (1983) Management: A Legal and Administrative Overview", 13 Ocean Development and International Law 171-211 (1983).

"Inuit and the Ice: Implications for Canadian Arctic Waters" 21 Canadian Yearbook of International Law 53-84 (1983) (with Donat Pharand).

"Northern Decision-Making: A Drifting Net in a Restless Sea" in Transit Management in the Northwest Passage: Problems and Prospects (co-authored by C. Lamson).

"Fundamentals of Fundy Tidal Power: The Canadian Decision-Making Process and Decision-Making Options" 3 Canadian-American Law Journal, 1-43 (1984).

"Ocean Development and Management in the Arctic: Issues in American and Canadian Relations" (paper co-authored by C. Lamson and presented at the U.S.-Canadian Arctic Policy Forum, Banff, Alberta, October 21-23, 1984, published under the auspices of the University of Southern California and the Arctic Institute of North America in 39(4), Arctic Journal 327-337 (December 1986).

"The Gulf of Maine Boundary: Dropping Anchor or Setting a Course" 9 Marine Policy 90-107 (1985) (with T.L. McDorman and P.M. Saunders).

"Canadian Marine Resource Development in the Arctic: A Sea of Opportunity, a Sea of Uncertainty" in Clive Archer and David Scrivener (eds.), Northern Waters: Resources and Security Issues (Croom Helm, 1986).

"Arctic Shipping and Marine Environmental Protection: Present Approaches and Future Options" in J.G. Nelson, R. Needham and L. Norton, (eds.) Arctic Heritage (paper co-authored with C. Lamson and presented at the Arctic Heritage Symposium, Banff, Alberta, August 24-28, 1985).

"Canada and Environmental Law of the Sea: Treading the Waters between State Sovereignty and International Cooperation" in D. VanderZwaag, S. Mills and B. Patton, (eds.) Environmental Law in Indonesia and Canada: Present Approaches and

Future Trends (paper presented at the Indonesian-Canadian Environmental Law Conference, Bandung, Indonesia, July 22-24, 1985).

"Canada and Arctic Law of the Sea: Skating on Thin Ice," (Occasional Paper, Oceans Institute of Canada 1985).

"On the Road to Kingdom Come" in The Challenge of Arctic Shipping: Science, Environmental Assessment and Human Values (McGill-Queens University Press, 1990).

"Arctic Waters: Needs and Options for Canadian and American Cooperation", 18 Ocean Development and International Law, 49-99 (1987), (co-authored with C. Lamson).

"Towards Regional Ocean Management and Development in the Arctic: From Coexistence to Cooperation", presented at Pacem in Maribus Conference, Malta, September 1987 (co-authored with J. Donihee and M. Faegteborg), revised copy published in 37 UNB Law Journal 1-33 (1988).

"Legal Jurisdiction over the Titanic", paper presented at Oceans '87 Conference, September 1987 (co-authored with I. Townsend Gault and A. Ruffman).

"Fundy Tidal Power and Canadian Coastal Projects: The Shifting Sands of Environmental Laws", paper presented at Canadian Coastal Conference, Quebec City, 7-10 July 1987 (co-authored with S. Mullarkey).

"Canada and Marine Environmental Protection: The Changing Tides of Law and Policy", paper presented at Conference on Canadian Ocean Policy, University of British Columbia, March 18-19, 1988, (published in D. McRae and G. Munro (eds.) Canadian Oceans Policy: National Strategies and the New Law of the Sea (Univ. of British Columbia Press, 1989).

"Institutional, Economic, Social and Other Considerations in the Management of Land-Based Sources of Marine Pollution", in P.G. Wells and J. Gratwick (eds.), Canadian Conference on Marine Environmental Quality Proceedings (February 29 - March 3, 1988, Halifax, Nova Scotia) (co-authored with R. Cote and I. Townsend-Gault).

"Should Canada Declare an Exclusive Economic Zone?" (Report prepared for the Department of Fisheries and Oceans, March 1988, co-authored with C. Lamson and P. Mushkat).

- "Indigenous Peoples and Maritime Claims: Rising Tides in the Pacific and Northern Waters" (co-authored with Dr. Mark Valencia, University of Hawaii, East-West Center, 12 Ocean and Shoreline Management 125-167 (1989)).
- "Protection of the Marine Environment and the International Convention on Salvage, 1989: Much Ado About Salving?" (paper presented at the New Directions in Maritime Law 1989 Conference, Halifax, June 2-3, 1989, co-authored with R. White-Harvey).
- "In Search of Sustainable Development in Nova Scotia's Fisheries: Jigging in a Raging Sea" (paper presented at Fourth CIRL Conference on Natural Resources Law, Ottawa, May 10-12, 1989, co-authored with C. Lamson, P. Stokoe and R. Cote), in J.O. Saunders, The Legal Challenge of Sustainable Development (Carswell, 1990), pp. 94-123.
- "Environmental Assessment of Offshore Hydrocarbon Proposals: Cruising for the Ideal" (paper presented at the S.E. Asian Offshore Hydrocarbon Workshop, Denpasar, Indonesia, January 1989).
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- "The Management of Industrial Chemicals in the Caribbean: The Legal Framework and Future Directions" in Report of a Workshop on Regional and National Management of Industrial Chemicals in the Caribbean (Dalhousie School for Resource and Environmental Studies and Caribbean Environmental Health Institute, 1989).
- "Canada and the Management of Hazardous or Toxic Chemicals: Implications for Management in the Caribbean" in Report of a Workshop on Regional and National Management of Industrial Chemicals in the Caribbean (Dalhousie School for Resource and Environmental Studies and Caribbean Environmental Health Institute, 1989).
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- Managing Fishery Resources Beyond 200 Miles: Canada's Options to Protect Northwest Atlantic Straddling Stocks (co-author, Report prepared for the Fisheries Council of Canada by the Oceans Institute of Canada, January, 1990).

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"Economic Loss and Environmental Damages: Developments in Claims for Offshore Oil Pollution", 1 J. of Environmental Law and Practice 129 (1991) (co-authored with E. Gold and M. Doelle).

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Book Reviews

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S. Ercmann (ed.), Cross-Border Relations: European and North American Perspectives (Schulthess Polygraphischer Verlag: Zurich 1987) in 20 J. Maritime Law and Commerce 586 (1989).

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Young and C. Osherenko, The Age of the Arctic: Hot Conflicts and Cold Realities (Cambridge Univ. Press: Cambridge 1989) in The Northern Mariner.

Accepted for Publication

Canada and Marine Environmental Protection: Charting a Legal Course Towards Sustainable Development (Graham and Trotman Ltd., London, International Environmental Law and Policy Series, 1995).

"Transboundary Ocean and Atmospheric Pollution in Southeast Asia: Prospects for Regional Cooperation", to be published by the Canada-ASEAN Centre (co-author with R. Adamson and I. Townsend Gault).

Book Review of Freedom for the Seas in the 21st Century, to be published in October, 1994 volume of the American Journal of International Law.

"Towards a Global Forests Convention: Getting Out of the Woods and Barking Up the Right Tree" (with Doug MacKinlay), paper to be published in a book of essays, Global Forests and International Environmental Law, Graham and Trotman Ltd., forthcoming.

"The Gulf of Maine Agreement and Action Plan: A Novel but Nascent Approach to Transboundary Marine Environmental Protection", (with A. Chircop and P. Muskat, forthcoming Marine Policy).

David VanderZwaag

b.

Biographical Notes:

[Résumé from Curr. Vitae]

B.A, M.Div., J.D., LL.M., Ph.D.; e. Calvin Coll., Grand Rapids, Michigan, B.A. 1971; Princeton Theological Seminary, Princeton, N.J., M. Div. 1974; Univ. of Arkansas, School of Law, J.D. 1980; Dalhousie Law School, LL.M. 1982; University of Wales, Cardiff, Ph.D. 1993; ASSOCIATE PROFESSOR, DALHOUSIE LAW SCHOOL, 1986-; Caseworker, John Howard Soc., Sydney N.S. 1975-76; Law Clerk, Jacoway, Herdinger, Jacoway and Stanley, Springdale, Ark. 1979-80; Instructor, University of Arkansas School of Law, 1980-81; Research Associate, Dalhousie Ocean Studies Programme, 1982-86; Director, Indonesian Environmental Law Training Programme, 1984-89; Lecturer in Law, 1983-86; Co-Director, Marine Affairs Programme, Graduate Diploma Programme, 1986-91; Director, Marine Affairs Programme, 1987-89; mem. Candn. Council on Internat. Law; mem., Candn. Assn. of Law Teachers; mem., National Executive, Environmental Law Section, Canadian Bar Assn. 1987-92; mem. Bar of N.S.; mem., Advisory Cmte., Environmental Defence Fund; Editorial Bd., Environmental Law Alert; Editorial Bd., Journal of Environmental Law and Practice; Regional Ed., Canadian Environmental Law; Advisory Cmte. of Experts on Environmental Law, Law Reform Comn. of Can. 1986-90; mem., bd. of dir., Candn. Institute for Environmental Law and Policy; mem., bd. of dir., East Coast Environmental Law Assn., 1992-; mem., Advisory Cmte. on Marine Conservation, Canadian Arctic Resources Cmte.; numerous pubs. in prof. journals.

Bibliography:

CURRICULUM VITAE

THEODORE (Ted) L. MCDORMAN

Born: 7 June 1955
Citizenship: Canadian
Married: K.J. Glenn, B.Ed. (Sask.); B.Sc. (O.T.) (Dal.)
(No children)

PROFESSIONAL: Member of the Nova Scotia Barristers' Society
- called 1980

EDUCATION: LL.M., (cum laude) Dalhousie University, Halifax 1982
LL.B., Dalhousie 1979
B.A., U. of Toronto (Trinity College) 1976

EMPLOYMENT HISTORY:

July 1985-present Associate Professor (1990-), Assistant Professor (1989-90), Visiting Assistant Professor (1985-1989), Faculty of Law, University of Victoria, Victoria, British Columbia
- International Law
- Sale of Goods
- Coastal and Marine Law
- International Business and Trade Law
- Legal Issues in Southeast Asia
- with D.M. Johnston, Asia-Pacific Comparative Law
- Legal Research and Writing
- Constitutional Law.

April 1988-present Associate, Centre for Asia-Pacific Initiatives, University of Victoria, Victoria, British Columbia.

June 1980-July 1985 Research Assistant (1980-81) and Associate (1982-1985), Dalhousie Ocean Studies Programme, Halifax.

July 1983-July 1985 Part-time Lecturer and Adjunct Professor Faculty of Law, Dalhousie University
- Landlord and Tenant
- with N.G. Letalik, Law of the Sea
- with D.M. Johnston, Comparative Marine Law and Policy.

Sept. 1979-June 1980 Articled Clerk - Stewart, MacKeen & Covert, Halifax, Nova Scotia.

May 1979-Sept. 1979 Officer, International Directorate, Department of Fisheries and Oceans, Ottawa.

OTHER

- Associate, the Oceans Institute of Canada, Halifax, April 1986- .
- Visiting Fellow, Faculty of Law, Thammasat University, Bangkok, Thailand, May 1987.
- Mission to Myanmar (Burma) as a consultant for the United Nations Food and Agriculture Organization (FAO), Fisheries Division, November-December 1990 and May-June 1991. Responsible for preparing new fisheries legislation for Myanmar. Completed report Myanmar Fisheries Law, (1991, unreleased report), 155p.
- Visiting Scholar, Institute of Asian Studies, Chulalongkorn University, Bangkok, Thailand, March-August 1984.
- Consulting work for the Department of Fisheries and Oceans, Ottawa; Department of Environment, Ottawa; Canadian Marine Transportation Centre, Halifax; Dalhousie Ocean Studies Programme, Halifax.
- Regional Coordinator of the 1984 Jessup International Law Moot Court competition, Canadian Round, held in Halifax, February 1984. Participant in the Jessup as a student mooter 1978, 1979 and as a judge at the Canadian Round 1980-1983, 1988, 1990-91, and at the International Round in Washington 1991. Jessup Faculty advisor, University of Victoria, 1986- .
- Media Commentator on radio, television and newspapers relating to offshore matters, Canada-U.S. ocean relations, Canadian shipping policy, law of the sea, the war in the Persian Gulf, and Canada's National Energy Programme.
 - National commentary on C.B.C. 12 July 1982 "U.S. Law of the Sea Policy" and 9 July 1985 "Foreign Fishing in Canadian East Coast Waters."
- Instructor, Ocean Boundary Training Course, held in Singapore, June 1987, funded by the International Center for Ocean Development (ICOD), Halifax, Canada.
- Editor for Canada, for Marine Policy Reports published quarterly by Taylor and Francis, New York and London under the general editorship of Gerard J. Mangone, Director, Center for the Study of Marine Policy, University of Delaware, 1988-1990.
- Correspondent for Canada, for International Journal of Estuarine and Coastal Law published quarterly by Graham & Trotman, London under the editorship of D.A.C. Freestone, Legal Adviser, Government of Antigua, 1989- .
- External examiner, Faculty of Law, University of Hong Kong, for LL.M. International Commercial Transactions course, 1990- .

PUBLICATIONS: BOOKS AND ARTICLES

1. "The GATT Consistency of U.S. Fish Import Embargoes to Stop Driftnet Fishing and Save Whales, Dolphins and Turtles" (1991), 24 George Washington Journal of International Law and Economics (in press).

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3. "International Trade Law Meets International Fisheries Law: The Canada-U.S. Salmon and Herring Dispute" (1990), 7 No. 4 Journal of International Arbitration 107-121.
4. "Dissecting the Free Trade Agreement Lobster Panel Decision" (1991), 17 Canadian Business Law Journal (in press).
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6. "International Fishery Relations in the Gulf of Thailand" (1990), 12 Contemporary Southeast Asia 40-54.
7. "A Guide for Canadians to the New Emergency Protection Trade Law of the United States and Canada" (1990), 4 Canada-U.S. Business Law Review 1-26.
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14. "The Teaching of the Law of Thailand" (1988), 12 Dalhousie Law Journal 915-930. An earlier version of this paper was published as "Teaching the Law of Thailand in a Canadian Law School" (1988) Thammasat Law Journal 1-15.
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16. "Extended Jurisdiction and Ocean Resource Conflict in the Indian Ocean" (1988), 3 International Journal of Estuarine and Coastal Law 208-234.
17. "Will Canada Ratify the Law of the Sea Convention?" (1988), 25 San Diego Law Review 535-579.
18. Lead author with Panat Tasneeyanond, "Increasing Problems for Thailand's Fisheries: Malaysia's New Fisheries Law" (1987), 11 Marine Policy 205-216.

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21. "In the Wake of the Polar Sea: Canadian Jurisdiction and the Northwest Passage" (1986), 27 Les Cahiers de Droit 623-646 and reprinted (1986), 10 Marine Policy 243-257.
22. With Phillip M. Saunders and David L. VanderZwaag, "The Gulf of Maine Boundary: Dropping Anchor or Setting a Course?" (1985), 9 Marine Policy 90-107.
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31. "The History of Shipping Law in Canada: The British Dominance" (1983), 7 Dalhousie Law Journal 620-652.
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36. Principal co-author, with Hugh M. Kindred, Mary R. Brooks, Norman G. Letalik, William Tetley and Edgar Gold, **The Future of Canadian Carriage of Goods by Water Law** (Halifax: Dalhousie Ocean Studies Programme, 1982), 387 pp.
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 - Awarded the 1983 Joseph L. Andrews Bibliographic Award by the American Association of Law Librarians.
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1. "The St. Pierre and Miquelon Maritime Boundary Issue", presentation made June 1991, Halifax, at the Conference Maritime Interests, Conflict, and the Law of the Sea, sponsored by the Centre for Foreign Policy Studies, Dalhousie University.
2. "Canada as a Non-Ratifier of the LOS Convention", presentation made May 1991, Chiang Mai, Thailand, at the SEAPOL Workshop The Entry Into Force of the Law of the Sea Convention: Issues and Prospects, sponsored by the International Development and Research Centre of Canada.
3. "Thai-U.S. Trade Issues", presentation made April 1991, Washington, D.C., at the conference Law and the New World Order, sponsored by the American Society of International Law (Annual Meeting).
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5. "The Ocean Ranger: A Profile of an Oil Rig Disaster", presentation made June 1990, Denpasar, Indonesia, at the Workshop on Managing Hydrocarbon Operations in Southeast Asia, sponsored by the Canadian International Development Agency.
6. with Chia Lin Sien, "Ship-Generated Marine Pollution Issues in Southeast Asia", paper presented May 1990, Denpasar, Indonesia, at the SEAPOL International Conference on the Implementation of the Law of the Sea Convention in the 1990s, sponsored by the International Development and Research Centre of Canada.
7. "The Canada-U.S. FTA Panel Decision on Salmon and Herring", presentation made November, 1989, Vancouver, at Canada/US Salmon Interception Treaty Workshop.
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9. "International Fishery Relations in the Gulf of Thailand", paper presented July 1989, Fukuoka, Japan, at the First Conference of the Pacific Region and International Law.

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11. "Social Control in Cultural Context: Law in Thailand", presentation made April 1989, Victoria, Conference - Cultural Continuity and Discontinuity: Problems of Social Control in the Asia-Pacific Region, sponsored by Centre for Asia-Pacific Initiatives, Victoria.
12. "Canadian Ocean Policy: The Federal-Provincial Perspective", presentation made July 1988, Halifax, Workshop - Oceans '21: Towards an Integrated Marine Policy for Canada, sponsored by the International Institute for Transportation and Ocean Policy Studies.
13. "Management of Mineral Resources: Offshore Oil and Gas", paper presented March 1988, Vancouver, Workshop on Canadian Oceans Policy.
14. "Teaching Thai Law in a Canadian Law School", lecture given May 1987 to Faculty of Law, Thammasat University, Bangkok, Thailand.
15. "Fisheries Development and Management and the LOS Convention", presentation made April 1987, Bangkok, Thailand, Conference on Ocean Development and Management in Southeast Asia: Prospects for Implementation of the U.N. Convention on the Law of the Sea, sponsored by SEAPOL and the International Development and Research Centre of Canada.
16. "National Jurisdiction Over the Seabed", presentation made September 1986, Vancouver, SEA The Future: Perspectives in Ocean Technology Conference (also on Program Committee).
17. "Straight Baselines in the Canadian Arctic", panel comments made August 1986, Edmonton, 68th Annual Canadian Bar Association Meeting, International Law and Maritime Law Section.
18. "National Constraints on the Implementation of the 1982 Law of the Sea Conference", paper presented February 1986, Phuket, Thailand, workshop on the U.N. Convention on the Law of the Sea: Problems of Implementation in Southeast Asia, sponsored by SEAPOL and the International Development and Research Centre of Canada.
19. With Edgar Gold and Norman G. Letalik, "Canadian Marine Transportation in Transition" (Halifax, Dalhousie Ocean Studies Programme, 1985), 46 pp. (Done for Transport Canada) (limited distribution).
20. "U.S. Navigation of the Northwest Passage", comments as a panel participant, July 1985, Ottawa, Public Seminar on the Passage of the POLAR SEA through the Northwest Passage, sponsored by the Canadian Arctic Resources Committee.
21. With Peter Underwood and Susan J. Rolston, **Law of the Sea in Southeast Asia: A Bibliography** (Halifax, Dalhousie Ocean Studies Programme, 1985), 61 pp. (limited distribution).
22. "Fisheries Implications of the Gulf of Maine Boundary Decision", comments as a panel participant October 1984, Ottawa, Annual Conference of the Canadian Council on International Law.

23. "Current Fisheries Problems in Thailand", paper presented October 1984, Wolfville, Canada, XIV Annual Conference, Canadian Council for Southeast Asian Studies.
24. With Jocelyn Kelley and Valerie Paul, **Flags of Convenience: The Emerging International Regime and the Canadian Experience** (Halifax: Canadian Marine Transportation Centre, Research Report No. 9, 1984), 61 pp.
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26. With Mary R. Brooks, Murray G. Brown, Edgar Gold, Michael E. Power, **The Nature and Operation of Liner Shipping Conferences in a Canadian Context** (Halifax: Canadian Marine Transportation Centre, Research Report No. 7, 1983), 142 pp.
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29. "The Inter-Governmental Maritime Consultative Organization: An Overview" (Halifax: Canadian Marine Transportation Centre, 1981), 37 pp. (limited distribution).
30. "The Protection of the Marine Environment: The Canadian Record 1967-1982" (Halifax: Dalhousie Ocean Studies Programme, 1981), 36 pp. (limited distribution).
31. "The Problem of Legislative Non-Conformity with the LOS Convention: The Canadian Example Regarding Vessel-Source Pollution", paper presented October, 1982, Mexico City, at XI Conference of Pacem in Maribus.
32. "A Test of the UNCLOS III Continental Shelf Definition: The Case of Orphan Knoll" (1981), 11 No. 2 **ANSUL** 4-8.

LAW SCHOOL COURSE MATERIALS

Revised edition, Landlord and Tenant (1982 edition) by Heather Robertson (Dalhousie University, Faculty of Law, 1983).

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International Business and Trade Law (University of Victoria, Faculty of Law, 1989) 308 pp.; Revised 1989, (International Trade Law Component), 330 pp.; Revised 1990, 247 pp.

Supplemental materials, International Law (University of Victoria, Faculty of Law, 1986) 111 pp.

Legal Issues in Southeast Asia: Thailand (University of Victoria, Faculty of Law, 1986) 497 pp.; Revised 1987, 355 pp.; Revised 1988 for inclusion as part of Asia-Pacific Comparative Law, 181 pp.; Revised 1989, 315 pp.

MEMBERSHIPS - Current or Past

- Nova Scotia Barristers' Society
- Canadian Bar Association
- American Society of International Law
- Canadian Institute of International Affairs - member of the East Coast Fisheries Study Group, 1981
- Canadian Maritime Law Association - secretary of the sub-committee on multimodal transport, 1981-82, principal author of the sub-committee Report on Multimodal Transport, 1982.
- Canadian Council on International Law
- Law of the Sea Institute
- Canadian Nature Federation
- International Law Association, Canadian branch
- Canadian Nautical Research Society
- Lawasia
- Canadian Comparative Law Association
- International Institute of Fisheries Economics and Trade

Aldo Chircop

b. 1957

Biographical Note:

[Provided by himself]

Born 13 July, 1957, in Malta. Received a doctor of laws (LL.D.) from the University of Malta in 1981, and from Dalhousie a master of laws (LL.M.) in 1984 and a doctorate in the science of law (J.S.D.) in 1988. Former director of the International Ocean Institute, and the Mediterranean Institute at the University of Malta. Taught courses on marine issues at the University of Malta. Currently a member of the Faculty of Law, Dalhousie University, and Coordinator, Marine Affairs Program at the Faculty of Graduate Studies. Teaching course in international marine law, policy and management. Supervising doctoral and master's students writing on the law of the sea.

Bibliography:

The legal infrastructure of ocean development: a Mediterranean study, 1984.

Cooperative regimes in ocean management: a study in Mediterranean regionalism. Halifax: Dalhousie University, Faculty of Law, 1988.

DALHOUSIE LAW SCHOOL

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January 12, 1996

Professor James McL. Hendry
Kanata, Ontario

Dear Jim,

I am rushing these few lines to you prior to making an out-of-country trip next week and I would ask you to forgive the somewhat frantic and incoherent style of my letter. I want to get something, however rough, to you before leaving. I will not be back until the end of the month.

I am, of course, writing in connection with my project on the history of the teaching of international law. Unfortunately, I am not able to cover all the main universities, as I did in the four essays of the 1970s, but I am concentrating on Dalhousie, McGill, Toronto and U.B.C. It is in connection with Dalhousie in particular that I am appealing to you for yet more assistance; and I apologize for the demands I am making on you.

First, could you send me as full a C.V. as possible?

Second, could you also dictate a few paragraphs on each of the following subjects:

- i. Your student days at Dalhousie Law School; who was on the staff, what the program was like, etc., etc.
- ii. Your student days at Harvard Law School, especially ~~as~~ regards the teachers of international law.
- iii. Your student days in Michigan, especially as regards W. W. Bishop.

Third, I need a few lines about your own decision to study and become a scholar of public international law. What attracted you to the subject? How did you become interested? Had you decided on an academic career or were you thinking of the Foreign Service? *what influenced you?*

Fourth, can you expand on your experience as a teacher of international law at Dalhousie in the 1950s? You are quite right in thinking that you re-opened the course, so to speak, in that, until you arrived, the subject had not been taught since 1939.

continued ...

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



Professor Hendry

January 12, 1996

- 2 -

Fifth, I assume that you have read John Willis' excellent history of the Dalhousie Law School and volume one of Peter Waite's general history of the university as a whole. Nevertheless, I need to find more details on Halifax in wartime, which I will then try to relate to what was happening at the university. I know that you were in the Navy at the time and may not have been following local events; on the other hand, in light of your family background in the area, I would not be surprised if you could suggest something for me to read or look at.

*What was H. before
(and Dalhousie)
like during
war-time?*

Sixth, I am very anxious to pay full tribute to your work as a scholar of international law, especially here at Dalhousie, and for this purpose I need as much biographical information about you as you can possibly dredge up at the present time. Be sure to let me have a list of your publications.

Jim, you played an important role in resurrecting the subject at Dalhousie and in encouraging students and others to take an interest. I want to make sure that you get appropriate credit for your accomplishments.

I will be back to you as soon as I return from Europe at the end of the month, when I hope there will be a letter from you awaiting me. I will also hope to come around to see you personally in order to discuss my draft.

Again, as I say, in great haste, but with most cordial good wishes, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

J.M. Hendry
53 Lismer Cres.,
Kanata, Ont.,
K2K 1A5

30th, January, 1992

Dear Ron:

I wish you luck in your effort to compile a historical record of the teaching of international law at Dalhousie. I will certainly help where I can but my class notes are skimpy and I did not retain any of my old files I had at Dalhousie. I have had occasion to regret this a number of times since but it was a very trying time for me.

As for your questions:

1. No, I didn't take any course in international law during my student years. There were none given. However, I remember such men as Kenneth Wheare and Judge John Read giving us the odd lecture in the subject. I also Judge Read in Ottawa⁴⁵ urgently recommending a compulsory course in the late fifties.

I have no recollection and do not believe that there was any course in international law before 1951, the first year I gave the course. Indeed I was under the impression that I was breaking new ground. Incidentally, I don't think that Dean MacDon-ald was particularly interested and even Horace Read was not overly enthusiastic at instituting a course in the subject. I was given more or less a free hand in formulating and presenting the course. Many of the bigger American schools at the time were getting into the act and it was not too difficult to persuade Horace that it was the way to go. However there wasn't as much interest in the course as, say labour law, at the school. I was plugging for it and the United Nations was quite active during this time so international law took its place on the curriculum by its own impetus rather than unanimous support.

2. Prof. W.W. Bishop was an exceptional man. He was well liked, widely read and very informative. I was at Michigan 1949-50 and this was the first year he was using his casebook (in mimeographed form, I believe). I did not work on it although, of course, he was very interested in how his casebook was received. Other than Hudson's and Dickinson's (Penn) it was all there was available. I followed it closely in outline (as you know) when I began to teach the course in the fall of 1951 (30 hours-one-half year)

3. Although in the 1950's, I did not see a need for a compulsory course in international law I would say now that my feelings have changed. With so many particular courses in the field, such as int. tax law, int. trade law, I would think that a course of 'general overviewability' would be profitable, if not necessary. I always took that viewpoint with respect to Jurisprudence-even though it might not be considered a 'bread and butter' course in the strict sense. I have since heard a number of students say that it was the most practical course that they took at law school.

Let me know if I can be of any help in the future,

Regards,

J.M.H.



FACULTY OF LAW,
UNIVERSITY OF TORONTO

78 Queen's Park
Toronto, Canada M5S 2C5
Tel: (416) 978-3725
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(416) 978-2648 (Flavelle)

February 4, 1992

Dr. J. M. Hendry
53 Lismer Crescent
Kanata, Ontario
K2K 1A5

Dear Jim,

Many thanks for your informative and useful letter of January 30, 1992. I will be around to see you in the spring. Meanwhile, would you keep the subject in mind and preserve any old notes that may come to your attention.

With personal good wishes,

I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/mys

J.M. Hendry
53 Lismer Cres.,
Kanata, Ont.,
K2K 1A5

30th, January, 1992

Dear Ron:

I wish you luck in your effort to compile a historical record of the teaching of international law at Dalhousie. I will certainly help where I can but my class notes are skimpy and I did not retain any of my old files I had at Dalhousie. I have had occasion to regret this a number of times since but it was a very trying time for me.

As for your questions:

1. No, I didn't take any course in international law during my student years. There were none given. However, I remember such men as Kenneth Wheare and Judge John Read giving us the odd lecture in the subject. I also Judge Read in Ottawa⁴⁵ urgently recommending a compulsory course in the late fifties.

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was to get the war over and get home. Even the messes, which there many did not compensate - in fact, in that climate I think that any port of embarkation of similar size would have been in the same state. I had absolutely no contact with the university, although my impression is that it was classes as usual. Actually I don't think that war made a great difference in the everyday life of Haligonians except the inconvenience of a crowded city. You might find a browse through the archives or even the Herald office profitable in this regard. I enclose a brief CV.

Dear Ken - I append a postscript.

I fell on my back in Toronto last month and broke my shoulder blade which, together with the disintegration of my typewriter of the past 20 years, had put me under a disadvantage in getting letters off. As you can tell from this attempt, I am now trying to get used to the computer - hence the numerous mistakes which I hope you will overlook. I will do better the next time, although there is much to learn and I am getting to the age that everything is an effort.

Regards

Jim Hendry

Born - August 18, 1919, Halifax, Nova Scotia.

Educated - Halifax Elementary School.
King's Collegiate School, Windsor, N.S.
B.A., Dalhousie University, 1939.
LL.B., Dalhousie University, 1947.
LL.M., Harvard University, 1948.
LL.M., University of Michigan, 1949.
S.J.D., University of Michigan, 1955.

Affiliations -

Barrister's Society of Nova Scotia.
Law Society of Upper Canada.
International Law Assoc. Chairman, Ottawa Section, 1959-60.
Canadian Bar Assoc., Chairman, Nat. Resources and
Energy Section, 1977-79.

Teaching Experience -

Dalhousie Law School, 1949-57.
University of Ottawa Law School, full-time- 1958-60,
part-time- 1961-72.

Public Service -

Solicitor, Department of Transport, 1960-65.
Ass't General Counsel, National Energy Board, 1965-80.

Major Publications -

Book: Treaties and Federal Constitutions, Washington, 1955.

Pamphlet: Memorandum on the Office of the Lieutenant-
Governor of a Province: Its Constitutional character
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Dalhousie Law Journal, 1976.

Regulatory Reform and the National Energy Board,
Dalhousie Law Journal, 1984.

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



March 1, 1996

Professor James McL. Hendry
53 Lismar Crescent
Kanata, Ontario
K2K 1A5

Dear Jim,

You really are special, as you have been from the first days during which I had the good fortune to meet you here in Halifax. Your letter of February 17, 1996 is very useful indeed and, with your permission, I will be quoting parts of it in my manuscript, which I will send to you for approval before it sees the light of day. I am aiming for publication in 1998!!

As I indicated in one of my earlier letters, I am drafting an essay on the teaching of international law in four universities -- Dalhousie, McGill, Toronto and U.B.C. -- and the time required to accumulate all the relevant information is considerable. By the way, Jim, have you read the John Willis' history of the Dalhousie Law School? It is beautifully written and full of interesting items of information. There is also Volume I of Peter Waite's History of Dalhousie University, which also contains items that would interest you. Volume II is expected to be published next year.

Importantly, from my point of view, I am wondering if you have had an opportunity to read my 4-part essay in the Canadian Yearbook of International Law in the 1970s? If it would be more convenient, I could provide you with a Xerox copy. Naturally I am anxious to know what you might have thought of that essay and, of immediate interest, what kind of information and analysis you would expect to find in the essay I am working on.

I am writing for the readers of the first Decade of the 21st century who may want to know what happened to the teaching of international law in Canada during the 20th century. It would help me considerably if you were to indicate even a few of the points that you would like to see emphasized in the conclusion of this study. I know that I must deal with the question of a compulsory versus an optional basic course, but there are other matters as well and you might like to let me know your thinking in this regard.

Finally, Jim, and with apologies for my obtuseness, I am having difficulty identifying two dates with precision. First, what were the years in which you were a full-time student at the Law School, and secondly, what were the exact years during which you served as a full-time member of the faculty? I know I have these somewhere in my notes but they are mislaid at the moment.

continued ...

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



Professor Hendry

March 1, 1996

- 2 -

I will keep in touch with you as my work progresses and I hope to arrange a luncheon during the summer months.

With every good wish to you, Shirley, and all members of the family, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

February 17, 1996

Dear Ron:

Further to my undated letter last month, I am getting the hang of this machine now and, although I still make a few mistakes, I usually get there eventually. It is certainly much more efficient than the typewriter.

Now to the additional information that you have requested (which really stretches the memory)

1. George Crouse was only a name to me. I never met him and do not remember his name being associated with international law teaching at Dal- indeed, I never heard about anyone teaching the subject at that time- it was a brand new field to me.
2. In my opinion Professor Bishop was most exceptional man and I cannot say too much in his favour. He was one of the truly scholarly intellectuals that I have ever met. I spent many hours with he and his wife socially. I kept in touch with him each Xmas until his death three or four years ago. When I was at Michigan his casebook was his main field of endeavour. Of course, his efforts expanded well beyond that. He did much consulting, special lecturing, American Society of International Law (he was President at least one term) and served on many editorial boards.
3. At Michigan, Bishop had two courses in 1949-50, one was an introductory course which was very intensive and where he rigidly followed his casebook. I think I mentioned in my last letter I took his seminar (and sat in on the introductory course). This seminar was also quite intensive, one student preparing the subject matter and being the 'leader' for the whole two-hour period. If I remember correctly I was assigned the Nuremburg trials which, believe me, took a lot of preparation. Whereas Bishop was quite intensive, Hudson at Harvard was quite the contrary. He delighted in telling stories of his episodes in the halls of the great. He was quite amusing but also very learned. He was a great fellow and knew how to make others do his bidding. I don't remember too much about his casebook- He didn't follow it closely, if at all. Of course, you will appreciate that in the 40's international law was in its infancy (as a teachable course, at any rate) and the materials that we used were quite current. He always had a number by him course but, in truth, it was considered as a 'bird' course
4. I am not sure that Hudson's casebook was available in the 1950's. I think that it went through only one printing. In any event I preferred Bishop's for obvious reasons. At the least. It was more comprehensive and familiar to me.
5. Dean V.C. MacDonald was a public lawyer, as you well know. He had a national reputation as a constitutional lawyer and, no doubt, thought of himself as an international lawyer. Yes, he was instrumental in bringing me to Dal. In 1950, but I didn't give the course in international law until the next year. However, he was quite supportive of international law and any

courses in the public law area subject, of course, to the approval of the
Nova Scotia Bar Council. *This was a problem at the time.*

I hope this information is of some value, Ron, let me know if I can be
of any further assistance

All the best,

A handwritten signature in blue ink, appearing to be the initials 'Ji' or a similar stylized name.

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



February 8, 1996

Professor James McL. Hendry
53 Lismer Crescent
Kanata, Ontario
K2K 1A5

Dear Jim,

Thank you for your recent letter and for a copy of your CV. I was delighted to have heard from you and to have learned by implication that despite your fall in Toronto you are well and thriving. Your letter was undated and since it will certainly go into the files I have myself placed on it the date of January 30, 1996, which seems to be the date it was mailed in Ottawa.

I am most grateful for the information you provided, so much so that I am emboldened to ask yet one or two additional questions. I do hope that you do not mind these inquiries, all of which are designed to clarify the record and to assist me in paying tribute to your work.

First, do you know anything about George Crouse, who taught international law at the Law School in the 1930s and was, according to John Willis, a gift to the university community? Unfortunately, they could not afford to keep him and so he went down to the Valley where he practiced law and became mayor of Bridgewater. Have you any recollections of him?

Second, is there anything more that you want to say about W. W. Bishop, who was certainly a leading figure in the field in the United States? I do remember that you used his case book at Dalhousie; it was still in mimeograph form but, as you know, it became the most widely used case book in the United States and probably in the English-speaking world. Did you keep in touch with Bishop as the years went by?

Third, is there anything more you can recall about the place of international law in the curriculum at Harvard and Michigan? Was the subject perceived as an important one at the time? Would it be fair to say that Hudson and Bishop focussed on their own case books for purposes of classroom instruction? Were there any other assigned materials that made an impression on you?

Fourth, am I correct in saying that your student days at the Law School (3 years) were 1944-47, your undergraduate years 1935-39? If this is correct it means that you must have left the Navy in 1944 or that if you were discharged in 1945, you must have been able to do the law course in two years.

continued ...

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Professor James McL. Hendry

February 8, 1996

- 2 -

Fifth, going back to the years in which you taught international law at Dal, I would be interested to know why you preferred the Bishop case book to the Hudson case book?

Sixth, could you punch out a few lines on V. C. MacDonald's attitude towards public law at the Law School? Of course he was a prominent constitutional lawyer and he would have been Dean at the time that you joined the faculty. I assume that he was the one who hired you. Was he sympathetic towards the idea of having you reintroduce international law to the curriculum?

Well, Jim, these are a few of the matters on my mind at the present time. If you will be kind enough to respond at your convenience, I promise to come around to Ottawa and to offer you lunch, probably in the spring, and a long conversation on all these topics that interest the two of us.

With cordial good wishes to you, Shirley, and all members of your family, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

January 30, 1996.

Dear Ron:

Its been a long time since I taught international law, indeed since I taught anything. However, I do have many fond memories of the period. Actually I don't think I can anything to my letter of 30th January, 1992, as I have retained none of my files from my university days and even my contacts are either dead or have disappeared.

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Some Observations on the Canadian Regulatory Agency, Dalhousie Law Journal, 1976.

Regulatory Reform and the National Energy Board, Dalhousie Law Journal, 1984.

January 5, 1996

Note for Ronald Wood

Items to be attended to during the next five weeks:

1. An introductory paragraph on the founding of the university and the Law School. Give the dates and the enrollments. Use the books by Waite and Willis.
2. Compile biographical information on the main people we are referring to. In doing this, go back to the earliest "Who's Who in Canada" and work forward in order to make sure that nothing has been missed.
3. We need a good solid page (2 full paragraphs) on "Halifax in Wartime". There may be or may not be books on this subject. If there are no books you should check journal articles in the more popular magazines such as MacLeans, Saturday Night, and the Canadian Forum, and you might want to ask someone in the Department of History for a couple of suggestions. We need to know what was happening at Dalhousie University between September, 1939 and May, 1945. You might well find something useful in the Reports of the President and in the Annual Reports of the Dean of Law. You may have to look at the Halifax newspapers.
4. Either in the text itself as it now stands or on separate sheets of paper you should set out the course descriptions as they appeared in the calendars and cite the calendar from which you obtained the information. It is important to our purpose to cite all the main documents to which you have made reference, e.g., correspondence, Presidents' Reports, calendars, etc. etc.
5. Begin to block out the period from the 1960s to the present. You can do this by using the Law School calendars and setting out the names of the instructors, for example, W. H. Charles, H. M. Kindred, myself, D. M. Johnston, etc., etc., the course descriptions, the terms in which the subject was taught, etc. I realize that this is my own period so to speak and that we will want to talk about it in detail but you can help me by making a first, preliminary draft on the basis of the Law School calendars. In other words, prepare a rough draft of the period from, say, 1964-1995, and we will develop it as time goes on.
6. Enrollments. We need to know the enrollment of the university as a whole and of the Law School in particular for the years 1883, 1914, 1935, 1945, 1965, 1985 and 1995.

7. Description of the courses: in detail.
8. Footnotes: look space.

1. J. L. Goggin
2. Halifax papers.
3. Queens University
4. Dalhousie Review.



Dalhousie University

Dalhousie Law School
6061 University Avenue
Halifax, Nova Scotia
Canada B3H 4H9

July 3, 1991

Professor R.St.J. Macdonald, O.C., Q.C., LL.D.
Faculty of Law
University of Toronto
78 Queen's Park
Toronto, ON M5S 2C5

Dear Professor Macdonald:

Re: The Teaching of International Law at Dalhousie

I am writing in response to your letter of June 17, 1991. Following is the information which you requested.

I have served on the Faculty of Law at Dalhousie University since July 1, 1987. I have taught only two courses in the field of international law.

During the academic years 1987-88, 1988-89, 1989-1990, I taught Comparative Marine Law and Policy, a three credit hour major paper course. The enrolment in this course was limited to 15 students. The course focused on international fishery regimes and dealt with the problems of fishery development and management in light of the new law of the sea, from national, regional and global perspectives. The approach I used was both comparative and interdisciplinary. The students were required to participate in a simulated negotiation exercise and to write a major paper.

During the academic year 1990-91, I taught the basic course in Public International Law. This course was concerned with the legal relations of states and the individuals who compose them. It explored the basis of the international legal system. The methods of international law creation and law enforcement were examined. The process of international adjudication and the relationship between international law and Canadian law were discussed. The application of substantive principles of international law in the fields of treaties, state responsibility, the use of force, jurisdiction over territory, persons and events, the law of the sea, and human rights were also discussed. Evaluation was by means of a 100 percent final exam due to the large number of students enrolled in the course. I expect to be teaching this course each year from now on.

I have enclosed my updated CV. I trust that you are well and I look forward to seeing you when you are in Halifax.

Yours sincerely,

Dawn Russell

Enclosure

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Employment Experience:

July 1987 to Present:

Assistant Professor of Law,
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Courses: Business Associations, Business Law Immersion Term,
Evidence, Comparative Marine Law and Policy.

Committees: 1987-88 Admissions, Academic, Committee on
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1988-89 Admissions, Studies, Horace Read Lecture Committee,
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1989-90 Admissions, Appointments.

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Areas of Practice: Two years of civil litigation practice
and two years of corporate law and securities law practice.

February 12, 1983:

Admitted to the Nova Scotia Bar.

July 1982 to February 1983:

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August, 1982:

Admitted to the New Brunswick Bar.

May 1981 to June 30, 1982:

Articling clerk with sole practitioner, John B. McNair, Fredericton, New Brunswick.

Summer 1980:

Research Assistant for Associate Dean of Law, Paul Thomas.

Summers 1976-1979:

Teacher of English as a Second Language at the University of New Brunswick.

Professional Qualifications and Associations:

Member, Nova Scotia Barristers' Society
 Member, Canadian Bar Association
 Member, Canadian Association of Law Teachers
 Associate, Oceans Institute of Canada

Education:

Graduate Legal Studies - Cambridge University
 Degree Obtained: LL.M. in International Law with
 First Class Honors.
 Date Completed: June 24, 1985.
 Award: Jennings' Award for
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Law School:

Dalhousie University Law School
 Degree Obtained: LL.B.
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 Constitutional Law Problems;
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Graduate School:

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Saint Thomas University, Fredericton, New Brunswick.
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 Awards: Four-year full tuition Scholarship, Bishop Hill Prize for English Literature in First, Second and Third Years; Notre Dame Prize for First Year; Merit of Honor for Outstanding Contribution to Student Life.

Extra-Curricular Activities:

- President of Halifax Chapter of Lawyers for Social Responsibility January 1987 to present;
- Member of the National Board of Directors of Lawyers for Social Responsibility;
- Executive Dartmouth Chapter Amnesty International;
- Member of the Board of Directors of Stepping Stones;
- Treasurer of the Dalhousie Women Faculty Organization.

Publications:

"Enforcement Under the Nova Scotia Securities Act" in Securities Practices and Procedures, published by the Continuing Legal Education Society of Nova Scotia, September, 1988.

Editor of "Materials on the International Law of Marine Fisheries" for exclusive use in Comparative Marine Law and Policy, Dalhousie Law School, Halifax, Nova Scotia, September, 1988.

Co-editor with Les O'Brien of Cases and Materials on Corporation Law (1989-90), for exclusive use in Business Associations at Dalhousie University Law School, Halifax, N.S.

Co-author of "Managing Fisheries Resources Beyond 200 Miles: Canada's Options to Protect Northwest Atlantic Straddling Stocks," A Report Prepared for the Fisheries Council of Canada (August, 1989) and submitted to the Canadian Department of External Affairs for discussion.

Book review on The Theory and History of Ocean Boundary-Making, by Douglas M. Johnston and on Ocean Boundary-Making: Regional Issues and Developments, edited by Douglas M. Johnston and Phillip M. Saunders, published in the International Journal of Maritime History.

Co-author of Supreme Court of Canada Decision-Making: The Benchmarks of Rand, Kerwin and Martland, (Carswell, 1990).

- "The Making of Canada's Lateral Ocean Boundaries" in Canadian Ocean Law and Policy, (Butterworths), Summer 1991.

Book Review on The Exclusive Economic Zone: Regime and Legal Nature Under International Law, by Francisco Orrego Vicuna for the International Journal.

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|-----------------------|--|------|
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| Ph. D. | Faculty of Law, University of Sydney, Australia. Thesis title: <u>A Comparative Analysis of The Development of Australian and Canadian Shipping Law and Policy.</u> | 1989 |
| L.L. B. | Dalhousie Law School, Halifax, Nova Scotia, Canada. | 1984 |
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Scholarships-Awards

| | |
|-----------|--|
| 1986-1987 | Commonwealth Overseas Scholarship |
| 1985 | University of Sydney Post Graduate Scholarship |
| 1983 | Honourable Alastair Fraser Award |

- Lectured and tutored Australian Constitutional Law and Public and Private International Law.

Tutor Faculty of Law
University of Sydney
Sydney, Australia 1987

- Tutored in Contract Law

Legal Clerk Allen, Allen & Hemsley
Litigation Division
Sydney, Australia 1985-1987

- International Maritime Law, Contract Law, and Intellectual Property Litigation.

Articled Clerk Honourable Madame Justice
Wilson, Supreme Court of
Canada, Ottawa, Canada 1984-1985

- Responsibilities involved research and writing on all cases coming before the Supreme Court of Canada as well as some speech research and drafting and general legal research.

Research Assistant Professor P. Darby
Vice-Chairman, Nova Scotia
Labour Relations Board
Halifax, Nova Scotia 1983

- Assisted in research and writing of report on municipal essential services labour relations for the City of Halifax.

Researcher/Writer Public Legal Education Society
of Nova Scotia
Halifax, Nova Scotia 1982

- Researched and wrote several legal publications on alternative forms of business associations (co-operatives; not-for-profit societies).

PROFESSIONAL MEMBERSHIPS:

- Barrister and Solicitor, Nova Scotia Barrister's Society (1990, admitted);
- Associate, Oceans Institute of Canada (re-elected for two years July, 1990);
- Canadian Bar Association (National; Nova Scotia);
- American Society of International Law;
- Canadian Council of International Law;
- Canadian Maritime Law Association;
- Maritime Law Association (Australian/New Zealand Section);
- Australian Society of Legal Philosophy;
- Secretary, Board of Directors, Scotia Festival of Music (Chamber Music);
- Chair, Senate Review Committee for Ph.D. in Management.

PUBLICATIONS/RESEARCH:INTERNATIONAL/ENVIRONMENTAL LAW AND POLICY

McConnell, M. L. (ed.) Lexicon to the 1982 United Nations Convention on The Law of the Sea, Oceans Institute of Canada, Halifax, Nova Scotia (1989).

McConnell, M. L. and Gold, E., Comparison of State Responses To Oil and Chemical Spills With Respect to Damages, Liability and Response Planning. Study for Transport Canada. (September, 1989) (2 volumes)

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McConnell, M. L., "Environmental Regulations and Barriers to Interntaional Trade Liberalization: Assessing the Bona Fides of Government Action" (1991) paper to be presented at CBA, Annual Conference, Calgary, August 1991.

BUSINESS ASSOCIATIONS AND CONTRACT AND MISC.

McConnell, M. L. (1983) Non-profit organisations: A Nova Scotia Guide. T. Costello (ed.) Halifax: Public Legal Education. (1983)

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- McConnell, M. L., Sui Generis: An Inquiry into the Legal Nature of the Foetus in Canada" (1991) paper presented at Faculty of Law, University of Sydney, May 9, 1991. Submitted for Publication June 1991.

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free itself of an Asian administering power as it was to rid itself of its former European colonial masters.¹¹⁵

Regardless of the reasons for the "double standard," its use serves to weaken the case of those who would wish to generalize and broaden the UN's role in regard to questions of self-determination and to substitute so-called international standards for trials of political and military strength.¹¹⁶

¹¹⁵ See the remarks of Togo, GAOR (XXIV), Plenary, 1810th Mtg., paras. 76-78; Sierra Leone and Ghana, *ibid.*, 1812th Mtg., paras. 3-5 and 31. Even more revealing were the barbed comments by some of the Brazzaville states on the 1962 West Irian settlement. The territory, it was said, was "being handed over by one colonial Power to another with the blessing of the United Nations" (GAOR [XVI], Plenary, 1151st Mtg., October 12, 1962, at 474.) Indonesia was accused of having betrayed "the sacred principles of the Bandung Conference" "The same reasons which justified the Indonesians in demanding the departure of the Dutch, because the Dutch are not Indonesians," it was argued, "require that the Papuans should not be handed over to the Indonesians, since they too are not Indonesians"; they are, rather, a distinct "ethnic entity." *Ibid.*, 1153rd Mtg., October 15, 1962, at 507. See also *ibid.*, 1130th Mtg., September 25, 1962, at 104; 1152nd Mtg., October 12, 1962, at 49; and the Indonesian reply, *ibid.*, 1155th Mtg., October 18, 1962, at 537-38 and 541-45. On the Free Papuan appeals to pan-negroid sentiment in Africa, see van der Kroef, *supra* note 28, at 137-38; and *supra* note 50, at 207.

¹¹⁶ See, e.g., the desire expressed by Rupert Emerson, "Self-Determination," 65 *Am. J. Int'l L.* 475 (1971).

An Historical Introduction to the Teaching of International Law in Canada

R. ST. J. MACDONALD*

THE PURPOSE OF THIS PAPER is to describe from an historical point of view the main developments in the teaching of international law in Canadian law schools from the time when the subject was first taught, in the mid-nineteenth century, to the early years of the present decade.

The paper is divided into five parts, dealing respectively with the law schools of Quebec, the Maritime provinces, Ontario, the Prairie provinces, and the Pacific coast. A chronological account is given of the teaching of international law in each law school, describing first the teachers, their backgrounds, personalities, attitudes to international law and other interests, and, second, the courses taught, texts and casebooks used, and the importance placed on international law in the general curriculum, as indicated by the time devoted to it, whether it was elective or compulsory, and the year in which it was taught. For the most part, the discussion is restricted to the law schools in the various universities. Although it would be interesting to consider the parallel development of international law teaching in other disciplines, such as political science, the subject is so vast that some limit must be imposed on it.

My object in this essay is to authenticate and make available the ideas and attitudes of our dynamic past, to seek such guidance as it can offer for the future, and to heighten our sense of purpose in promoting the best environment for the study and application of international law in the days ahead. By reflecting on the work of

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those who have gone before us we can acquire an extended view, fresh ideas, and perhaps a new stimulus.¹

I. INTERNATIONAL LAW IN QUEBEC

1. Collège Sainte Marie

In 1851, a law school, known as L'Ecole de Droit, was founded with the approval of the Quebec Bar by Maître Maximilien Bibaud at the Collège Sainte Marie in Montreal.² Bibaud was the school's first and only dean and, for several years, its sole professor.³ He included in his course on contracts a series of lectures on international law, entitled "Des Contrats entre Nations ou Traités." In response to student demand, these lectures were in part published and from them we can see that Bibaud believed that the validity of treaties turned on the same general criteria as were applicable in the law of contract.⁴ He applied contract considerations to questions of enforcement and expiration of treaties and on the fundamental question of the validity of treaties and the nature of the obligations flowing therefrom he followed a naturalist point of view.⁵

¹ The idea for this paper grew out of discussions with my friends, John P. Humphrey, Gerald L. Morris, and Douglas M. Johnston. The letters referred to herein are on file and are available for inspection in the Sir James Dunn Law Library at Dalhousie Law School. I recognize with pleasure the following friends and colleagues whose generous assistance and wise counsel made possible this initial attempt at conserving the story of our unfolding past, through which our processes of self-criticism and discovery may be further developed: D. Trevor Anderson; Margaret A. Banks; Jean-Charles Bonenfant; Alexander Brady; John Claydon; Maxwell Cohen; Carol Creighton; George F. Curtis; Claude Emanuelli; Eugene La Brie; Leon Lortie; N. A. M. MacKenzie; Howard McConnell; Donat A. Pharand; Horace E. Read; Marianne Scott; and Ivan A. Vlastic.

² For background information, see E. F. Surveyer, "Une Ecole de droit à Montréal avant Le Code civil," (1920) 6 *Revue trimestrielle canadienne* 140; P. Desjardins, *Le Collège Sainte-Marie de Montreal*. Montreal, 1940-1945, 2 vols; Georges Lahaise, "Centenaire de la Première Ecole de Droit établie au Canada," (1951) 1 *Themis* 17; and for an even earlier attempt at a law school in Montreal, see references in W. R. Riddell, "The First Law School in Canada," (1932) 2 *Bench and Bar* 12.

³ André Morel, "Maximilien Bibaud, fondateur de L'ecole de droit," (1951) 1 *Themis* 8.

⁴ M. Bibaud, *Commentaires sur les lois du Bas-Canada ou Conférences de l'ecole de droit liée au Collège des B.R. P.P. Jésuites, 1859-62*, vol. 1, at 214-20.

⁵ *Ibid.*, 40-53.

L'Ecole de Droit, a semi-autonomous institution from its inception, closed in 1867. We do not know why.⁶ However, in view of the fact that Bibaud started teaching in 1851, we could probably regard him as the first person to teach international law, albeit superficially, in what was to become the province of Quebec and the Dominion of Canada.

2. McGill University

The teaching of international law at McGill can be divided into several periods. From 1856 until 1900 public and private international law were combined in a single course. Between 1856 and 1867 a compulsory third year one hour a week course designated as international law was offered in the law school by Frederick W. Torrance.⁷ That this course comprised private as well as public international law may be seen from the faculty calendars which prescribed for the examination in the subject, in addition to Phillimore, Wharton's *Conflict of Laws*, and Foelix, *Droit International Privé*. Honours students were required to answer additional questions based on Kent's *Law of Nations* and Westlake's *Private International Law*.

No course was offered between 1868 and 1872 when the teaching of the subject was resumed. William W. H. Kerr, a part-time lecturer who was appointed acting dean in 1876 and dean in 1882, taught international law to second and third year students from 1872 until 1888.⁸ For one year, 1888-89, N. W. Trenholme, the

⁶ The Bar may have begun to question the quality of the school's programme; Bibaud probably insisted on retaining full autonomy for his institution; the advent of confederation and the promulgation of the Civil Code may have had something to do with it; see further M. Bibaud, *Notice historique sur l'enseignement du droit au Canada*. Montreal: 1862; N. Marechal, "L'Etude du droit et le barreau," (1950) 10 *R. du B.* 97-121.

⁷ For a biographical note on Torrance, see W. Stuart Wallace, *The Dictionary of Canadian Biography* 668 (2nd ed., Toronto: The Macmillan Comp., 1945). Useful background information can be found in John Irwin Cooper, "The Law Comes to McGill," (1948) 30 *The McGill News* 6.

⁸ For biographical details on Kerr, a prominent counsel at the Lower Canada Bar, see Pierre Beullac and E. Fabre Surveyer (eds.), *Le Centenaire du Barreau de Montreal 1849-1949*, 96-103 (Montreal: Librairie Ducharme Ltée, 1949); see too W. S. Wallace, *op. cit.*, 320. In 1868 Kerr wrote a well researched pamphlet entitled "The Fishery Question or American Rights in Canadian Waters" (on file in the National Library, Ottawa) in which he alleged that "for a mess of pottage we consent to sell our birthright and allow our neighbors to reap the harvest placed by Providence at our doors."

newly-appointed dean, indeed the first full-time dean of the faculty, carried on the course given by Kerr.⁹ The course lapsed during the following year but was reinstated under Trenholme from 1890 through 1896, save for 1894-95 when no lecturers were available. During the final year of Trenholme's instruction the faculty requirements for the degree of doctor of civil law, open to all who held a B.C.L. degree of twelve years standing, included international law. Doctoral candidates were required to demonstrate special proficiency in one of several groups of subjects and to show a thorough acquaintance with two works listed in other groups. The works enumerated under international law were: Phillimore, *International Law*; Hall, *International Law*; Wharton, *Conflict of Law*; Savigny, *International Law* (Guthrie edition); Foelix, *Droit International Privé*; Brocher, *Droit International Privé*; Dicey on *Domicile*; Story, *Conflicts of Laws*; and, Maine, *Lectures on International Law*.

Following Dean Trenholme's retirement, the teaching of international law was assumed, in 1898, by the formidable Eugene Lafleur who was to be associated with the subject for the next twenty years. The calendar for 1900 shows that two separate courses were to be given in alternate years. The first, Public International Law, occupying about twenty-one hours, dealt with sovereignty and equality of states; recognition; intervention; territorial boundaries; extraterritoriality; treaties and arbitrations; neutrality; blockade; confiscation; and, prize-courts. "The students' attention will be specially directed to Treaties, Diplomatic Relations, and International Arbitrations, in which Canada is directly concerned." The second course, Private International Law, allocated twenty-five hours, was devoted to the distinction between a priori and positive methods; sources of the positive law of Quebec; rules for solving conflict problems arising under different titles of the civil code; and, comparisons between Canadian jurisprudence and the jurisprudence of England, France, and Germany. Lafleur taught both courses until 1910.

In 1900 the published requirements for the degree of doctor of civil law contained the same proficiency requirements as in 1895-96 but now required even those candidates not specializing in international law to offer one work on public and one on private inter-

⁹ For a biographical note on Trenholm, see *Le Centenaire du Barreau de Montreal*, *supra*, 122.

national law. The public international law group listed Sir Travers Twiss, *Law of Nations*; W. G. Hall's *International Law*; Sir W. Harcourt's *Letters by Historicus*; R. Ortolan's *Diplomatie de la Mer*; De Martens, *Droit International*; and, Holland's *Studies in International Law*. The private international law group listed Savigny, *Private International Law* (Guthrie edition); Foelix, *Droit International Privé*; Fiore, *Droit International Privé* (Pradier — Fodere edition); Dicey, *Conflict of Laws*; and, Lafleur's own *Conflict of Laws*.

Eugene Lafleur was one of the most distinguished lawyers who ever practised in Quebec. His contemporaries described him by the word *l'inégalable*, the unequalled one.¹⁰ "It is, of course, invidious to compare names," observed Lord Dunedin, "but I can say this with confidence, looking back over my experience not only on the Bench but at the Bar, during which time I have heard all the great pleaders in England and Scotland since the days of the Chancellorship of Lord Cairns, that upon purely legal questions Mr. Lafleur was of a stature that you could compare with any of them."¹¹ A long-time editor of the *Revue Légale* and an outstanding theoretical jurist, he had, as John Humphrey observes, the great gift of being able to make even the most difficult things appear simple "as you can see for yourself if you look at his fine little book on the Conflict of Laws (1898)."¹² Lafleur's appointment as counsel in the British Coal Case, as president of the United States-Mexican tribunal in the Chamizal Boundary arbitration of 1911, and as agent for Canada in the I'm Alone Case of 1929, bear witness to his renown and

¹⁰ For biographical details, see Henry James Morgan, *The Canadian Men and Women of the Time* 626 (Toronto: William Briggs, 1912); *Who's Who in Canada, 1928-29*, at 65; and, *Canadian Annual Review 1929-1930*. For the tribute by Roger Brassard of the Montreal Bar, see Eugene Lafleur, (1933) 11 *Can. Bar Rev.* 367.

¹¹ Quoted by Sir Lyman Duff in, *Eugene Lafleur: L'Homme et l'Avocat: The Man and the Lawyer* 12 (Montreal: no date), a pamphlet that gathers together the addresses given at the unveiling of the bust of Lafleur in September 1934. See too *A Man of Law's Tale: The Reminiscences of the Rt. Hon. Lord Macmillan* 324 (London: Macmillan & Co. 1953) where Lord Dunedin is quoted as adding that "... when you have the combination of a strong intellect with unwonted sweetness of character, you get a striking personality — that personality Mr. Lafleur was."

¹² Letter from John P. Humphrey dated July 27, 1973. The volume referred to is Eugene Lafleur, *The Conflict of Laws in the Province of Quebec* (Montreal: C. Theoret, 1898).

recognition. He appears to have been the most notable Canadian international lawyer of his time.

Between 1910 and 1912 the course in public international law was given by Charles J. Doherty. When Doherty entered Borden's Conservative government in 1911 as Minister of Justice, Lafleur took over the subject once again. Significantly, it was no longer tied to private international law; the courses were not given in alternate years and different instructors were used for private and public international law. Lafleur continued giving the course in public international law for one semester (thirty hours) until 1921, the year in which Herbert Arthur Smith was appointed to McGill.¹³ During the first three years of Smith's term (1921-24) Ira Allen Mackay, formerly of the University of Saskatchewan, taught public international law to second and third year students on a one hour a week, two-term basis.¹⁴

H. A. Smith was born in 1885 and educated at Cheltenham College and St. John's College, Oxford. He was called to the Bar in 1909, appointed Fellow and Law Tutor at Magdalen College, Oxford, in 1911, was on military service during the First World War, and gave a lecture tour in the United States in 1918-19. His tour of duty at McGill ended in 1928 when he was appointed Professor of International Law in the University of London.¹⁵ Although it is possible that Smith taught international law at McGill in 1920-21, when the course was an elective for LL.B. students and compulsory for B.C.L. students, this seems unlikely. His range of interest was extensive and during his eight years in Canada he taught at various times English law (contract, tort, and real property), jurisprudence, comparative law, domestic relations, equitable remedies, wills, trusts, criminal law, constitutional law,

¹³ From 1921 until 1929 Lafleur served as a governor of the university and as emeritus professor of international law.

¹⁴ Ira Allen MacKay, B.A. (1897), M.A. (1898), LL.B. (1905) (Dal); Ph.D. (1901) (Cornell); called to the Bar in Nova Scotia in 1905, in Manitoba in 1906, taught the first course in international law in Saskatchewan in 1911, published a book on Canadian nationality in 1907, joined the McGill law faculty in 1921, and served as acting dean and dean of the Faculty of Arts at McGill from 1924 until 1934. For his ideas on legal education, see "The Education of a Lawyer," (1940-42) 4 Alberta L.Q. 103-16.

¹⁵ He retired in 1946. Smith also lectured at the Royal Naval College, Greenwich, from 1935 to 1939. He was again on military service from 1939 to 1945 finishing up with the rank of Colonel on the General Staff of 21 Army Group. His main interest was the law of the sea, particularly in time of war. A biographical note appears in *Recueil des Cours*, 1938, vol. 63, at 607.

merchant shipping, and negotiable instruments and banking. His published works during his McGill tenure included: *The American Supreme Court as an International Tribunal* (1920); *The Jurisdiction and Functions of an International Court* (1921); *Federalism in North America: A Comparative Study of Institutions in the United States and Canada* (1923); *Diplomacy and International Status* (1924); *Admiralty Jurisdiction in the Dominions* (1926); *Interpretation in English and Continental Law* (1927); and, with P. E. Corbett, *Canada and World Politics* (1928).¹⁶

Of considerable interest from the point of view of the matters under consideration in this essay is Smith's article on the functions of a law school.¹⁷ In this article he begins by observing that no Canadian law school has "as yet achieved anything like the worldwide reputation which has been won by some of the great law faculties in the United States." Smith seeks the reason for this failure to win "a great name" in the world and, while acknowledging that individual teachers "here and there" have caught glimpses of "a wider vision," he states that "we have hitherto suffered from an inadequate conception of the functions of a law school and the place which it should occupy in the national life." In speaking about the efforts at McGill to establish a national institution, he calls for curriculum changes, an increase in the number of full-time professors, and the provision of facilities to "encourage the development of a Canadian legal literature of the highest order."¹⁸ It can be said in retrospect that Smith not only caught a glimpse "of a wider vision" but that he contributed prolifically to the development of a Canadian legal literature "of the highest order" and to the distinguished record of research that has marked McGill's programme in international law. It is evident from his writings that in the 1920's

¹⁶ Smith was a prolific writer. In addition to the works noted above he wrote: "The Chicago Diversion," (1930) 8 Can. Bar Rev. 330-44; "Judicial Control of Legislation in the British Empire," (1925) 34 Yale L.J. 277-87; "The Residue of Power in Canada," (1926) 4 Can. Bar Rev. 432-40; "The Supreme Court and the League of Nations," (1920) 20 Columbia L.R. 68-73; "The Nature of Our Constitutional Law," (1920) 36 Law Q.R. 140-52; and, "The Legislative Competence of the Dominions," (1927) 43 L.Q.R. 378. In 1922 he edited the fourth edition of *Underhill on Trusts*. The citation for the important article on interpretation is (1927) 9 Jo. Comparative Legislation (third series), 153-65.

¹⁷ (1921) 41 Canadian Law Times 27-33.

¹⁸ *Ibid.*, 28.

Canada had in Smith a very progressive international lawyer.¹⁹ It is also clear both from his book on the United States Supreme Court and from his friendship with Corbett that Smith's interest was at McGill already moving towards analysis of the legal or quasi-legal system evolving in the relations of states.²⁰

In the academic year 1924-25 Percy Ellwood Corbett assumed responsibility for the course. Born in Prince Edward Island in 1892, Corbett had earned his M.A. from McGill in 1915 and was a Rhodes Scholar at Oxford, completing his B.A. in Jurisprudence in 1920 and his M.A. in 1925. He was Law Fellow at All Souls from 1920-27 and Assistant Legal Adviser in the International Labor Office, Geneva, from 1922-24. When appointed to McGill in 1924 Corbett was made Gale Professor of Roman Law with international law and legal history as part of his assignment.²¹ In 1928 he became dean of the faculty, resigned that office in 1936 but remained as a professor, left McGill in 1939 to undertake certain work in the United States connected with the war, returned to McGill to teach legal theory in the department of political science and, finally, in 1943 moved to Yale University as professor of government and jurisprudence. From the chairmanship of the political science department at Yale he went on to Princeton in 1951 to the Centre of International Studies, where he was a research associate with the rank of professor. He was made Emeritus Professor in 1958 and thereafter held visiting appointments in New Delhi, Istanbul, the University of Virginia, and Lehigh University. In 1954 he lectured

¹⁹ Smith "was among the first commentators in Canada to point out that the trend in Privy Council interpretations of the B.N.A. Act . . . had been towards a type of constitution quite different from that which the Fathers of Confederation had clearly intended": F. R. Scott, "Our Changing Constitution," Proceedings of the Royal Society of Canada, vol. LV, series III, June 1961. Scott recalls Smith as "the most exciting teacher that we had."

²⁰ "His interest in international law was quickened by his friendship with Corbett and a good deal of political involvement and optimism in the new world order which the institutions of the League might embody": letter from his daughter dated March 10, 1972, at 1. Smith's numerous publications after his departure from McGill include: *The Economic Uses of International Rivers* (1931); *Great Britain and the Law of Nations: A Selection of Documents Illustrating the View of the Government in the United Kingdom upon Matters of International Law (1932-35)*; *Le développement moderne des lois de la guerre maritime* (1938); *The Crisis of the Law of Nations* (1947); and, *The Law and Custom of the Sea* (1948). While at the University of London he supervised G. Schwarzenberger.

²¹ Corbett started his formal academic career as a student of Erasmus. The translation of *Institutio Principis* in 1922 was his first published book.

at The Hague Academy and in 1956 was visiting professor in the University of California.

Corbett taught international law at McGill from 1924 until 1943 to first year law students for one hour a week for two terms. He used mainly the English and French authors, Hall, Lauterpacht, Oppenheim, and Fauchille. While at McGill he published *Canada and World Politics* with H. A. Smith (1928); *The Roman Law of Marriage* (1930); *Fundamentals of a New Law of Nations* (1935); *The Settlement of Canadian American Disputes* (1937); and *Post War Worlds* (1942).²² After leaving McGill he published *Law and Society in the Relations of States* (1951); *The Individual and World Society* (1953); *The Study of International Law* (1955); *Morals, Law and Power in International Relations* (1956); *Law in Diplomacy* (1959); *The Growth of World Law* (1971); *The Vietnam Struggle* (1971); *The Search for World Order* (1971). He has published more than thirty articles in legal and political journals. In 1957 he performed a signal service by presenting English language readers with an outstanding translation of Charles de Visscher's *Theory and Reality in Public International Law*.

Like H. A. Smith, Corbett's most important work in international law was done after he left Canada. However, on the basis of his education and lengthy association with McGill he must be regarded as one of the most original and creative international lawyers that Canada has ever had.²³ This fact was recognized formally in 1972 when the Canadian Council on International Law presented him with its John E. Read Medal for distinguished achievement. Among his students were F. R. Scott and John P. Humphrey.²⁴

John P. Humphrey took over the course after Corbett's departure for the United States in 1943. For three years he taught what was known as "international law and organization" to first year law students, two hours a week in both terms. Born in New Brunswick, Humphrey attended Mount Allison University, took a Bachelor of

²² Corbett also wrote: "Fundamentals of a New Law of Nations," (1935) 1 U. Toronto L.J. 3-17; "Sanctions; Abyssinia and After," (1936) 5 U. Toronto Quarterly 482-98; "The Work and Influence of Francois Geny," (1937) 15 Can. Bar Rev. 1-10; "The Status of the British Commonwealth in International Law," (1940) 3 U. Toronto L.J. 348-60.

²³ For a tribute by a distinguished former student ("I have never sat under a better teacher"), see Arnold Heeney, *The Things That Are Caesar's* 15 (University of Toronto Press, 1972).

²⁴ F. R. Scott believes that Corbett left Canada because he felt the need for a larger environment in which to maximize his intellectual development.

Commerce degree at McGill in 1925, a B.A. in 1927, a B.C.L. in 1929, and a Ph.D. in 1945. He studied at the University of Paris in 1929-30, was admitted to the Quebec Bar and practised law in Montreal for six years from 1930. In 1936 he was appointed a sessional lecturer in Roman Law at McGill, was secretary of the Faculty from 1937 to 1946, and became Gale Professor of Roman Law and Dean of Law in 1946. In August 1946 he was appointed the first director of the Division of Human Rights in the United Nations Secretariat at New York, a position that he held until his retirement in 1966, when he returned to McGill as professor of law and political science. Humphrey at this time resumed his teaching of international law and organization and developed a new seminar on the international protection of human rights, open to students from political science as well as from law. In 1971-72 he served as Visiting Professor in the Faculty of Law at the University of Toronto.

A Ph.D. in political science, and one of Canada's first international lawyers to take an interest in the Pan-American Union, Humphrey recalls that when he assumed the teaching of international law it was generally recognized that the subject was of little practical interest to most law students. As a result, he taught the course as an exercise in legal science. "I still do this. I do not know what the situation was or is in other universities but it seems to me that it is only on some such basis that teaching of the subject can be justified in the crowded professional curriculum of contemporary law schools."²⁵

Humphrey's contribution to the practice of international law has been impressive. In addition to the global reputation that he established as Director of the Division of Human Rights, he served significantly at United Nations conferences on freedom of information in 1948, on refugees and stateless persons in 1951, on the status of stateless persons in 1954, on slavery in 1956, and as the principal secretary of the United Nations Fact-Finding Mission to South Viet-Nam in 1963. From 1966-71 he was a member of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities. His essential work in the preparation of the secretariat's draft of the Universal Declaration of Human Rights is widely recognized. By the time Humphrey took over Corbett's

²⁵ Letter from John P. Humphrey dated January 12, 1972, at 1.

course in 1943, McGill had had three distinguished international lawyers on its staff. He was to become the fourth.²⁶

Maxwell Cohen replaced Humphrey when the latter left for the United Nations in 1946 and taught the general course until 1970, except for the years 1948-49 and 1968-69 when it was not offered. The course alternated between a third year course from 1949-54, a second year course from 1954-71, and a first year course in 1971-72. It remained a two hour, two-term subject until 1967-68, when it became three hours, one term, in second year. In 1970-71, when the course was compulsory and offered in first year, the class was divided into two sections, one taught by Ivan A. Vlasic and the other by Edward McWhinney. The course was given for three hours per week in the first term. In 1973-74 the general course in international law was made optional, running two hours per week for two semesters. It was open to second and third year students and was taught by Vlasic. In 1974-75, the course was given for only one term, three hours per week, as an option open to second and third year students. It was taught by Vlasic.

Maxwell Cohen, a graduate of the Manitoba Law School, Northwestern University, and Harvard Law School, came to McGill from England where he had been chairman of the department of economics and political science in the Canadian Army's Khaki Univer-

²⁶ Humphrey's extensive publications include the following: *The Inter-American System: A Canadian View* (Toronto: MacMillan Co., 1942); *The Functions of Government and the Nature of Laws* (McGill University, 1945); "On the Definition and Nature of Laws," (1945) 8 *Modern Law Review* 194-204; "On the Foundations of International Law," (1945) 39 *Am. J. Int'l L.* 231-44; "Les Fonctions Gouvernementales dans la Société Internationale," (1946) 16 *Rev. de L'Univ. d'Ottawa* 172-86; "The Theory of the Separation of Functions," (1946) 6 *U. of Toronto L.J.* 331-61; "The International Protection of Human Rights," (1948) 255 *Annals of the American Academy of Political and Social Sciences* 15; "The Universal Declaration of Human Rights," (1949) 4 *International Journal* 351; "The United Nations and Human Rights," (1963) 23 *Behind the Headlines*; "The United Nations and Human Rights," (1965) 11 *Howard L.J.* 373-79; "The U.N. Charter and the Universal Declaration of Human Rights," in Luard (ed.), *The International Protection of Human Rights*, c. 3 (1967); "The U.N. Sub-Commission on the Prevention of Discrimination and the Protection of Minorities," (1968) 62 *Am. J. Int'l L.* 869-89; "Human Rights and Authority," (1970) 20 *U. Tor. L.J.* 412; "The International Law of Human Rights in the Middle Twentieth Century," in Maarten Bos (ed.), *The Present State of International Law and Other Essays* 75-107 (1973); and, reports on human rights to the I.L.A.: fifty-third report, 1968; fifty-fifth report, 1972.

sity of Canada. "The truth is that I became an international lawyer by accident — when McGill invited me to teach the course in 1946."²⁷ Cohen appears to have been the first international law teacher at McGill to introduce a casebook and case method, employing Manley O. Hudson's first and second editions. He served as dean of the Faculty of Law from 1964 until 1969 and as director of the Institute of Air and Space Law from 1962-65. In 1974 he was appointed co-chairman of the International Joint Commission established under the Boundary Waters Treaty of 1909.

Cohen assumed an unusual variety of governmental, professional, and academic responsibilities almost from the first day of his arrival at McGill in 1946. He was a member of the Canadian delegation to the fourteenth General Assembly, president of the Canadian Branch of the International Law Association (1952-58), chairman of the Canadian Bar Association section on international and constitutional law (1964-71), director of the study of the administration of the Department of External Affairs for the Glasco Royal Commission (1961-62); chairman of the advisory committee on marine and environmental conferences of the Department of External Affairs; and president of the Quebec Advisory Council on the Administration of Justice. He was also chairman of the special committee set up by Ottawa to study hate propaganda in 1965.

An imaginative commentator on constitutional as well as international law, Cohen has played an influential role in university administration. He was the architect of the plan that led to the creation of a common law faculty and national programme within the framework of the McGill Law Faculty in 1965; he was instrumental in establishing the Institute of Comparative and Foreign Law in 1966; and he also found time to contribute with distinction to the literature on legal education in Canada. His seminar on international organization was in the curriculum uninterruptedly from 1952 until 1974 and involved primarily an analysis of the Charter and a study of the development of international law through various organs of the United Nations. The basic teaching material used was Sohn's *Cases on United Nations Law*. In addition to his teaching responsibilities, carried continuously for the last twenty-eight years, Cohen's unusual combination of organizational and scholarly skills provided the dynamic leadership that infused the international law

²⁷ Letter from Maxwell Cohen dated July 3, 1973, at 4.

community in Canada with new life after the second world war and stimulated as well the production of new writing in the field.²⁸

In 1951 the Institute of International Air Law, now the Institute of Air and Space Law, was founded at McGill with the distinguished American lawyer and former airline executive, John Cobb Cooper, as its first director. It started "with virtually no budget, and with only a great deal of enthusiasm and the immense personal background and knowledge and experience of . . . Professor Cooper, as its tangible assets. Yet, right from the outset, both because of the challenge of the new field and also because of Professor Cooper's reputation, the Institute had a large roster of post-graduate students. . . ."²⁹ Cooper's successors were all eminent lawyers: Eugene Pepin, former Director of the Legal Bureau of ICAO; Alfred Beatty Rosevear, a specialist in transportation law who had been General Counsel to the Canadian National Railways; Maxwell Cohen, who secured the first major financial underwriting for the Institute; Sir Francis Vallat, at the time Permanent Legal Adviser to the British

²⁸ Cohen's impressive publications include the following: "Espionage and Immunity: Some Recent Problems and Developments," (1948) 25 Brit. Y.B. Int'l L. 404; "The United States and the United Nations Secretariat: A Preliminary Appraisal," (1953) 1 McGill Law Journal 171; "The United Nations Secretariat: Some Constitutional and Administrative Developments," (1955) 49 Am. J. Int'l L. 295-319; "Some International Law Problems of Interest to Canada and to Canadian Lawyers," (1955) 33 Can. Bar Rev. 389; "Some Main Directions of International Law: A Canadian Perspective," (1963) 1 Canadian Yearbook of International Law 15-39; "International Law and Canadian Practice," in McWhinney (ed), *Canadian Jurisprudence* 316 (1958); "Some Legal and Policy Aspects of the Columbia River Dispute," (1958) 36 Can. Bar Rev. 25-41; "The U.N. Emergency Force: A Preliminary View," (1957) 12 Int'l J. 109; "The Demise of UNEF," (1967-68) 23 Int'l J. 18-51; "Secrecy in Law and Policy: The Canadian Experience and International Relations," in Edward Weisband and Thomas M. Franck (eds.), *Secrecy and Foreign Policy* 355-76; (1974); "Canada and the International Legal Order: An Inside Perspective," in Macdonald, Morris and Johnston (eds.), *Canadian Perspectives in International Law and Organization* 1-32 (1974); "Canada and the United States: Possibilities for the Future," (1973) 12 Colum. J. of Transnat'l L. 196; "The Condition of Legal Education in Canada," (1950) 28 Can. Bar Rev. 267-314; "Objectives and Methods of Legal Education," (1954) 32 Can. Bar Rev. 762-69; "Lawyers and Learning: The Professional and Intellectual Traditions," (1961) 7 McGill L.J. 181.

²⁹ *The Institute of Air and Space Law: A Brief History and Bibliography, 1951-1970*, at 6 (Montreal: McGill University, 1970). See too A. B. Rosevear, "McGill's Institute of Air and Space Law," (1962) 14 U. Toronto L.J. 257, reviewing the Institute's first ten years; and, Geoffrey N. Pratt, "The Institute of Air and Space Law, McGill University," (1964) 1 Canadian Legal Studies 22.

Foreign Office; Edward McWhinney, formerly of the University of Toronto; and, since 1971, Ivan A. Vlastic, co-author with McDougal and Lasswell of the monumental study on *Law and Public Order in Space*.⁸⁰

In addition to the Director, the Institute had, during the period 1963-71, an official establishment of three full-time faculty members. Since 1971, due to a reduction in the Ford Foundation grant, the Institute's full-time staff has been limited to two professors who are assisted by a number of distinguished part-time lecturers, including Dr. Gerald FitzGerald, Dr. Julian Thomka-Gazdik, Dr. Nicolas Matte, and Mr. James J. Smith. From time to time the Institute convenes international legal conferences, always well-attended by eminent scholars and practitioners of aerospace law. Since its inception it has published a number of collective and individual studies in book and pamphlet form. In 1967 the Institute initiated the *Yearbook of Air and Space Law* which was intended to be its principal annual publication. Unfortunately, owing to a lack of funds and personnel, this valuable publication was terminated after the appearance of only three volumes, the last in 1971. Student enrolment in the Institute demonstrates perhaps better than anything else its continuing world-wide appeal; since 1951 nationals of more than eighty countries have attended its programme of study. Altogether, during the 1951-74 period, over three-hundred students were enrolled.

The Institute of Air and Space Law has had a considerable impact on the teaching and research of international law at McGill. As far as teaching is concerned, some fifteen of the members of each graduating class enrol in the one semester seminar offered in air and space law for the LL.B.-B.C.L. students; and the general course in international law, offered by Vlastic, deals with aerospace problems in more than cursory fashion. On the research side, it is evident that the dissertations prepared by the students in the Institute are of high quality, in some instances being the best writing on the topics anywhere. These writings, reflecting almost a quarter century of inquiry into increasingly diverse and sophisticated subjects, are frequently consulted by scholars, officials, and practitioners.

International law problems have been dealt with indirectly at McGill in the constitutional law courses of F. R. Scott, with parti-

⁸⁰ Vlastic has also edited *Explorations in Aerospace Law: Selected Essays by J. C. Cooper* (Montreal: McGill U.P. 1968).

cular reference to the treaty-making process, extra-territoriality, and Canada's position as a sovereign state. In the seminar on government control of business, the question of the extra-territorial effects of American anti-trust and other laws and the role of the multi-national corporations have raised public international law issues. In 1967-68 a new seminar on "Science, Technology and the Law" (since 1970 "Environment and the Law") was introduced by Ivan A. Vlastic. This seminar explores, among other topics, the law of nuclear energy and legal control of activities potentially harmful to the international environment. Finally, mention must be made of the extensive co-operation between the Faculty of Law at McGill and the Department of Political Science, the Institute of Islamic Studies, and the Departments of History, Classics and Anthropology. Law school courses in international law have been open to students of these disciplines and vice versa.

In summary, it can be said that there is a long tradition of public international law at McGill, dating back to 1856, when the first course was a compulsory course, and that this emphasis has been strengthened by a parallel tradition of interest in conflict of laws and comparative law. The more powerful public international law tradition runs from Lafleur, Smith and Corbett, giants by any standard, down to Humphrey and Cohen who, happily, are both still active. The amount of writing that has come out of the McGill Law Faculty in the field of public international law far exceeds the production of other law faculties and reflects the interest of the institution in the field as a whole. As we shall see, McGill, among all of Canada's law schools, was not only the school which virtually alone offered a programme in international legal studies but, more importantly, did so with strength and distinction. An interest in policy questions, international as well as national, has long been a reality in the law school.

3. *Laval University*

Laval University, an outgrowth of the grand seminary at Quebec, was founded in 1852 under a charter granted by Queen Victoria. The Faculty of Law was organized in 1854 after having encountered, according to the calendar of 1922-23, "many difficulties." The Honourable Augustin-Norbert Morin, one of the three codifiers of the civil code and a judge of the Superior Court for Lower Canada,

was named the first dean.³¹ Like all those appointed to the faculty, Morin was a part-time instructor; indeed, it was only in 1947, with the arrival of Guy Hudon, that a full-time teacher in any subject was appointed to the faculty.³² Although Morin appears in the first calendar, that of 1856-57, as one of the professeurs ordinaires, "Docteur en Droit, Juge de la Cour Supérieure pour le Bas Canada, professeur de droit naturel et le droit des gens," it is not clear whether a course in international law was taught before 1887.³³ What is clear is that if a course was taught, it was taught irregularly until 1887. The cause of the confusion is that adequate information is lacking and that, for a period still unidentified, international law was taught as part of a general course that combined public and private international law.

The calendars for 1858-59, 1863-64, and 1866-67, show that international law was intended to be a compulsory course offered every other year, in the second term, to the combined second and third years. However, the timetables for those years scheduled no hours for the class and do not indicate that a professor was assigned for the instruction. Credit in the course was not required for a licence en droit. These facts suggest that the course was not offered. On the other hand, Morin's notes, filed in the Archives of the Old Seminary in Quebec City, indicate that he scheduled classes in international law informally, which, as dean, he could do; that he dealt with the subject as part of a general course devoted mainly to natural law and private international law; and that he used European texts recommended to him by foreign scholars, for example, at Louvain. If we accept these notes, which date back to 1857, as marking the start of the teaching of international law at Laval, we can say that the first rudimentary lectures, as opposed to a full-blown course, began in 1857, three years after the founding of the faculty itself.

With the death of Dean Morin in 1865 there was a gap in the teaching of international law until 1883 or possibly 1887. As before,

³¹ For details of Morin's extraordinarily active political career see *The Macmillan Dictionary of Canadian Biography* 527.

³² For background information, see Yves Pratte, "The Faculty of Law at Laval University," (1965) 16 U. Tor. L.J. 175.

³³ Due to a lack of staff, the school found it necessary to suspend the teaching of several courses listed in its early calendars. Roman Law and Civil Law appear to have been the only subjects taught in the Faculty during the early years.

provision for the course was made in the calendars but not in the timetables. In 1883, Sir Adolphe Basile Routhier, a judge of the Superior Court, a poet, novelist, dramatist, charter member of the Royal Society of Canada, and the author of the French original of *O Canada*, became a part-time member of the faculty and was named professor of international law.³⁴ However, the course did not appear in the timetable until 1887 and an entry in the calendar of 1922-23 suggests that it was offered fairly regularly from 1887 until the turn of the century. From 1900 until 1915 it seems to have been offered in alternate years and not at all from 1915-1922.

In 1920 Adjuditor Rivard, a judge of the Court of Appeal, was named professor of international law.³⁵ Once again the timetables show that the scheduling of classes was irregular, this time until 1933. The course was offered every two or three years as a compulsory one-semester course, to second and third year students. The recommended text was Foignet, *Droit international public*.³⁶ In 1934 Antonio Langlais, a practising lawyer, later a judge of the provincial court, assumed responsibility for the subject. He recalls that he taught a theoretical course in the European tradition, based mainly on French and Belgian texts, for forty hours, devoting thirty hours to public and ten to private international law. The records indicate that he taught the course continuously until 1954, with the possible exception of 1944-45, to approximately fifty students a year.³⁷

In 1955 André Patry, a graduate of Laval who had pursued post-graduate studies in the Faculty of Social Sciences at Laval, was

³⁴ Biographical details about Routhier, "believed to be the most polished public speaker in French Canada," can be found in: *The Canadian Men and Women of the Time: A Handbook of Canadian Biography of Living Characters* 977 (2nd ed., Toronto: William Briggs); *Histoire de la littérature canadienne* par Edward Tournéau, (Montreal: John Lovell, 1874); and in W. S. Wallace, *The Dictionary of Canadian Biography* 579 (2nd ed. Toronto, 1945). For the eulogy of Routhier by Judge Adjuditor Rivard, see *Annuaire de l'Université Laval pour l'année académique 1921-1922*, 254-55, which states that Routhier lectured in "droit international chrétien."

³⁵ His syllabus is set out in *Annuaire de l'université Laval pour l'année académique 1929-30*, 229-30. Rivard, known as a linguist and a writer, was the author of *De la liberté de la presse* (1923). Biographical details appear in *The Macmillan Dictionary of Canadian Biography* 632.

³⁶ According to MacKenzie's note in (1932) 10 Can. Bar Rev. 519, the course was compulsory and was taken by fifty-five students.

³⁷ A biographical note on Rivard appears in *Biographies canadiennes — françaises*, vol. 8, 1928-29, at 388.

appointed professor of international law on a part-time basis. From 1955 until 1967, when he left the university to become the first Chief of Protocol of the Province of Quebec and also Special Counsel to the Premier, Patry taught a compulsory course in public international law for thirty hours in a single semester to first and second year students. Patry distributed his own notes and devoted much of his attention to problems of international institutions in the immediate post-war period. In 1963 André Dufour, a graduate in Arts and in Law from the University of Montreal, and a doctorat d'état en droit public from Paris, where he had taken his graduate work under the supervision of Paul Reuter, was appointed to the Faculty. In 1967, he became the school's first full-time professor of international law. The subject had until then survived on part-time appointments.

Dufour's course, offered to first year students, was based on French texts: Rousseau's *Le Droit International Approfondi* (Daloz 4th ed.). In 1970, Dufour published, in collaboration with his student, Patrice Langlume, three volumes of materials entitled *Cours de Droit International Public*. These materials, drawing on authors such as Reuter, Rousseau, Velaz, Schwarzenberger, Tunkin, Greig, and O'Connell, were prescribed at Laval and were later placed on the curriculum at Sherbrooke and Ottawa. Dufour's original course was for forty-five hours and was mandatory. In 1970 it was extended to sixty hours but in the following year was again reduced to forty-five hours. Seminars were alternated with lectures. In 1968 a new optional course, International Organizations, was introduced, and in 1971 a third course, also optional, *Domaine Public International*, was severed from the general course and made available to second and third year students. An LL.M. seminar on international economic law was introduced in 1970 and since then has attracted between eight and twelve students a year.

At present the general course, *Droit International Public I*, is optional in the second term of the first year; it is a prerequisite for two other optional courses. Professors responsible for this course are Jean K. Samson, Nicole Duplé, and Maurice Arbour. *Droit International Public II* (International Economic Law) is offered to second and third year students for forty-five hours, and is given by Ivan Bernier, a Laval graduate who holds LL.M. and Ph.D. degrees from London University. *Droit International Public III* (selected Problems of International Law) is also available to second and third year students on a forty-five hour basis.

A recent survey among law students at Laval revealed that the majority of those responding rated international law as of fundamental importance, a response that is probably due to three factors: the movement within Quebec, especially strong between 1965-70, for greater political autonomy if not for independent status; the increased intellectual awareness of the general importance of the international community; and the fact that, in the last few years, professors have placed more emphasis on the economic rather than philosophical aspects of the subject.

As to the influence of French and other European scholars on the teaching of international law at Laval, it is well-known that most law professors at Laval study in Europe and, on their return, prescribe European textbooks for their classes and seminars. This means that the European tradition has been strong. During the last three or four years, however, a greater emphasis has been placed on Canadian content, starting with Dufour's materials on general international law and Bernier's on international economic law; and in pedagogy there has been a new tendency to use the legal process approach familiar to American scholars. The result is that, in Laval as elsewhere in Canada, there has probably been a decline in European, specifically French, influence and a swing away from theoretical methods of teaching and course content.

In summary, it would appear that while academic interest in international law was sporadic during the early years at Laval, lagging somewhat during the first half of the century, the subject has been greatly developed during the last ten years.⁸⁸

4. University of Montreal

The University of Montreal was established in 1878 as a branch of Laval University from which it became independent in 1920.⁸⁹

⁸⁸ Dufour's departure in 1972 for full-time service with the government of Quebec was a serious loss to the ranks of the international law professoriate in Canada.

⁸⁹ From 1878-90, the list of professors on the staff of the University of Montreal, the list of courses scheduled for each year, and the timetables are to be found in the calendars of Laval University in Quebec City. From 1890-1920, only the names of the professors teaching at the University of Montreal are listed in the calendars of Laval University. The calendars of the University of Montreal, dating from 1920, are to be found in the university archives in Montreal. The Faculty of Law in Montreal was constituted as a "corporation civile" in 1892 and was autonomous until 1920 when it merged with the

From 1878 until 1885, Dean Côme-Séraphin Cherrier, doctor of law and Queen's Counsel, one of the sponsors of Bibaud's law school at College Sainte-Marie in 1851, was listed as professor of international law.⁴⁰ However, no classes were scheduled in the teaching timetable and no information about the organization of this course can be found in the calendars. From 1885 until 1897, Sir Adolphe Chapleau, who had previously been teaching criminal law, took his place, but though Chapleau's name appears continuously in the list of professors, classes were not scheduled for the subject in the timetable until the session 1887-88.⁴¹ In that year, the course appeared as a first year course in the second term, that is, for the year 1888, and it would appear that we must date the teaching of the first regular course from that year. The calendars provide no further information about the organization of international law at this period.

In 1897-98 Chapleau's name remained as professor of international law but Honoré H. A. Gervais, later a corresponding member of La Société de législation comparée de France, is shown as "chargé de cours de droit international." In 1899-1900 only L. P. Demers, "Ecuyer, docteur en droit, Conseiller de la Reine," is mentioned and, for the next fifteen years, that is, from 1900-15, Honoré Gervais is designated as professor of international law but no indication is made of the organization of the course. In view of Gervais' active life at the Bar, as a member of parliament, as a leader in education, and as a judge, it is possible that few lectures were

University of Montreal: see Nantel, "L'étude du droit et le barreau," (1950) 10 R. du Barreau 97, 102 and 107. For background information on the university generally, see Oliver Maurault, *L'Université de Montreal* 14-17. (Montreal: Les Editions des Dix. 1952).

⁴⁰ For biographical details on Cherrier, see *Le Centenaire du Barreau de Montreal* 37-45; and, W. S. Wallace (ed.), *The Macmillan Dictionary of Canadian Biography* 134-35. (Toronto: Macmillan, 1963). There is a eulogy of Cherrier, a pillar of strength in the community, by his successor as dean, P.J.O. Chauveau, in *Annuaire de l'Université Laval, 1886-87*, 66-68. When appointed as the first dean of law at University of Montreal, it was understood that because of his old age he would not teach.

⁴¹ See *L'Honorable J. A. Chapleau, sa biographie, suivie de ses principaux discours* (Montreal: Eusèbe Sénécal et Fils, Imprimeurs — Éditeurs, 1887). This work contains general information but only fleeting references to Chapleau's interest in international law. The reference to his teaching in the *Laval Annuaire, 1897-98* is that he was better known as a political figure than for his brief teaching career.

offered during these years. The course was scheduled, as previously, in the first year.⁴²

In 1915 the Honourable Rodolphe Lemieux took over as a part-time instructor in international law and continued in nominal charge for the next seventeen years. Senator Lemieux, a former Cabinet Minister and Speaker of the House of Commons, gave a compulsory twenty hour course once every three years to third year students.⁴³ The texts used were by standard authors. "One of the finest orators, either in French or English, of his time," a leading lawyer, a successful politician, post-master general in the Laurier administration from 1906 until 1911, and a frequent representative of Canada abroad, Lemieux's university work, though extensive in point of time, was pursued incidentally to an active career in politics and public life.⁴⁴

With the retirement of Lemieux in 1932, Hector Mackay, a graduate of the university who had taken a doctorate in comparative law in Paris before returning to Montreal, where he became a practising barrister and later a notary, took charge of the subject until

⁴² Descendant of an old Quebec family, Gervais (1864-1915) graduated LL.B. from Laval in 1887 "avec grande distinction," attended presumably as a "rounding-off" year, the Albany Law School, and became one of the leaders (batonnier and batonnier-general) of the Quebec Bar. He was a leader in education in Quebec during the first decade of this century, an outstanding teacher and deeply interested in university affairs. For biographical details, see H. J. Morgan (ed.), *The Canadian Men and Women of the Time* 442 (Toronto: Wm. Briggs, 1912).

⁴³ On this point my research is at variance with MacKenzie's note in (1932) 10 Can. Bar. Rev. 519-24. MacKenzie indicates fifty lectures every two years to two hundred students. The article records that Lemieux lectured in other subjects as well, that the texts used were by standard authors, and that, although there were no graduate students in the subject, a course was offered at the graduate level.

⁴⁴ In the general election of 1917 he ran in both Maisonneuve and Gaspé and was elected in both constituencies. Lemieux was special envoy to Japan on the question of Japanese immigration to Canada; a special representative of Canada on several occasions; and author of two books, *De la contrainte par Corps* (1896), and *Les Origines du Droit Franco-Canadien* (1900). In 1928 he found time to give a series of lectures at the Sorbonne on the political evolution of Canada. Though a notable personality he was not a scholar of international law. However, he was a very popular lecturer; his classroom was always crowded and the students frequently broke into applause and cheering. For biographical details, see Henry J. Morgan (ed.), *The Canadian Men and Women of the Time* 650-51; (Toronto: Wm. Briggs, 1912); W. S. Wallace (ed.), *The Macmillan Dictionary of Canadian Biography* 407 (Toronto: Macmillan, 1963); L. LeJeune, *Dictionnaire général de biographie... du Canada* 137 (Ottawa: Université d'Ottawa, 1931); J. K. Johnson (ed.), *The Canadian Directory of Parliament, 1867-1967*, at 333 (Ottawa: Public Archives of Canada, 1968).

1951. Mackay, who taught from personal notes, seems to have been the first specialist in the subject at the law faculty.⁴⁵ The course was changed from a third to a first year course in 1933-34 and, according to the programmes, was given every year in twenty hours. From 1951 until 1957 Senator Leon Mercier Gouin offered a thirty-five hour, first year course, which he has described as elementary.⁴⁶ It seems that towards the end of Mackay's period, around 1948, or during the early part of Senator Gouin's term, public and private international law, previously taught as a single subject, were separated and offered as individual subjects. An important development occurred in 1957 when Jacques-Yvan Morin, the first full-time professor of international law in the University of Montreal and indeed in any of the French-language law faculties in Quebec, began to offer a sixty hour course to first year students.

Born in Montreal in 1931, Jacques-Yvan Morin was educated at College Stanislas, University of Montreal, and at McGill, where he founded and edited the McGill Law Journal. He studied international law at Cambridge, where he obtained a diploma, and at Harvard Law School, where he was awarded an LL.M. in 1956. In 1962, 1967, and 1970 he lectured in Paris. Morin served as associate editor of the *Canadian Yearbook of International Law* from its foundation in 1963 to 1974 and for this and other journals he has written mainly on Canadian constitutional law and the international law of the sea. He has also been interested in the juridical and political problems of Latin America. In line with the traditions of many earlier French-speaking law professors in Quebec, Morin

⁴⁵ Mackay was also a part-time professor of civil law and public law at the *École des Hautes Études commerciales*. In 1926 he became the first holder of the new chair of comparative legislation at the University of Montreal. A biographical note appears in (1954-55) 57 *Revue du Notariat* 656-57; and in *Biographies canadiennes-françaises*, vol. 9, 1930-1931, at 167. I have found no writings on international law.

⁴⁶ "As much as I can remember, I was giving only twenty lessons and my course was quite elementary. It was based upon the text books of the most modern authors from France and from the English speaking world. I insisted upon citing some jurisprudence which was not done when I was a law student. The professors at that time were Justice Gervais and Senator Rodolphe Lemieux. They were two brilliant orators and their lectures were quite appreciated": letter from Senator L. M. Gouin dated March 15, 1972. For biographical details about Gouin, who wrote four books on commercial and industrial law, practised law in Montreal, served as acting dean of the faculty of social, economic, and political sciences, and was summoned to the Senate in 1940, see J. K. Johnson (ed.), *The Canadian Directory of Parliament* 239 (Ottawa: Public Archives of Canada, 1968).

has been active politically. He was president of the *Etats généraux du Canada français* from 1966-69 and *President du Mouvement National des Québécois* from 1971-73. In 1973 he was elected to the provincial legislature as a member of the *Parti Québécois* and in the same year was chosen to be leader of the Opposition. Although a member of the *International Law Association* since 1960, his main intellectual interests are concentrated on the political and legal possibilities for an independent Quebec outside the Canadian confederation.

Morin's appointment marked the end of the long tradition of relying upon members of the practising profession for instruction in international law. Although this tradition brought to the university several dedicated and prominent personalities from the legal community of the province of Quebec, it was inadequate, from a pedagogical point of view, for purposes of developing teaching and research in the subject. However, it is significant to observe that international law has always been a compulsory subject at the University of Montreal, traditionally in the first year. The fact that, until 1948 or thereabouts, it included conflict of laws may explain why, since the twenties at least, the subject seems to have been considered as important, in terms of credits, as constitutional law or legal history, and hardly less important than criminal law.⁴⁷

By 1971 there were two additional full-time professors of international law on the faculty: Christian Vincke and Francis Rigaldies.⁴⁸ The practice in recent years has been to offer mandatory courses in the first year only. During the 1972-73 session four international law courses were offered: a general compulsory course in the first year (forty-five hours); a second year optional course on international organizations (forty-five hours); a third year optional course on problems in a Canadian context; and, an optional LL.M. course on pollution problems (thirty hours). The text books in use are mainly by French authors, such as Rousseau and Reuter. It seems that the marked student interest in the subject, at least during the 1960's, was not unrelated to the movement, generally supported

⁴⁷ From the early forties, "we had a compulsory course in air law where there was a fairly substantial amount of public international law. Air law became optional a couple of years ago": letter from Mr. Justice Jean Beetz, formerly dean of law at Montreal, dated March 8, 1972.

⁴⁸ Professor Vincke, a Belgian, earned a licence en droit from Louvain and an LL.M. from the University of Montreal. Professor Rigaldies, from France, holds a licence en droit public and diplôme d'études supérieures from Bordeaux, and an LL.M. from the University of Montreal.

by the students at the University of Montreal, and by Jacques-Yvan Morin in particular, for a politically independent Quebec.⁴⁹ In any event, it is apparent that with three full-time professors and four courses, the subject is thriving and that, in contrast to the situation at Laval, French and European intellectual influences continue strong.

This completes the survey of the teaching of international law in Quebec. It will be noted that the first rudimentary course in a Canadian law school was taught at the Collège Ste. Marie in 1851; that McGill began its distinguished record of instruction in the field in 1856; that the course has been taught irregularly at Laval since 1857; that the University of Montreal inaugurated a course at least by 1888; and that somewhat different teaching materials were used and different intellectual traditions existed at McGill in contrast to those at Laval and Montreal. The two latter universities have developed the subject impressively since 1963.⁵⁰ In considering common law Canada, it will be convenient to start with the Maritime provinces and then move westward.

2. INTERNATIONAL LAW IN THE MARITIME PROVINCES

Dalhousie University

Modelled explicitly on Harvard Law School, the Dalhousie Law School opened its doors in 1883.⁵¹ In that year a sophisticated

⁴⁹ In 1971 Professor Rigaldies conducted a student survey on the importance of international law in the law school and the results indicated an increasing interest in the subject.

⁵⁰ The law school of the University of Sherbrooke was founded in 1954 and a compulsory course in international law, based mainly on European literature, has been given at least since 1957; for background information, see R. Crépeau, "La Faculté de droit de l'Université de Sherbrooke," (1963-64) 15 U. Toronto L.J. 432.

⁵¹ For background information on the law school, see Benjamin Russell, *Autobiography* 136 (Halifax: The Royal Print and Litho Ltd. 1932); and, Horace E. Read, "Aims and Practices of University Education in the Faculty of Law at Dalhousie," (1964) 1 Canadian Legal Studies 3-16. For information on the university, see D. C. Harvey, *An Introduction to the History of Dalhousie University* (Halifax: McCurdy Printing Co., 1938); "Dalhousie University Established," (1938-39) 18 The Dalhousie Review 50-67 (a good short introduction); articles by V. P. Kelleher and W. C. Murray, *ibid.*, 197-205, 426-35; and, Denis Healy, "The University of Halifax," (1973), 53 The Dalhousie Review 39-57. For information on higher education in the Atlantic region, see W. S. MacNutt, "The Universities of the Maritimes: A Glance Backward," (1973) 53 The Dalhousie Review 432-49. A comprehensive history of Dalhousie Law School is being prepared by Horace E. Read.

course in international law was inaugurated by Richard Chapman Weldon, the founding dean. This course concentrated on Hall's text and was scheduled for two hours a week until 1900 when it was reduced to one hour a week until Dean Weldon's retirement in 1914. Since then courses in international law have been offered continuously to the present time with the single exception of the immediate post-war period 1946-51.

Weldon was a man of immense personal and professional influence in common law Canada. A tall, very handsome man, with great personal magnetism, he had, in John Read's words, "an awful lot of the qualities that we talk about as charisma."⁵² Women fell in love with him and men worshipped him. He was the life and soul of any company in which he moved.⁵³ On the academic side he was an outstanding personality of the period. A native of New Brunswick, Weldon graduated with B.A. and M.A. degrees from Mount Allison University where he taught mathematics for several years while saving enough money to make it "scantily possible" to pursue postgraduate studies at Yale. In 1873 he earned a Ph.D., "the youngest candidate with one exception that had ever taken this high degree," after two years' study under Wolsley and Whitney in international and constitutional law. He then returned to Mount Allison to teach mathematics and political science before undertaking further postgraduate work, this time at Heidelberg under the renowned Bluntschli.⁵⁴ Once more he returned to Mount Allison where he remained until 1883 when he was called to be dean of the Dalhousie Law School.⁵⁵ An extremely active man, combining a

⁵² "A Conversation with Dean [John E.] Read," The Anslu, Dalhousie Law School Forum, May 1974, vol. 6, no. 2, at 1.

⁵³ Benjamin Russell, *op. cit. supra* note 51, at 79. Russell was a long-time member of the faculty and a personal friend of Weldon's. See too the appreciation by A. Stanley MacKenzie, Dalhousie University Bulletin, Weldon Memorial Number, Halifax, 1928, at 8-11; reprinted in The Anslu, Dalhousie Law School Forum, April 1974, vol. 5, no. 4, at 1.

⁵⁴ Johann Kaspar Bluntschli (1808-81) succeeded Robert von Mohl as professor of constitutional and international law at Heidelberg in 1861. He was a member of the First Chamber of Baden, co-founder of the Institut de Droit International, Geneva, author of a civil code for Zurich, an anti-positivist and a leading scholar of the theory of the state in the early period of constitutionalism. Bluntschli's main work was *The Modern Law of Nations* (3rd ed., 1868-78).

⁵⁵ In 1883 George Munro, a Pictonian who had gained wealth as a publisher in New York, endowed a chair in constitutional and international law to which he nominated Richard Chapman Weldon.

political with an academic career, Weldon sat in the House of Commons as a Conservative for Albert County, New Brunswick, from 1887 until 1896. He was selected to move the address in reply to the Speech from the Throne and was the originator of what became something of a Canadian declaration of faith when he said, at a time of strong antagonism between the United States and Canada, that "they are a people of sixty millions, conscious of their strength. We are a people of six millions, conscious of our rights."⁵⁶

Weldon, with his superb training and abiding interest in international law, established the pattern of emphasis on the subject at Dalhousie and allowed it to prosper in the then new setting of a professional law school. In his impressive inaugural address at Dalhousie on October 30, 1883, he spoke of the "legitimate ambition" of "generous spirits who wish their country well" to build a law school "that shall influence the intellectual life of Canada as Harvard and Yale have influenced the intellectual life of New England." He traced briefly the history of legal education in England, Germany, and the United States paying particular attention to his heroes, Savigny in Berlin and Story at Harvard, and on matters of curriculum emphasized that, "in devoting some part of our time to the subject of international law, we are but abreast of the best schools of law at home and abroad . . . If the day comes when Canada may take her place among sovereign states, then she will choose her ambassadors and secretaries of legation from those men who, in their youth, pursued wide and liberal courses of study, who thus early have familiarized themselves with the general principles of public law."⁵⁷

⁵⁶ Between 1880 and 1914 Canadian-American relations were marked by a series of contentious issues: the North Atlantic fisheries; the fur fisheries of the north east Pacific; the Alaska boundary; and the commercial protectionism of the United States. See further C. C. Tansill, *Canadian-American Relations, 1875-1911* (Toronto: The Ryerson Press, 1943); L. B. Shippee, *Canadian American Relations, 1849-1874* (Toronto: The Ryerson Press, 1939). As Borden was later to remark during the reciprocity campaign, "we must decide whether a spirit of Canadianism or of Continentalism is to prevail on the northern half of this continent": D. G. Creighton, *Dominion of the North 435* (Boston: Houghton Mifflin Co., 1944). See too R. C. Brown, *Canada's National Policy 1888-1900* (Princeton U.P. 1965); and Norman Penlington, *The Alaska Boundary Dispute: A Critical Reappraisal* (Toronto: McGraw-Hill Ryerson Ltd. 1972).

⁵⁷ *The Inaugural Addresses delivered at the Opening of the Law School in Connection with Dalhousie University at the Beginning of the First Term in 1883*, 52-53 (Halifax: Nova Scotia Printing Company, 1884).

An outstanding teacher, scholar, and administrator, Weldon insisted, throughout the thirty-one years of his deanship, that his own school recognize high academic standards, an open-door policy in staff-student relations, and an emphasis on public service as a chief object of legal education. "He gave the School personality and he gave it distinction. He made it not merely a Law School but a breeding ground for public service and public men."⁵⁸ These ideas, impressed upon his students and by them spread across the country, provided a stimulus to the sound study of law in common law Canada. Most important for Dalhousie, the first dean was a person whose intellectual and ethical horizons had been broadened by intensive studies in American and European universities as well as at home. He brought to Halifax from the outside world an appreciation of international academic standards, an understanding of the importance of public law generally, and of international law in particular. The influence of Heidleberg showed in his belief in the central role of theory in the study of public international law. Unfortunately, Weldon was not a productive scholar; between his teaching (which sometimes extended to seven subjects), his administrative duties (he *was* the law school), and his parliamentary work in Ottawa, he wore himself out, found no time to write, and, alas, left behind not a scrap of published material.⁵⁹

On Weldon's retirement in 1914, the deanship and the professorship in international law was assumed by Donald Alexander MacRae. The same course of study was prescribed as that under Weldon. MacRae, who was born in Prince Edward Island, received his B.A. with high honours in classics and won the University Medal at Dalhousie. In 1899 he received his M.A. and in 1905 his Ph.D. from Cornell. He taught Greek at Cornell from 1900 until 1905 when he became preceptor at Princeton, where he became an admirer without qualification of Woodrow Wilson as a scholar and as a statesman. From there he went to Toronto where he read law, graduated from Osgoode Hall Law School, and carried on law practice until his appointment to Dalhousie as dean in 1914. He remained in Halifax for ten years before accepting an appointment as a permanent member of the teaching staff at Osgoode Hall. As dean of

⁵⁸ Premier Angus L. Macdonald as cited by E. A. Corbett, *Sidney Earle Smith* 13 (Toronto: University of Toronto Press, 1961).

⁵⁹ For further biographical information on Weldon, see Dalhousie University Bulletin, Weldon Memorial Number, Halifax, 1928. Prime Minister R. B. Bennett took the initiative in establishing the Weldon Chair of Law.

Others
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MacRae

Dalhousie Law School, MacRae enlarged the full time faculty from one to three, introduced the case method of teaching, and acted as chairman of the Committee on Legal Education of the Canadian Bar Association which was responsible for raising the educational prerequisites for the study of law. Although he published many articles on a variety of subjects, notably in the fields of property and evidence, none was in the field of international law.

MacRae was succeeded as professor of international law in 1922 by Henry Fraser Munro, named Eric Dennis Memorial Professor of Government and Political Science. The course became optional under Munro for two hours a week for one term. Arts students as well as law students were invited to participate. The course was essentially a political science course in the sense that it was given in the Arts Building at the Studley Campus rather than at the law school. Instruction centered around *International Cases* (two volumes), edited by Munro in collaboration with Ellery C. Stowell at Columbia University between 1916 and 1918.⁶⁰

Munro earned his B.A. at Dalhousie in 1899, taught mathematics and English at Pictou Academy from 1900-11, and received M.A.'s from both Harvard and Columbia. In 1913-14 he served as an assistant in international law at Harvard under George Grafton Wilson. From 1914 until 1921 he was an instructor and lecturer in international law and diplomacy at Columbia, where he worked under John Bassett Moore and Ellery C. Stowell in the department of international law in the faculty of political science. He took over several courses given formerly by Moore, who wished to devote more time to research and writing, and in 1918 he was made a member of the Colonel House Commission of Enquiry whose function it was to prepare material for the Peace Conference.

Munro was a prolific writer. As well as *International Cases*, the first such collection to be used in a Canadian law school, he produced *The Berlin Congress*, commissioned by the United States Department of State for the guidance of those attending the Versailles Conference, and numerous articles and monographs on international relations. He was invited to enter the State Department but his Canadian citizenship made him ineligible. In 1921 he was appointed to Dalhousie, where he soon demonstrated "that quality so easily recognized but so difficult to describe, that great enter-

⁶⁰ Ellery C. Stowell and Henry F. Munro, *International Cases. Arbitrations and Incidents illustrative of International Law as practised by Independent States* (Boston: Houghton Mifflin Comp. 1916, 2 vols).

tainers, preachers and politicians possess, the power to come across the footlights."⁶¹ In 1926 he was appointed Superintendent of Education for Nova Scotia, a position he held until his death in 1949. Munro served as a representative of Canada to the Assembly of the League of Nations in 1932. His decision to leave the university community — "I think he felt a call to do something effective with the Department of Education which was in the doldrums" — was a blow to the academic development of international law at Dalhousie.⁶² It is obvious that he had the capability and experience to have become a major figure in the field; he was well on the way at the time of his departure for government service.⁶³

During the period when Munro lectured in international law, John Read served as dean of the law school.⁶⁴ He was concerned with the importance of teaching international law as an elective course. With this in mind he spent the summer after his appointment as dean in preparing for a course of instruction. On his return, it was found that the university had given an undertaking that Munro should be the sole lecturer in the subject. Thus it was that a future legal adviser to the Department of External Affairs, one of Canada's leading international lawyers, and a distinguished member of the International Court of Justice was denied an opportunity to profess the subject that he had studied under Sir Erle Richards at Oxford and John Bassett Moore at Columbia.

During the academic years 1929-39 international law was offered to law students on an optional basis, for two hours a week, in one term only, by Robert Alexander MacKay. The casebook of Stowell and Munro, and the textbook by Hall, were employed. MacKay relates that the course was essentially an arts course as developed by Munro. Although it was open to law students in their final year, they showed little interest in it. Born in Ontario, MacKay graduated

⁶¹ V. P. Seary, "In Remembrance of a Man," *Journal of Education*, Spring, 1974, at 13.

⁶² Letter from R. A. MacKay dated July 18, 1973.

⁶³ Brief biographical details appear in *Who's Who in Canada, 1947-48* 1400. For moving tributes to his fine work in education in Nova Scotia, see *Journal of Education*, Spring, 1974, at 1-15.

⁶⁴ John Read had a remarkable group of students: Angus L. Macdonald; Vincent C. MacDonald; Norman Rogers; Sidney Smith; and N. A. M. MacKenzie. For the writer's tribute to Read on the occasion of the award to him of the first John E. Read Medal for distinguished achievement in international law, see *Proceedings of the Canadian Council on International Law*, October 1972, at 194.

in Arts from the University of Toronto and received a Ph.D. from Princeton. He taught government at both Princeton and Cornell and in 1927 became professor of government and political science at Dalhousie. During his Dalhousie years he published two notable works on international relations: *The Modern World*, with S. A. Saunders, in 1935, and *Canada Looks Abroad*, with E. B. Rogers, later one of Canada's ambassadors, in 1938. As well, he contributed many articles of high quality to professional journals.⁶⁵ MacKay spent sixteen years at Dalhousie before joining the Department of External Affairs where he rose to the rank of Associate Under Secretary of State, going on to become Canadian Ambassador to Norway and Iceland and Permanent Representative of Canada to the United Nations. During those sixteen years he taught international law to law students for only two terms.

With the appointment of Sidney Smith as dean of law in 1929, Horace E. Read, who had taught at the law school since 1925, took on the teaching of international law. A former student of Munro's, Read had studied at Harvard under Manley O. Hudson on the Newton D. Pugsley Scholarship, receiving an LL.M. in 1925 and specializing in international law. Read used the case method for two hours a week, one term, based on Scott's *Cases* until 1930 and Hudson's *Cases* thereafter until 1933, when he left for further graduate work at Harvard. Read's major scholarly contributions were in the fields of legislation and conflict of laws. After his resignation in 1933, George Crouse, who used Hudson's *Cases*, carried on for the next three years, when he left the law school to enter private practice. Between 1936 and 1939 the course was taught by Gordon S. Cowan, later of the Manitoba Law School and now Chief Justice of the Trial Division of the Supreme Court of Nova Scotia. Cowan had studied international law under J. L. Brierly at Oxford.

In 1939 the course was resumed on a two hour per week, one term, basis under George Curtis, a Rhodes Scholar from Saskatchewan who had taken B.A. and B.C.L. degrees with first class honours from Oxford in 1931 and practised law in Regina until his appointment to Dalhousie in 1934. Curtis recalls that there was at Dal-

⁶⁵ Particularly noteworthy are the following: "The International Joint Commission between the United States and Canada," (1928) 22 Am. J. Int'l L. 292-318; "Changes in the Legal Structure of the British Commonwealth of Nations," (1931) 272 Int'l Council 509-87; "The Problem of a Commonwealth Tribunal," (1932) 10 Can. Bar Rev. 338-48; "Canada Goes Abroad," (1940-1941) 30 Yale Review 109-26; "Canada and the Balance of World Power," (1941) 7 Can. J. Econ. & Pol. Sci. 229-43.

housie during the 1930's an active interest in international relations; the work done was outside the law school, however, and owed its strength to the leadership of R. A. MacKay in the political science department.⁶⁶ From 1942 until 1944 Curtis substituted for J. MacGregor Stewart, then president of the Canadian Bar Association, on the Canadian section of the A.B.A.-C.B.A. special committee on the statute of the world court. Meetings were held in Halifax, Ottawa, and Chicago. The Canadian contribution was, at the time, considered valuable. In 1945 Curtis left Halifax to become the founding dean of the newly established law school in the University of British Columbia. With Curtis gone, Dalhousie had no faculty member qualified to teach international law; the course was abandoned for a five year period during the transitional period following the Second World War.

Horace Read returned to Dalhousie as dean of law in 1950 and retired in 1964. From 1951 until 1958 James McL. Hendry, now of the National Energy Board, taught a one term, three hour a week course based on Bishop's *Cases*. He had obtained an LL.B. at Dalhousie, an LL.M. at Harvard, and an S.J.D. at Michigan. His comparative study of treaty implementation in federal states continues in use. In 1958 the course was assumed by W. A. MacKay, the son of R. A. MacKay, and reduced to two hours a week for one term. In 1964 MacKay became dean and transformed the course into a seminar with W. H. Charles. In the following year it became an elective seminar under Charles. Bishop's *Cases* remained the recommended materials.

In 1966 the law school calendar showed a two hour a week course given by N. S. Rodley. The year 1967 saw the introduction of a second course, International Institutions, which has remained an elective seminar to date, under P. B. Fleming, a Halifax practitioner who holds a diploma from The Hague. In 1970 international law became an elective course under D. Lowry and John Yogis. In that year a third course, International Business Transactions, was introduced as an elective by B. Marks; and soon afterwards a new seminar in World Trade Law was offered by Hugh Kindred, one of the few Canadian teachers working actively on international economic law. In 1972 Douglas M. Johnston and the writer joined the law school from the University of Toronto and by 1974 a comprehensive programme of studies in the marine environment had begun

⁶⁶ Letter from George F. Curtis dated January 27, 1972.

to take shape. The graduate programme in international law was strengthened and a total of five courses became available on an optional basis. Three full-time professors and one part-time instructor were working in the field.

In retrospect it may be said that Weldon's conception of the law school as a place to train men and women for the public profession of the law established the pattern of emphasis on international law at Dalhousie and ensured the acceptability of the subject as an essential part of the curriculum.⁶⁷ Visibly representing the subject at Dalhousie, and to some extent throughout common law Canada, Weldon gave it respectability and made it seem important, as Lafleur and others had done in the civil law world of Quebec. It is also apparent that there was at one time a close connection between the political science department and the law school. Of Dalhousie's major figures in international law, Weldon, Munro, MacKay, and Curtis, two, Munro and MacKay, were political scientists who not only brought to the subject a political science perspective but carried the teaching at a time when the law school was without qualified staff. It is important to observe, moreover, that through Munro, MacKay, and Horace Read, and to some extent Weldon himself, the American method of inductive analysis, that was to become dominant in later years, entered Dalhousie's international law courses, in contrast to those in Quebec, and began to spread out to other parts of the country.

In the other, more populous, centre of the common law world of 19th century Canada, the early traditions of legal education differed markedly from those in Nova Scotia.⁶⁸

3. INTERNATIONAL LAW IN ONTARIO

1. Osgoode Hall Law School

After the creation of the Law Society of Upper Canada in 1797, the Benchers of the Society, authorized by statute to regulate the

⁶⁷ On this point, see John E. Read, "Fifty Years of Legal Education at Dalhousie," (1933) 11 *Can. Bar Rev.* 392.

⁶⁸ The first course in international law at the University of New Brunswick Law School was given by G. V. LaForest in 1959. He taught the subject on a mandatory basis until 1964, when it became optional. In 1969 A. I. Bulbubia replaced LaForest; in 1972 W. G. Webster replaced Bulbubia; and in 1974 Claude Emanuelli took on the teaching of the basic course and of a seminar on institutions. For historical background, see G. A. McAllister, "Some Phases of Legal Education in New Brunswick," (1955) 8 *U.N.B. Law Journal* 33-51.

affairs of the profession, prescribed as conditions for admission to practice a qualifying examination to establish fitness for enrolment on the books of the Society, service under articles for five years, and an examination on professional knowledge prior to admittance. No provision was made for the formal instruction of students.⁶⁹

In 1855 a series of lectures was established at Osgoode Hall and made compulsory for all students articulated in the province. These lectures led to the creation, in 1862, of the Society's first school of law. Instruction was provided by part-time lecturers in common law, equity, commercial law, and real property. Two compulsory lectures were held each day. The school was closed in 1868, mainly because it was uneconomic, and a second school, offering instruction in general jurisprudence, real property, commercial and criminal law, and equity, opened in 1873. This second school came to an end in 1878 because, drawing students from outside Toronto, it "was bitterly opposed by Benchers and Barristers not living in the city."⁷⁰ The law school was re-established in 1881, largely as a result of pressure from the students, but with misgiving on the part of the Benchers. In 1888 the Benchers turned down an offer from the University of Toronto to collaborate with the Society in the operation of a university faculty of law. This decision, "fixing the course of legal education in Ontario until 1949," prevented the growth of university law schools in the pattern of the great law schools of the United States.⁷¹ The preferred system blended apprenticeship with concurrent (and limited) academic work.

When the new school, the fourth, opened in 1889, attendance, which had formerly been optional, was made obligatory. W. A. Reeve, the first principal, took a scholarly view of the potential role of the school but, unfortunately, he died unexpectedly in 1894.

⁶⁹ "They were obliged to depend upon their own study and what knowledge they could pick up from their principals": "A History of Legal Education in Ontario," in *The Law Society of Upper Canada Gazette Commemorative Issue*, vol. 6, 1972, at 32, 40. I have relied heavily on this source, which is at variance somewhat with the account by G. A. Johnston at p. 4 of the same volume. The major references are collected in Bucknell, Baldwin, and Lakin, "Pedants, Practitioners and Prophets: Legal Education at Osgoode Hall to 1957," (1968) 6 *Osgoode Hall L.J.* 139-230. See too Bora Laskin, *The British Tradition in Canadian Law* 68-106 (London: Stevens & Sons, 1969).

⁷⁰ *The Law Society of Upper Canada Gazette Commemorative Issue*, vol. 6, 1972, at 43.

⁷¹ *Ibid.*, 44, citing Bucknell, Baldwin and Lakin, *supra*.

The Benchers remained unpersuaded of the need for a more academic institution. N. W. Hoyles, principal from 1894 until 1923 and the only full-time teacher until 1919, seems to have accepted the *status quo*. The case method was rejected, the curriculum was slow to change, attendance dropped off, and the law school was "more of an adjunct to articles" than a developing centre of teaching and research. In 1905 the University of Toronto again suggested a marriage and again the Benchers declined.⁷²

In 1923, John D. Falconbridge, an outstanding scholar and part-time lecturer since 1907, was appointed acting principal, convocation established a special committee on legal education, and a number of important developments followed. Two years of university training were prescribed as a pre-requisite to legal studies; the curriculum was expanded; the second year was lengthened; new teaching methods were encouraged; D. A. MacRae and Sidney Smith joined the staff from Dalhousie Law School, and the dynamic Cecil A. Wright, one of Canada's most brilliant legal scholars, was also appointed. Much of this momentum was lost during the economic depression of the thirties, and it was not until the uproar caused by Wright's resignation of the deanship in 1949, in protest over the Benchers' apparent intention to revert to the pre-Falconbridge era, that a new programme was adopted. The resultant four year plan consisted of two years of full-time study, a third year of articles, and a fourth year of concurrent practical and academic training in Toronto. By 1955 the Law Society realized that its own school would be unable to cope with the rising tide of students and in 1957 the universities of Ontario were invited to establish law faculties. In 1968 the Osgoode Hall Law School moved to, and became affiliated with, York University.⁷³

A system of legal education based primarily upon apprenticeship or, as "Daddy" Hoyles expressed it, "making ordinary students into sound lawyers," could not be expected to recognize, let alone pro-

⁷² They decided instead on more practical training. Writing in *The Canadian Bar Review* in 1924, Mr. Shirley Denison, a respected practitioner and part-time lecturer at the school, observed that the institution "has not been held in much esteem. People are not proud of attending or graduating from it": J. Shirley Denison, "Legal Education in Ontario," (1924) 2 *Can. Bar Rev.* 85.

⁷³ See H. W. Arthurs, "The Affiliation of Osgoode Hall Law School with York University," (1967) 17 *U. Toronto L.J.* 194.

mote, a subject like public international law.⁷⁴ The first course in the subject at Osgoode Hall was the writer's introductory half year course, based on Schwarzenberger, offered on an optional basis to fourth year students in 1956-57. Despite, or perhaps because of, the novelty of the course in the context of the Osgoode of those days, there were about twelve students at the lectures, including Mark R. MacGuigan, Gerald L. Morris, and R. J. Gray, all of whom were to become colleagues at a later stage.⁷⁵ In 1956-57 the course was allowed one hour per week; in 1957-58 it increased to three hours in the spring term. After the writer's departure for the University of Western Ontario in 1959, the main responsibility for international law was assumed by J-G. Castel, formerly of McGill, who has been working in the area to date.⁷⁶

Castel holds degrees from Paris, Michigan, and Harvard. A prolific writer, he has published extensively in the field of conflict of laws and comparative law, as well as international law. He has served as Canadian editor of the *Journal du Droit International* (Paris), as a member of the Board of Editors of *The Canadian Yearbook of International Law*, and as editor of a widely-used casebook, now in its second edition, on international law as interpreted and applied in Canada. In 1969 he delivered a series of lectures on private international law at The Hague Academy of International Law and in 1970 acted as agent of the Department of Justice to The Hague Conference on Private International Law. Since 1957 he has edited *The Canadian Bar Review*. In 1973 Castel inaugurated a course on international criminal law for which he has compiled a two volume set of materials. The basic international law course has remained an optional one-term course. Throughout the period 1961-1974 an outstanding optional seminar on international commercial transactions, perhaps the best of its kind in the country, was offered by Ivan R. Feltham and I. F. G. Baxter. The latter transferred to the University of Toronto in 1968 and Feltham left the

⁷⁴ It was only in 1945 that taxation, labour law, and administrative law were added to the curriculum. However, as early as 1875 Savigny's *Private International Law* (Guthrie ed.) was included on the law school reading list.

⁷⁵ The course description appears in the calendar of 1956-57 at 27.

⁷⁶ For description of the early programme at Osgoode Hall, see J-G. Castel, "Public International Law and Comparative Law at Osgoode Hall," (1961) 14 *U. Toronto L.J.* 108; and for the situation during the transitional era, see H. Allan Leal, "Osgoode Hall Law School — Today and Tomorrow," (1957-58) 12 *U. Toronto L.J.* 285.

university to become General Counsel to Canadian General Electric in 1974. In 1973 Thomas Franck, a leading Canadian scholar from New York University, joined the faculty on a half-year basis and took over the basic course; in 1973-74 he offered a one-term seminar on Canadian-American legal problems.

In summary, it may be said that Osgoode Hall Law School has recently begun to exert an influence in the area of international law and organization that is commensurate with its size and resources and the great range and diversity of its curriculum. As the largest of the English-speaking law schools in Canada, it has excellent opportunities for progress in the field in the future.

2. *University of Toronto*

The Faculty of Law in the University of Toronto traces its origin to the establishment of King's College in 1843 and the appointment of W. H. Blake, one of seven professors appointed to the college, as professor of law and jurisprudence.⁷⁷ Degrees in law were offered continuously from the inception of King's College but little is known about the content of the law courses or the qualifications to be met by students. In 1853 professorships in law were abolished and the Faculty of Law absorbed into the university's general system of liberal education. As early as 1858, however, statute 36 of what had become the University of Toronto prescribed international law as a mandatory course for students in the third year of the programme leading to the LL.B. degree. The prescribed text was Reddie's *Inquiries*.⁷⁸ When a four year LL.B. course was introduced in 1859-60, international law, based on Wheaton, remained as one of the mandatory subjects. In 1877 there appears to have been a change of emphasis in the law course. A university statute designated international law as an honours subject, that is, a subject that might be selected by LL.B. students as the topic of an undergraduate thesis. We have no information about the popularity of the subject or the content of such courses as may have been offered.

⁷⁷ The historical background is not without its difficulties; however, a good brief history of the faculty, written by Cecil A. Wright, appears in the Faculty of Law Calendar of 1961-62, at 9-12.

⁷⁸ James Reddie, *Inquiries In International Law* (Edinburgh and London: William Blackwood, 1842, 220 pp.). This little book by a Scottish advocate traces the origin, growth, and development of international law and reviews historically "the more recent classifications of its component parts."

In 1877 the Federation Act provided for the re-establishment of the Faculty and in 1888 the Honourable David Mills was appointed professor of constitutional and international law. In that same year the Law Society of Upper Canada decreed that attendance at its own school was obligatory for all students seeking admittance to the Ontario Bar. No credit was given at Osgoode Hall for law courses completed elsewhere. This development dealt a mortal blow to the hopes for a new law faculty at the University of Toronto and by 1892 the Faculty of Law had ceased to exist as a separate entity. Calendars for the next succeeding years prescribed for students enrolled in law the lectures and examinations of the three final years of the political science course. International law was offered as an optional subject in the final year. From 1880 until 1940 the important programme in law was in the department of political science.⁷⁹

During this period, when the teaching of international law was solely the preserve of the department of political economy, John D. Falconbridge, who was later to become dean of Osgoode Hall Law School and one of Canada's foremost legal scholars, gave courses in the subject. Falconbridge is remembered by Alexander Brady, one of his students in 1919, as having delivered a "comprehensive course," which Brady recalls as an "illuminating intellectual experience and an invaluable addition to what I learned in history and political science courses."⁸⁰ The works of Oppenheim and Westlake were emphasized.

In 1924 W. P. M. Kennedy, later designated as head of the sub-department of law, began to teach law in the department of political economy. This appointment followed significant curriculum innovations. Two degree programmes in law were made available: a four year honours B.A. in Law and a three year LL.B. in Law. Both programmes required successful completion of a course in public international law. Although Professor Brady points out that it is not entirely accurate "to leap from the Hon. David Mills to Larry MacKenzie in 1926, because there were other teachers of the

⁷⁹ "From the very beginning of the course in Political Science, in the Faculty of Arts, established by W. J. Ashley, continued by James Mavor, reorganized by R. D. MacIver, law was not merely included, it was in the early days dominant and in the later period specially provided for. In 1910, in the third and fourth years of this course, out of fourteen required courses, eight were in law": undated letter from Vincent W. Bladen, formerly Dean of Arts at Toronto, received January 7, 1974.

⁸⁰ Letter from Alexander Brady dated March 23, 1972, at 1.

subject at Toronto before Larry arrived on the scene and they exerted an influence on many of the students headed toward a legal career," we have little information about these teachers, their research, or their academic interests.⁸¹

In September of 1926, N. A. M. MacKenzie joined the department as a full-time member and lectured in international law until he resigned his position on June 30, 1940, to become president of the University of New Brunswick. During his service at the University of Toronto, MacKenzie offered three courses, one in public international law, one in private international law, and one in international relations. Each course was taught for three hours per week throughout the year.

Born in Pugwash, Nova Scotia, but spending most of his boyhood in Pictou County, where he was a student at Pictou Academy from 1906 to 1909, MacKenzie was the first graduate of the LL.B. course at Dalhousie to pursue post-graduate studies in international law. He received his LL.M. from Harvard in 1924, a Carnegie fellowship in international law, and a post-graduate diploma from St. John's College, Cambridge, in 1925. From April 1925 until October 1926, the year of his appointment to the University of Toronto, he was an English-language legal adviser at the International Labour Organization in Geneva, a position that he occupied in succession to P. E. Corbett who had left the I.L.O. for McGill. While at the University of Toronto, he published *The Legal Status of Aliens in The Pacific* (1937), and, *Canada and the Law of Nations* (with L. H. Laing), one of the earliest collections of Canadian materials on international law.⁸² The latter was a respected and much-used book until the emergence of the more spectacular, though not exclusively Canadian, materials of the early 1950's. MacKenzie also

⁸¹ The succession of teachers was: David Mills, with whom I deal below, McGregor Young, J. D. Falconbridge, and, in 1925-26, W. H. A. Foster, a practising member of the profession.

⁸² *Canada and The Law of Nations*, edited by Norman Mackenzie and Lionel H. Laing. Foreword by Sir Robert Borden. Introduction by James Brown Scott (Toronto: The Ryerson Press. 1938). The project was supported by the Carnegie Endowment for International Peace. Mr. Laing, a Canadian graduate student at Harvard, went on to professorial positions in political science at William & Mary and at the University of Michigan. For pithy reviews of this collection and of the problem of a "national" casebook, see 32 Am. J. Int'l L. 624 (L. H. Woolsey) and 27 Calif. L.Rev. 100 (L. Reno) pointing out that while successful, as an exploratory attempt, the volume was unbalanced because Canada was still a relatively young international person; and for crisp, fresh comments, see John Willis, (1940) 3 U. Toronto L.J. 459.

produced a number of journal articles on a variety of subjects.⁸³

A respected and substantial figure in international law circles, MacKenzie was able to acquaint his classes with topics and personalities of current concern. "One of the consequences of his recognition was that international lawyers were constantly beating a path to his office door and he brought his students into contact with a good number of these men from far away at a time, hard today to imagine, when contact with foreigners was difficult and almost unknown."⁸⁴ It was through these contacts that Sir Francis Vallat, later legal adviser to the British Foreign Office, acquired his "life-long taste for international law and my first sense of its reality in international day-to-day life."⁸⁵

MacKenzie was an impressive teacher. "He had fought in World War I and like many sensitive lawyers of his day he believed that a more widespread understanding of international law, of its impacts both legal and political, and of the institutions that had been established for its enforcement would advance the cause of peace. . . . Larry was remarkably successful in demonstrating to his students that Public International Law is a fascinating subject that every well-trained lawyer should understand and . . . [that] it has everyday practical aspects and forms the subject matter of judicial opinions in the ordinary courts of law. . . . Because of his personal background and frequent travels he was able to inject a terrific amount of realism into his teaching."⁸⁶ His technique, according to Vallat, "was to interest and encourage. He never drove and he never lectured. . . . He posed the problems, indicated the sources and gently led the discussion. The rest he left to the students."⁸⁷ Moffatt Hancock, a former student, now a professor at Stanford University, believes that "it would be very difficult to persuade me that any other Canadian law teacher made a greater contribution

⁸³ His periodical writings include: "The Nature, Place and Function of International Law," (1939-40) 3 U. Toronto L.J. 114; "Canada: The Treaty Making Power," (1937) 18 Brit. Y.B. Int'l L. 172; "Canada and The Treaty-Making Power," (1937) 15 Can. Bar Rev. 436; "The St. Lawrence Deep Waterway," (1938) 16 Int'l Aff. 146; and "American Contributions to International Law," 33 Proc., Am. Soc. Int'l L. 104.

⁸⁴ Letter from Eugene LaBrie dated June 8, 1972.

⁸⁵ Letter from Francis Vallat dated March 28, 1974, at 2.

⁸⁶ Letter from Moffatt Hancock dated May 9, 1972, at 1, 2.

⁸⁷ Letter from Francis Vallat dated March 28, 1974, at 1.

to the teaching and general dissemination of Public International Law in the 1930's than did Larry MacKenzie.⁸⁸

The School of Law had become a separate entity in 1930, but as part of the Faculty of Arts. In 1941 the school was officially established as a department with W. P. M. Kennedy as its first chairman.⁸⁹ Members of the faculty continued to hold double appointments to law and political economy. In 1941 the second year of the LL.B. programme included a prescribed course in public international law based on Oppenheim, Hall, Lauterpacht, Hudson, Fachiri, MacKenzie and Laing, and selected cases and documents. In 1942, curriculum changes continued to permit graduates of the four year honours course in law to be admitted to the final year of the LL.B. course, thus earning the combined B.A. in Law-LL.B. degree. Public international law was a compulsory subject in the third year. International law was, of course, an area of graduate studies, beginning at least in the twenties, and a number of articles on the subject in *The Canadian Bar Review* and *The University of Toronto Law Journal* originated as graduate dissertations.

With the departure of MacKenzie in 1940, Bora Laskin, one of MacKenzie's students and now Chief Justice of Canada, assumed responsibility for international law both in the School of Law and in the Faculty of Arts, where he offered a general course. Laskin's consuming interests were in other subjects and on his departure for Osgoode Hall Law School in 1945 the course was turned over to his student, F. E. LaBrie. The year before LaBrie took it over, the

⁸⁸ Letter from Moffatt Hancock dated May 9, 1972, at 4. MacKenzie says of himself that "Most of my life and career have been given over to organizing and promoting rather than scholarship and writing, though I have written a good deal, mainly notes and articles": letter from N. A. M. MacKenzie dated June 8, 1972, at 4.

⁸⁹ "W. P. M. Kennedy was a great character. Both as a writer and a teacher he was forceful, clear and inspiring. I owe a great deal of such success as I have had with law to his insistence on hard work as the basis of progress in a legal career. I remember very well sitting in one of his classes in the early stages of our course. We were a pretty bright class but this meant nothing to W.P.M. He thought that we were bone lazy and told us that we were so dull that he could hear the rust in our brains scraping as we tried to think. This seemed pretty harsh at the time but in the end it produced a keenness of a sense of the need for hard work which otherwise might never have developed": letter from Francis Vallat dated March 28, 1974, at 1. Kennedy's conception of the law course can be seen in his article "Law As A Social Science," (1934) *The Scots Law Times* 165. For F. E. LaBrie's appreciation of Kennedy, see (1963-64) 15 *U. Toronto L.J.* 255; and for Bora Laskin's tribute, see (1959) 13 *U. Toronto L.J.* 73.

course had become optional in the second year of the School of Law. In the combined five year B.A. in Law and LL.B. course, it remained a compulsory third year subject.

F. E. LaBrie taught international law intermittently for the next ten years, being replaced at various times by David Vanek, now a provincial court judge in Toronto, Wolfgang Friedmann, a distinguished member of the staff of the Columbia Law School from 1955 until his tragic death in 1972, and Edward McWhinney, at present in the department of political science in Simon Fraser University.⁹⁰ LaBrie's main interests and attainments were in other fields. Although his course was optional, classes were well-attended, considering that total enrolment in a year, during that period, tended to range between twenty and forty students.

In the academic year 1949-50, W. P. M. Kennedy retired, Cecil A. Wright became dean, and a new three year programme was introduced into the School of Law.⁹¹ Public international law appeared in the calendar of that year as a compulsory two hour course for the third year, although third year was not given in the 1949-50 session. In the following year, further curriculum changes saw international law become one of four options of which third year students were to select two, subject to faculty approval; the course has remained optional ever since.

From 1955 until 1959 the basic course was taught by Edward McWhinney, an Australian-born scholar who had studied under Julius Stone in Sydney and under Myres McDougal at Yale. "International law," writes McWhinney, "was not a major subject in . . . my own time [at Toronto] any more, for that matter, than jurisprudence or comparative law. We had classes that barely managed double figures in enrolments, if indeed they reached even that figure. But the law school was very small then."⁹² Using Briggs' casebook,

⁹⁰ I am unable to establish with certainty whether Wolfgang Friedmann taught international law at the University of Toronto. He certainly taught comparative law, jurisprudence, and anti-trust law; but whether he did international law, with which he was to become identified at Columbia, remains unclear. For recent tributes to Friedmann, see the remarks of Gerald L. Morris in Proceedings of the First Annual Conference of the Canadian Council on International Law, 1972, at 10; and Resolution of the Council of the Faculty of Law at Dalhousie dated September 22, 1972.

⁹¹ For an appreciation of Wright by two of his closest colleagues, see Albert S. Abel, "Caesar Wright As I Knew Him," (1972) 9 *The Advocate* (University of Toronto Law Faculty) 23-25; Bora Laskin, "Cecil A. Wright: A Tribute," (1967) 45 *Can. Bar Rev.* 215; 17 *U. Toronto L.J.* 247.

⁹² Letter from Edward McWhinney dated December 3, 1973, at 3.

McWhinney conducted his classes as seminars, giving a dozen or more survey lectures to introduce the semester and then encouraging students to prepare reports and essays on subjects of their choosing within the general course outline. "We always viewed International Law as part of a broader group of transnational legal studies, which certainly included also Comparative Law (Civil Law and Common Law), and Jurisprudence and Legal Theory. It was therefore rather unfortunate that, in the curriculum as it then existed, these subjects were invariably alternatives: one could opt for one or the other, but not take more than one as credit for the LL.B. degree."⁹³

It was during this four-year period that McWhinney, a prolific writer, introduced, for the first time in any Canadian university, a series of lectures on Soviet law and what later came to be known as the international law of coexistence. His interest in this area led to the publication of several provocative monographs and articles in the sixties.⁹⁴ In 1957-58, the programme in graduate studies offered supervision in United Nations and World Law under McWhinney. This field of study, which has been offered ever since, concentrates on a study of the United Nations and its specialized agencies, and the role of the world court in the development of international jurisprudence. In the two year period between 1959-61, the basic course was under the tutelage of Mark R. MacGuigan, later dean of law at the University of Windsor and now a member of Parliament.

In 1961, the year of the writer's arrival on the faculty, two new graduate subjects were introduced: International Law and Organization, under his direction, that emphasized the constitutional development of the United Nations, and International Legal Transactions, under McWhinney, a study of legal aspects of business and economic activities in foreign countries. From 1961 until 1966, when Gerald L. Morris joined the Faculty from the Department of External Affairs, the writer was in charge of the basic course. He and Gerald Morris then carried the basic course and the graduate programme on United Nations and World Law jointly; and in

⁹³ Letter from Edward McWhinney dated December 12, 1973, at 1.

⁹⁴ A few of McWhinney's writings on Soviet international law can be found in the following: *Peaceful Coexistence and Soviet-Western International Law* (1964); *International Law and World Revolution* (1967); *Conflict ideologique et Ordre public mondial* (1970); and, "Ideological Conflict and The Special Soviet Approach to International Law," (1971) 3 U. Toledo L.R. 215.

1966-67, following the departure of McWhinney for the Institute of Air and Space Law at McGill, I. F. G. Baxter assumed for two years the direction of graduate study in International Legal Transactions.

In 1968-69, optional courses in international law were offered to both second and third year students. The second year option occupied two hours per week both terms. This basic course concentrated on general problems and was given by Gerald Morris. The third year option, the writer's seminar, ran for two hours per week and was described as an intensive study of selected problems through group discussion and individual research. In 1969-70 this seminar was given in the second term only and a substantial writing requirement introduced.

In 1970-71 a major reorganization of courses reflected a new emphasis on student participation in the selection of a programme to suit individual needs. All courses with the exception of constitutional law and the one-in-four group became optional after the first year. A basic course in international law was among the subjects open to second year students; and, in the third year, a total of nine different courses in international law, two of which could be selected from courses in the School of Graduate Studies, were made available. This probably represented the most extensive offerings in the area in Canada.

It is noteworthy that a course on international law and foreign policy, never previously offered in Canada, was instituted by Gerald Morris in 1970. This seminar was intended "to explore the extent to which generally accepted principles of international law have, could have, or should have formed the basis of official Canadian positions with respect to selected recent major issues in foreign policy." Also offered in both terms was a new course on international transactions, based on Vagts and Steiner, with supplementary Canadian and English materials. This course was taught by Hans Baade, now of the University of Texas. Douglas M. Johnston offered a course on Chinese international law, the first of its kind in Canada, and James Barros and Leland Goodrich of the department of political economy offered a full-year course on international organization. In 1971-72 John P. Humphrey served as Visiting Professor and taught a third year seminar on human rights, as well as a section of the basic course in second year. W. G. Graham, a member of the part-time staff, continued his teaching of European community law.

Following the writer's departure for Dalhousie in 1972, Charles M. Dalfen was recruited to teach a section of the basic course and the seminar in advanced international law. He had previously been a legal adviser to the federal Department of Communications and brought to the faculty an interest in the impact of technology on international law which was reflected in the content of his advanced seminar. In the spring of 1974 Dalfen left law teaching to accept a position as British Columbia's deputy minister of transportation and communications.

In 1974-75 Toronto offered the following courses in its international law programme: ¹a 60-hour year-long basic course; ²a 45-hour one term version of the basic course; ³a 30-hour seminar in advanced international law; ⁴a 30-hour seminar on international law and foreign policy (all the foregoing taught by Morris); ⁵a 30-hour course on international business and investment, given by James Peterson of the part-time faculty; ⁶a 30-hour course in international criminal law, given at Toronto by Castel of Osgoode-York; a 30-hour seminar on Canadian-American Legal Problems, taught at York by Professor Franck and available as part of the Osgoode-Toronto exchange programme; ⁷a 30-hour seminar on Common Market Law (part comparative law, part international law), taught by William Graham of the part-time faculty. In addition, students in their final LL.B. year could obtain credit for up to eight semester hours by doing directed research in international law.

Activities closely related to the teaching programme in international law formed a significant part of the student extra-curricular programme for 1974-75. The cost of participation in the Canadian International Law Moot Competition and other international law moots in Canada and the U.S.A. was specifically included in the regular Faculty budget and the Toronto mooters were intent on winning the Canadian competition for the third year in a row. A re-organized student international law society had funds to assist student attendance at the annual Canadian Council on International Law conference and organized a regular series of informal seminars or colloquia on international law questions. It seems evident that a varied stimulating teaching programme and popular, officially endorsed, student activities in the same field are mutually reinforcing or synergistic.

(To be continued)

The Canadian Claim to Sovereignty over the Waters of the Arctic

ROBERT S. REID*

Introduction

In the late summer of 1969 the American tanker *S.S. Manhattan*¹ traversed the fabled Northwest Passage through the waters of the Canadian Arctic archipelago. Its purpose was to determine the commercial feasibility of transporting crude oil via ice-breaking super-tankers from the oil fields of Prudhoe Bay in Alaska to the eastern seaboard of the United States. In Canada the voyage of the *Manhattan* triggered a reaction of nationalism accompanied not only by flag waving but by a vehement demand for a definitive statement of Canadian sovereignty over the waters of the Arctic and particularly the Northwest Passage. The Liberal government under Prime Minister Trudeau found itself between the Scylla of public demands and the Charybdis of international law. In 1969 Canada claimed a three-mile territorial sea, which meant that the waters beyond that limit were high seas and beyond Canadian jurisdiction. Any claim to authority over Arctic waters might be quickly challenged in the World Court, and if proved to have no basis in international law the Canadian claim would be lost for good. The purpose of this paper is to determine the nature of Canada's claim to the Arctic waters as disclosed by the Canadian government in its pronouncements and actions.

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¹ The *S.S. Manhattan*, a 115,000-ton oil tanker owned by the Humble Oil Co., a subsidiary of Standard Oil Co. of New Jersey, was specially modified for the voyage into an ice-breaking vessel of 43,000 h.p. The ship sailed on August 24, 1969, and completed navigation of the Passage on September 14, 1969. For an account of its voyage see B. Keating, "North for Oil. *Manhattan* Makes the Historic Northwest Passage," (1970) 137 *National Geographic* 374-91.

16 Kirk Road

Halifax N.S.

14th Oct November

Dear Mairi & Ron;

This has been a very sad time for you. The loss of your Mother so soon after your brother-in-law is a doubly harsh blow to family life, which I know you held most dear.

But I also know that the fine daughter and son that your Mother produced in this world will bear with strength even this trial. I have noted the large works you two have already done amongst^{us} in Halifax and how these achievements have sprung from the conviction of your family.

Sheila joins me in wishing you comfort and power of the spirit to maintain that conviction in the face of loss.

Most sincerely,
Hugh (Kinnear)