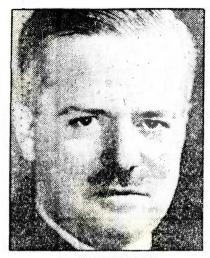
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A. Rivard, ex-Quebec cabinet minister



ANTOINE RIVARD **Colorful attorney**

QUEBEC (CP) - Antoine Rivard. a colorful attorney who went on to hold several portfolios in Union Nationale governments of the 1950s and then served as a justice of the Quebec Court of Appeal, died Thursday. He was 87.

Admitted to the bar in 1922, Rivard built a reputation as one of the best defence attorneys of his era. Over the years, he defended 34 people charged with murder, and all but four were acquitted.

"A good lawyer is a logician and an actor," he once said. And Rivard was both demonstrative and emotional in front of a jury.

"It takes 90 per cent psychology and 10 per cent law to win over a jury - or persuade a judge," he said.

Rivard taught law at Laval University in Quebec City from 1933 until 1958. He took his first stab at politics in 1944 when he ran unsuccessfully for Maurice Duplessis's Union Nationale.

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1 2 41

Four years later, he captured the Quebec City riding of Montmagny for the UN and joined the cabinet as minister of state.

He was the province's solicitor general from April 1950 until November 1959 and served as transport and communications minister from June 1954 until July 1960. He was attorney general from November 1959 until July 1960, but lost his seat that year by nine votes.

He was appointed to the Quebec Court of Appeal in 1961, and served until 1973. Set. Dec 28 85

Gogette.

Friday Jamay 31, 1986

1. Population of Only and the region, ichaly having, 2) Introv stated broky PIL i 1972, A you to joinly That is to took over from Dujour, R haber. Convert?? (en mor + 1974 ?) 3. His course record about ? the bos armal the c. 1974 A. Is to broky have Politice? S. His look ; I ho st. (l med the last the grand; 1982-1985 (7.) A conset colusion of the had. (8) Waren L's Bernier still Groby PTL, re afor she to so the door ? If now door? Under # 5 on atter sheet, and his a zerox of your friet error for this counts. (ges this are v. youte. dave)

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& Expersive but worth I!! I liked the place. you got something done here. It was good to have nest him. If you had planed it, it would have been seen letter. you shald have bet it up for Sat. A M. or (had be not had closes) Kindly after. The night - time of the first day is not a good the.

February 3, 1986.

Professor J. Maurice Arbour Fac. de droit Université Laval Cité Universitaire Québec, GIK 7P4

Dear Professor Arbour:

It was a great pleasure to have met you in Quebec City on Friday last, and I wish to thank you very much indeed for your kindness in coming to the hotel and spending the better part of the evening with me at dinner and in conversation. I am also most grateful to you for presenting me with a copy of your new book, which I am reading with pleasure as well as profit. For my part, I hope that there will be frequent opportunities for us to meet in the future.

To be frank, I found that I was enjoying our conversation so much that I could not bring myself to raise with you the specific questions which I had brought to Quebec City to discuss in detail. I was afraid that if we began to consider my specific inquiries we would spoil the stimulating conversation which we were having on other matters. Under these circumstances, I am taking the opportunity of attaching a short list of questions to which I hope you will not mind responding at your convenience.

Fortunately for me, I am concluding my essay as of September 1985, and this means that most of the information that I need from you deals with the period 1982-1985. I believe that you can answer all the questions without difficulty or without the meed of consulting many of your colleagues.

In addition to the questions on the attached list, there is one matter on which I would greatly appreciate your assistance. You will see that in the first draft of my essay, copy attached for your easy reference, I mentioned the authors to which Dufour referred in his

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course in the 1960's. These authors were Reuter, Rousseau, Velaz, Schwarzenberger, Tunkin, Greig, and O'Connell. I would like to include the same kind of information about your own course, that is to say, I would like to mention specifically the Continental, British, American and other writers to whom you refer in your lectures and seminars. Can you provide me with such a list?

I have certainly not forgotten our discussion about China and Fudan University in particular, and I will start immediately to make contact with Professor Tung, the gentleman about whom we spoke.

Let me say once again that I did enjoy our dinner together, and that I hope that we will be able to meet again either in Halifax, Montreal or Quebec. I continue to be interested in the history and background of your distinguished faculty.

With personal good wishes, I remain,

Yours sincerely,

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

RSJM/jmw

Encs.

Questions for Professor J. Maurice Arbour

January 31, 1986.

· han anton a

- 1. Names of courses and seminars in International Law offered during the three year period 1982 1985, inclusive?
- 2. Names of full-time and part-time professors of International Law?
- 3. Have there been any noteworthy developments in the International Law Programme at Laval during the last three years, that is, since you wrote me in 1982?
- 4. Would you say that there has been an increase or a decrease in student interest in International Law at Laval over, say, the last five years?
- 5. Is the method of instruction a combination of the lecture and seminar methods?
- 6. Are there any graduate students in International Law at all?
- 7. Would you say that the Law School is a "local" law school or could we say that it attracts students from all over french speaking Canada?
- 8. What was the total size of the Law School in terms of students and professors as of September 1985?
- 9. Can you send me a C.V. so that I can make appropriate reference to your work.
- 10. Did Bernier continue to teach International Law whilst he was in Ottawa?
- 11. During what years did Bernier serve as Dean?
- 12. Who is the new Dean and when did she take office?
- 13. Are there intellectual links between your law faculty and the law faculties in France and Belgium? For example, do you use text books and teaching materials prepared in France? Presumably you do not use any British or American materials, which would all be in the english language.

We did discuss this question in the hotel room last Friday, but I am still not completely clear on the range of intellectual contacts which you prefer at Laval. Is there anything that should be said on this matter?



Sept 1, 1984 his as the latest material 1st, l' re Mbour. No date the not yet look at the adout t en It is myon !!

Questions for Professor Maurice Arbour

November 1983

- The names of the professors of international law during the period 1970-1982, the courses they taught during this period, and the years (first year, second year, third year) in which the courses were taught.
- 2. What happened to Samson, Duplé, Pourcelet?
- 3. André Dufour started teaching in 1963. When did he become Dean? who succeeded him as Dean? When did Dufour cease teaching in the Law Faculty? can you send me his present address and telephone number?
- 4. When did Bernierjoin the Faculty? start to teach international law? become Dean? what does he now teach? what is his position (1982-1983)?

5. Re courses and seminars on international law:

- 1. In what years are they taught?
- 2. Are any of them compulsory?
- 3. Are there co-requisites and prerequisites?
- 4. What is the content of each course, as indicated by its main chapter headings? (as much detail as possible, May I see a xerox copy of the table of contents?
- 5. What topics are covered in Droit International Public III? Is this course offered?
- 6. What changes did you make in D.I.P. II in 1974? Why?
- 7. What has happened to "droit de transporte"? Who teaches it? What materials are used?
- 8. When did Public International Law becomes an optional subject? Was it ever taught in first year?
- 9. What text books and materials are used? (as much detail as possible, e.g., the names of the authors: French, Belgian, American, Bricish).
- 10. What is the method of instruction? (lecture method, essays?, problem method)
- 11. Are these courses usually taught for 30 hours or for 45 hours?

12. Generally speaking, what is the student interest in each course? For example, what percentage of the students take the basic course, the advances courses?

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- 6. Are there any graduate programmes in international law and, if so, what topics are covered, how many students are involved, and now many years does it take to get a degree, e.g., 1 year for LL.M. 2 or 3 for Ph.D.?
- 7. What is the situation as regards research and writing on international law by the Faculty? Library?
- 8. What is your optional system of courses at the present time? At Dalhousie, everything beyond First Year, except Constitutional Law, is optional. Are there "clusters" or "groupings" from which the students must select?
- 9. Is there any general history of the Law School or is there even a short history, perhaps in one of the Calendars or the university? Is there someone to whom I can write for historical information about the law faculty?
- 10. Would it be correct to say that the books and articles of French scholars are widely used at Laval? Are any American or English texts used? What I am trying to determine here is the extent to which scholarly and academic links with France have been strengthened during the past twentyyears. Presumably, Quebec's renewed interest in France, and the new interest that France now has in Quebec, has been reflected in the domain of international law.

11.

I have the impression that political events of the last twenty years, namely, the movement to create a new state outside the Canadian Confederation, has increased student interest in international law very significantly. It seems to me that many students in Quebec now regard the subject as practical and important and that great progress was made in the teaching and research of the subject from 1970-1980. Is that an accurate statement? Incidentally, I notice that Mr. Levesque's paper on a new deal for Quebec is full of the language of international law!

12.

I need to obtain some "impressions" of Adjutor Rivard (1868-1945) and Antonio Langlais (1886-), both of whom taught international law. Could you suggest the names of one or two senior lawyers in Quebec City (to whom I could write) who may have taken lectures from these gentlemen? Are there any older members of the Law Faculty still living who would remember Rivard and Langlais?

- 13. The actual position of International Law at Laval and your own opinion as to the place of the subject in the law school curriculum. Would it be true to say that international law is not quite as important in the curriculum at Laval as it is at Universite de Montreal?
- 14. The title of your new book, the publisher, and date of publication.
- 15. Would you kindly send me a copy of your own c.v., and a list of your publications, so that I can pay full tribute to your work.
- 16. The size of the Law School (number of students, number of full-time staff) in 1970, 1975, 1980.

6.

12-

Perpignan, 18 February, 1982.

Professor R. St.J. Macdonald Dalhousie Law School Halifax

Dear Sir,

I'll attempt to answer the questions listed in your letter. I'll also make a few comments on your notes on the teaching of international law at Laval.

- Q.1 I don't know exactly. I guess it's between 1976 and 1978. Please, call Professor Edith Delevry (tel: 656-3863) for more information. Please note that there is no coordination at all between public int. law and private int. law. As in France!
- Q.2 "Sectoral studies" is an idea, a project which has never been implemented. Bernier and I realized that the teaching of int. law by a classical approach (sources - State - etc...) was not the most appropriate way for actualizing problems of our time. In a sense, I would say that this idea means what Abrahm Chayes did in his materials: a look on different topics, I guess personally that I'll be able to test that approach in two or three years.
- Q.3 250 new students each year (200 in September and 50 in January). More or less 700 students.

53 full-time professors on paper. As a matter of fact, I would say that effective teachers are about 43 or 44 (6 "sabbaticals" each year + administration).

- Q.4 Yes. That's true for the public field, in general. In "private courses". I mean courses on civil law, I would be less affirmative.
- Q.5 I joined the Law School in July 1972, and I am teaching Int. law since that time. Since 1978, Int. law is the major "center"(?) of all my research. But I am always asked (?) for teaching 3 other courses so that is very difficult to think essentially in terms of an international jurist. My sabbatical leave is really a great opportunity from that standpoint!

- Not yet. I am interested in basic problems and right now, I am trying to approach Int. law through the political science, that is to say, to get a general view on the context of international relations. In January 1983, I am supposed to give a course with Professor Gosoelin, a political scientist, at the LL.M. degree. The subject will be "Law and Politics" or something like that. That's a project, I hope it will be realized. I am finishing a book on international law: a general course on Int. law. It could be published for the next academic year. Just now, I am writing the last chapters.

- - - - -

- 1. Droit International Public III exists on paper only. Since 1972, I think it was given only one time, by Mme. Nicole Duple. Mme Duple is no more in the field of Int. law.
- 2. At Laval, each course is worth three credits and forty-five (and not thirty) credit hours.

1

- 3. "Droit maritime et aerien " exists on paper only. I followed that course in 1970 but since that time it was never given. In 1970, Mr. Pourcelet left Laval in order to get Montreal. And Montreal is very far from Quebec City! ...
- 4. "Droit International public êconomique" is the same thing than "Droit International Public II". I think that Bernier was able to teach his course every year. (GATT, I.M.F. and so on).
- The reasons stated for the decline of student interest in 5. Int. law are not the right ones. Our Law School is dominated by a professional order, called "Le Barreau du Quebec ". The great majority of our students (90%) has to prepare the "exams Corp?" in order to get a job as a lawyer and to that end, Int. law has no relevance at all. When students have to make a choice between an optional civil law course and a course on Int. law, they do not hesitate because they know very well that the civil law course will be a better course for "The Bar Examinations" than Int. law. This choice is a rational one. Nobody can argue about that; everything else is "Literature"? think it would be a good idea for you to inquire into this problem; maybe it's not general in Canada but it does really exist in Quebec! Bernier and I have to attract 10% of our students who may have other interests because our optional system is very liberal.

If I was in Quebec, I would say to you: come to Quebec City, we'll discuss about Laval Law School and its programs! Did you know that Bernier was our new Dean? Maybe there is some possibility for some improvements at Laval for the teaching of Int. law!

Yours sincerely,

J. Maurice Arbour

P.S. Last year, I authorized Bernier to tell you that I was writing a book in collaboration with another professor. This is no more the fact.

- 2 -



UNIVERSITÉ LAVAL

FACULTÉ DE DROIT Québec, Canada G1K 7P4

Le 3 mai 1987

Monsieur Pierre-André Côté Vice-doyen Faculté de droit Université de Montréal C.P. 6201, Succursale "A" Montréal, Québec

Cher monsieur,

J'ai bien reçu votre envoi relatif à la liste des étudiants inscrits aux cours de Droit international public et je vous en remercie grandement. Il nous reste maintenant à espérer que les étudiants répondent avec autant de célérité au questionnaire que nous leur ferons parvenir dans les prochains jours.

A moins d'indication contraire de votre part, il est entendu que nous détruirons ces listes une fois l'opération complétée.

Au nom de tous mes collègues du Comité, je vous remercie encore une fois de votre aimable collaboration et vous prie d'agréer, cher monsieur, mes salutations les plus distinguées.

J. Maurice Arbour. J. Maurice Arbour

Professeur

/y1

Your questions

To: Professeur MacDonald

From: J.M. Arbour

Question 1

Nom des professeurs de droit international durant 1970-84

Cours enseignés:

a) Droit International Public I

André Dufour	:	1971-1972
J.K. Samson	:	1971 et 1973
Nicole Duplé	:	1972
J. Maurice Arbour	:	1974 et 1975
Ivan Bernier	:	1976 et 1977
M. Maurice Arbour	:	1977-1984
J. Yves Grenon	:	(1981-82, during my sabbatical year)

b) Droit International Public II

Bernier	:	1970-1977
Bernier et Arbour	:	1983
Arbour	:	1984

c) Droit International Public III

Nicole Duplé : 1975

Question 2

Samson, Duplé, Pourcelet

Jean K. Samson. Left the Law School in 1976, after Levesque's election.

He is now at the Justice Department of the Quebec Government.

Nicole Duplé is still in Laval. She works on constitutionnal Law and commercial Law.

Pourcelet.

He left the law school in and went to Montreal Law School.

Question 3 (Dufour)

- Dufour was never Dean of the Law School. Let's say that he was not successful as a candidate for this election.
- He left the Law School in 1974.
- Address: M. André Dufour Vice-recteur Université Laval Pavillon des Sciences de l'éducation Ste-Foy, Québec - GIK 7P4

Telephone number: 656-3573

Question 4

- Bernier joined the Law School in 1969 and gave courses in constitutional and international law.
- . Bernier became Dean in 1981 for a four-years term.
- Teaches Public International Law II and courses in Constitutional law.
- Acts actually on a part-time basis as research director at McDonald's Commission.

Question 5

5. Courses and Seminars

5.1, .2, .3

Public International Law I

- Each year
- For students of the second et third years.
- Not compulsory

Public International Law II

- Each year

- For students of the second and third year who have completed Public International Law I.
- Not compulsory.

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STELL Du-?

- 5.5 Droit International Public III Exists on paper only.
- 5.6 <u>Droit International Public II</u> See your draft.
- 5.7. Droit des transports.

This course was given by Pourcelet. When Pourcelet left the Law School, Pierre Simard took the responsability for this course in 1974 but Professor Simard left the Law School in 1975 and nobody enrolled for the succession.

5.8 Public International Law

. Becomes an optional course in 1977.

. Before, it was a compulsory course taught

during the first year.

5.9 See your draft.

5.10 Lecture method.

5.11 45 hours.

N.B

5.12 Public International Law I : 20-30 students each year.

Public International Law II : 10-15 students each year.

- 6. There is no graduate programme in international law at Laval
- 7. Bernier and I are the only professors involved in the field of international law. Projects researchs are personal to each of us and there is no coordination at that level. It is possible, however, if a new program is inplemented at the graduate level that research will benefit from this program.
- At Laval, everything beyond 45 credits (i.e. 1¹/₂ year) is optional. In fact optional courses are rarely optional in this sense that they are mostly required for good results at the Bar Examinations.
- 9. To my knowledge, there is no general history of the law school. See the notes enclosed for more details
- For the whole University, I don't know. For the Law School, the answer is negative.

American and English texts cannot be used, as a matter of fact, because they are not translated in French.

Books and articles of French Scholars are not used at all. Dufour used Charles Rousseau, <u>Droit international Public</u> and I tried to use Paul Reuter <u>Droit international public</u>, in the beginning of my career but students found Reuter too hermetic, that's the reason why I decided to write my own text.

Naturally, books from Dinh, Manin, Rousseau, Reuter, Combacau and Vallée, are recommended to my students but in the same manner that I recommend Browlie or Stark.

11. I think that your impression is wrong. I could say that the present crisis in economy does much more for the development of our interest in international law that the P. Q. program for sovereignty. It seems to me that my students now consider international law as a possible way for jobs since opportunities in traditional fields of practice are very limited.

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13. It is true that international law is not quite as important in the curriculum at Laval as it is at Montreal.

My own opinion is that international law should be given much more place in our program and should, at the minimum, be a compulsory course. I really think that there is a great failure in our present program because students get through 3 years of formation without having a comprehensive idea of what international law is all about.

Your Draft

To : Professor MacDonald

From : J. M. Arbour

Page one

1. First line.

. During the (14) Year Period 1970-1984

(Comment: The situation is still the same one in 1984).

2. Second paragraph.

In 1984, Maurice Arbour assumed responsibility for the Course

(Comment: I do intend to change the content of this course but I did not change it, so you may delete the final words.).

Page 2.

1. First sentence.

This first sentence is wrong. Could I suggest you this one:

"For the general course, Professor Arbour uses his own text-book, which should be normally published in 1984, plus a casebook which is actually under substantial revision in order to build materials around a series of problems". 2. Second sentence.

In Droit International Public II, Professor Bernier used his own mimeographed collection of materials entitled Droit International Public II. These materials are under revision too.

3. Last paragraph.

Comment: All our courses are given on a three credits forty-five hour basis, without exception.

Page 3.

1. First paragraph, third sentence.

Comment: At the graduate level, courses are not given on a permanent basis; they change almost every year. That's the reason why we cannot say that one course replaced another course. Could I suggest you the following text:

> In 1982-83, Maurice Arbour and a professor from the department of political sciences, Mr Guy Gosselin, experimented a new course offered both to law students and political Science students. This course, which concentrated analysis on Namibia problem, attracted about fifteen students.

2. Second paragraph, last sentence

Comment: I would suggest you to delete the last sentence because it could be interpreted as a jab to what as been said by my colleague Bernier (foot note 5).

Page 4

1. First paragraph, Second sentence.

- . I would suggest you to delete the whole sentence beginning with the words: "It means..."
- . As a matter of fact I really do not know what this idea is.
- 2. Second paragraph, 4th sentence.

Could I suggest you to add after this sentence: "There is a small graduate programme". The following comment which precises, I think, some recent changes which are taking place. In 1984, Professors Arbour et Bernier are both members of a University Committee which is charged to build up a LL.M. program in the field of International relations. The program would offer courses in the fields of law, economics and politics.

2 mA.

During the twelve year period 1970-1982, few changes occurred in course offerings in the international law field at Laval.¹ Three courses were offered throughout this period: Droit International Public I, II, and III, the first being a prerequisite for the other two.

Droit International Public I, the general course taught by Maurice Arbour, explores sources of international law, state jurisdiction, state responsibility, international organizations, peaceful settlement of disputes, and the relationship between international law and the internal law of Canada.² Droit International Public II, the course on international economic law taught by Ivan Bernier, includes the history, methodology and regulation of international commerce, the liberalisation of international exchange, GATT, the auto-pact agreement between Canada and the United States, and an examination of legislation affecting Canada's commercial relations, such as the Customs Act, the Import and Export License Act, the Commission of Textiles and Clothing Act, and the Anti-Dumping Act. In 1972-73, the students in this course also studied the world monetary system since World War II, the Canadian dollar, and the IMF and its performance since World War II.³ In 1974 Maurice Arbour assumed responsibility for the course and changed its content.

Droit International Public III, a seminar in which specific topics are discussed, exists only on paper in the

sense that, since 1972, it was offered only once, by Mme. Nicole Duple, who no longer works in the field of public international law. Teaching materials for the general course is a file prepared by Professors Bernier and Arbour entitled <u>Droit International public</u>. In Droit International Public II, Professor Bernier uses his own mimeographed collection of materials entitled <u>Droit International Public II</u> (exchange et paiements internationaux).

From 1967 until 1973 Droit maritime et aérien, a three credit, optional course was offered in alternate years. This course examined maritime law and transport; it also addressed the organization of air transport ((Canadian and international), private air law, contracts of transport, responsibilities of air carriers, and responsibility for damages suffered by third parties on the ground.⁴ However, the professor responsible for the course (Professor Pourcelet) left the faculty in 1973 and the course lapsed. Seven years later, in 1980-81, it was offered under a new name, "droits des transports" but dropped in 1981-82 when the professor teaching it went on sabbatical leave.

Since 1970, two private international law courses have been "on the books", but only one has been offered on a regular basis. Droit International Prive I, which is offered in one term on a three credit, thirty hour basis, deals with general questions of conflict of laws and

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recognition of foreign judgments. Droit International Prive II was approved in 1970 as a new thirty hour course, to be offered in alternate years, on particular problems in the area of conflict of laws and jurisdiction; actually, it was given only once.^{4A}

3.

At the graduate level, six LL.M. and one Ph.D. thesis were completed during the period 1974-81. The course in international economic law was taught occasionally at the graduate level and 8-10 students were usually enrolled. In 1982-83 this course was replaced by a course on international institutions offered by Maurice Arbour and a professor from the department of international relations.

It seems that from the mid 1970's to the present time there has been a relative decline of student interest in international law at Laval. About twenty to thirty students enroll for the general course while ten to fifteen register for the more specialized seminars. Professor Bernier, who shared teaching duties with Professor Arbour, wrote that, since international law became optional in 1967, the subject has for the most part attracted those interested in government service or certain specialized aspects of international law, such as international business law, environmental law, and the international protection of human rights.⁵ However, Professor Arbour points out that, as in several other law faculties in Canada, the atmosphere in the law school at Laval is practice-oriented: "when students have to make a choice between an optional civil law course and a course in international law, they do not hesitate, because they know very well that the civil law course will be a better course for The Bar Examinations. Everything else is "literature".⁶

Since law students at Laval take a "practical approach" to course selection, Professor Bernier and Arbour have begun to think of the development of a program of sectoral studies: the idea, observes Bernier, is "to offer to students a certain number of courses that would integrate the point of view of different fields of law around a particular theme, the themes themselves corresponding to the main sectors of law".⁷ It means, according to Professor Arbour, "what Abraham Chayes did in his materials".⁸ This idea has not yet led to any new curricular developments.

In summary, there are two international law courses (D.I.P. I and II), and sometimes a third related course (droits des transports) at Laval. The law school comprises about 700 full-time students and 53 full-time professors, of whom 44 are "on site" at any one time. The school enjoys the services of two experienced professors of international law (Bernier and Arbour), who follow in the tradition of Andre Dufour. There is a small graduate programme. The emphasis at Laval seems to be on economic and institutional aspects of the subject. Unlike the situation in France, but, as in most other Canadian law schools, there is unfortunately no attempt to link public with private international law. In 1980-81, the School participated for the first time in the Jessup Moot court competition

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and the programme generated a degree of interest.

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LAVAL FOOTNOTES

1.	Letter from Ivan Bernier dated December 11, 1979.
2.	Constitutional Law I is a prerequisite for Droit International Public I.
3.	Faculte de Droit, Universite Laval, Annuaire 1973-74.
4.	Note 1, above.
4A.	
5.	Note 1, above? Probably
6.	Letter from Maurice Arbour dated February 18, 1982, p.4.
7.	Letter from Ivan Bernier dated March 2, 1982, p. l.
8.	Letter from Maurice Arbour dated February 18, 1982, p. l.

Questions for Professor Arbour

JAN. 1986

- 1. Names of courses and seminars in International Law offered between 1983 and 1985, inclusive?
- 2. Number and names of full-time and part-time professors of International Law?
- Materials used? For example, case books, text books, mimeographed materials.
- 4. Have there been any noteworthy developments in the International Law Programme at Laval during the last 5 years?
- 5. Would you say that there has been progress in the teaching of International Law at Laval over, say, the last ten years?
- 6. Are there strong intellectual links between your law faculty and the law faculties in France and Belgium? For example, do you use text books and teaching materials prepared in France?
- 7. Is the method of instruction a combination of the lecture and seminar methods?
- 8. Do you use a problem oriented method of instruction?
- 9. What was the total size of the Law School in terms of students and professors in 1985?
- 10. Approximately how many graduate students are there in the Law Faculty each year?
- 11. Would you say that the Law School is a "local" law school or could we say that it attracts students from all over french speaking Canada?
- 12. Can you give me a C.V. of yourself and of Dufour?

13. The name of the Dean's secretary?

For Professor William Tetley, Q.C.

- 1. Where was the Laval Law Faculty located? In the old buildings downtown or on the new campus?
- 2. What was the total size of the Law School roughly? Number of students? Number of professors?
- 3. Were the professors all part-time? I think so, but am not sure.
- 4. Were the course optional or compulsory?
- 5. Did the students have much interest in public law.e.g. international law?
- 6. Were there any graduate students in your time?
- 7. Do you have any law school bulletins or calendars that I could borrow for a few days?
- 8. To whom could I write for general information about the Law School between 1945 and 1963, i.e. from the end of the Second World War to the arrival of Andre Dufour?
- 9. Could you dictate just a paragraph on the "atmosphere" of the Law School: a "local" school or a "national" school; closely knit or impersonal; practice-oriented or theoretical; many students or few students; more remote than McGill, etc.etc.

U.M.E. Ludrow Hall Box 4400 Fredericton E313 5793

Oc

October 30, 1979

Professor Ivan Bernier Faculte de Droit Universite Laval Ste. Foy, PQ GlK 7P4

Dear Ivan,

Jon

I have been asked to complete my essay on the teaching of international law in Canada (which means doing something new on the law schools at Victoria, Calgary, Sherbrooke, U.N.B., and Moncton) and also to bring the existing account down to 1980. I am not overly enthusiastic at the prospect of returning to this subject, which can be dreary, as you know, but I appreciate the concerns of colleagues who think) that the essay should be complete and that it should round off the 1970's; and so I am starting to gather up the material.

As I am a little out of touch with developments at Laval, I am wondering if you would be kind enough to provide me with some of the relevant information for the five year period 1975-1980. In particular, I would like to say something about (i) names of courses and seminars offered during this period; (ii) number of students enrolled (student interest); (iii) number and names of full-time and part-time professors; (iv) materials used Iif not too extensive); (v) any noteworthy developments in the school's international law programme (research, books, graduate students, visiting professors, moots, your own activities, honours, etc.); (vi) interdisciplinary work (teaching and research); (vii) any comments you would like included about progress in the teaching of international law in Canada since you started teaching, e.g., are we now, in the 1970's, on a plateau due to the economic situation.

Page 2 . . .

10 February 1982

Professor Ivan Bernier Faculty of Law Laval University Ste-Foy, Quebec GlK 474

Dear Ivan:

I promise that this will be my last letter on the question of the teaching of international law!!!

Nould you be kind enough to glance over the attached draft, which is very rough indeed, and make whatever corrections are appropriate? I am only dealing with the period 1975-1981. In particular, I would appreciate a little information about the following:

- Was "Droit Maritime et Aerien" offered before 1973-74? Why was it no longer taught?
- 2. When did "Droit International Prive II" become a yearly course rather than the alternate year formula?
- 3. "Droit international public economique" (a) Why was it mot offered after 1973-74? (b) Was it taught before that year?
- 4. What is meant by "Sectoral studies" and what developments have taken place in that regard?
- 5. What is the total size of the law school and how many full-time professors?
- 6. Am I correct in thinking that the method of instruction is a combination of the lecture and seminar methods?

Again with my gratitude and with personal good wishes, I remain,

Yours sincerely,

R. St.J. Macdonald, Q.C. Professor

encl.

3rd December 1973

Professor Ivan Bernier Directeur du programme des 2e et 3e cycles Faculte de Droit Universite Laval Cite Universitaire Quebec 10, Canada

Dear Ivan:

Many thanks for your good letter of November 14, 1973 and for the corrections that you made to the last three paragraphs of my notes on the teaching of international law at Laval. I very much appreciate your assistance and I look forward with pleasure to sending you a copy of the completed draft towards the end of the year.

And now, Ivan, I have one last question, and it is this: how strong are the intellectual links between your own Faculty and the great international law professors in France? Would it be accurate for me to say that the influence of Feench scholars on international law thinking at Laval has increased significantly during the past fifteen years? This is an important point for my purposes because, as you can guess, I am finding that English and European influences have declined in the common law schools; and if it is true that French influences have increased at Laval and Montreal, then the contrast should be referred to. Any comments that you can let me have on this point will be gratefully received.

Looking forward to seeing you one day soon, and with personal good wishes meanwhile, I remain,

Yours sincerely,

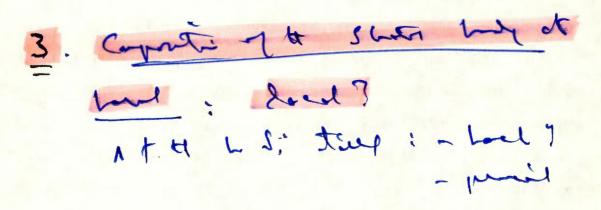
R. St. J. Macdonald, Q.C. Dean

P.S. Incidentally, could you provide me with the address of Mr. Andre Patre? Thank you.

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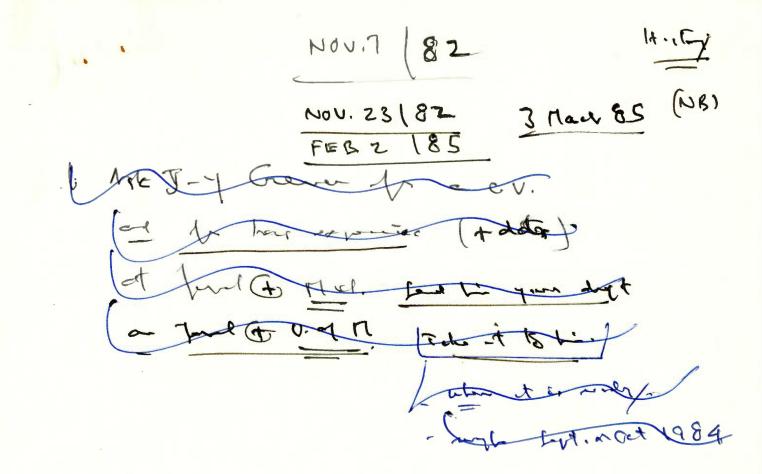
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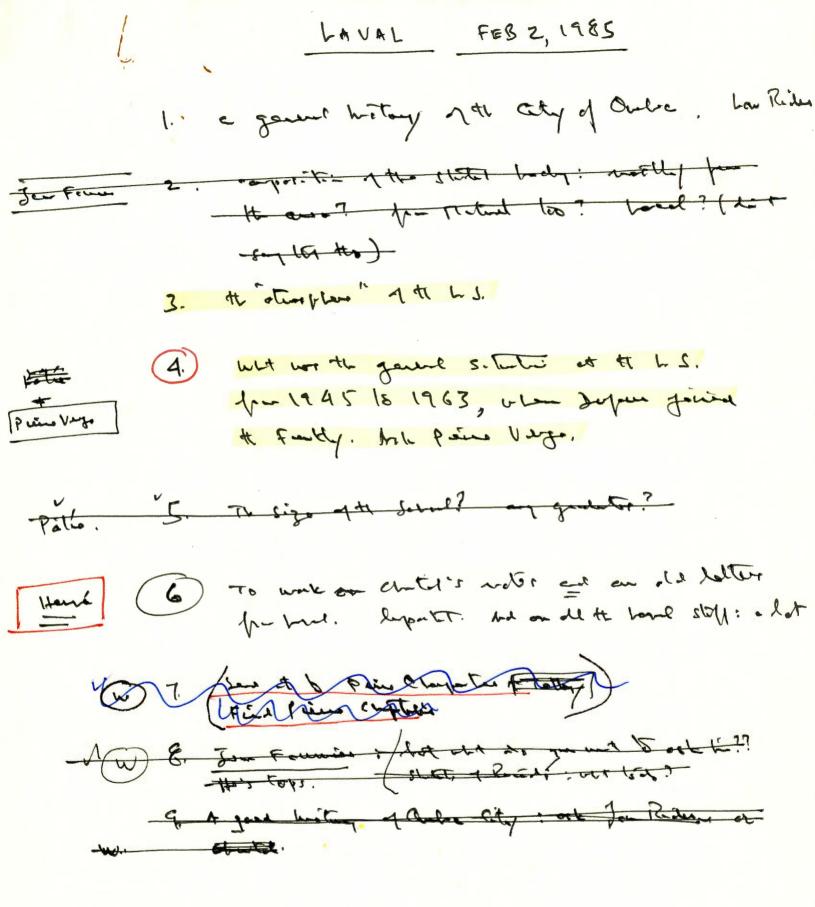
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May 25, 1974.

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February 3, 1986.

Professor J. Maurice Arbour Fac. de droit Université Laval Cité Universitaire Québec, GIK 7P4

Dear Professor Arbour:

It was a great pleasure to have met you in Quebec City on Friday last, and I wish to thank you very much indeed for your kindness in coming to the hotel and spending the better part of the evening with me at dinner and in conversation. I am also most grateful to you for presenting me with a copy of your new book, which I am reading with pleasure as well as profit. For my part, I hope that there will be frequent opportunities for us to meet in the future.

To be frank, I found that I was enjoying our conversation so much that I could not bring myself to raise with you the specific questions which I had brought to Quebec City to discuss in detail. I was afraid that if we began to consider my specific inquiries we would spoil the stimulating conversation which we were having on other matters. Under these circumstances, I am taking the opportunity of attaching a short list of questions to which I hope you will not mind responding at your convenience.

Fortunately for me, I am concluding my essay as of September 1985, and this means that most of the information that I need from you deals with the period 1982-1985. I believe that you can answer all the questions without difficulty or without the meed of consulting many of your colleagues.

In addition to the questions on the attached list, there is one matter on which I would greatly appreciate your assistance. You will see that in the first draft of my essay, copy attached for your easy reference, I mentioned the authors to which Dufour referred in his

.... 2

course in the 1960's. These authors were Reuter, Rousseau, Velaz, Schwarzenberger, Tunkin, Greig, and O'Connell. I would like to include the same kind of information about your own course, that is to say, I would like to mention specifically the Continental, British, American and other writers to whom you refer in your lectures and seminars. Can you provide me with such a list?

I have certainly not forgotten our discussion about China and Fudan University in particular, and I will start immediately to make contact with Professor Tung, the gentleman about whom we spoke.

Let me say once again that I did enjoy our dinner together, and that I hope that we will be able to meet again either in Halifax, Montreal or Quebec. I continue to be interested in the history and background of your distinguished faculty.

With personal good wishes, I remain,

Yours sincerely,

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

RSJM/jmw

Encs.

Questions for Professor J. Maurice Arbour

January 31, 1986.

- Names of courses and seminars in International Law offered during the three year period 1982 - 1985, inclusive?
- 2. Names of full-time and part-time professors of International Law?
- 3. Have there been any noteworthy developments in the International Law Programme at Laval during the last three years, that is, since you wrote me in 1982?
- 4. Would you say that there has been an increase or a decrease in student interest in International Law at Laval over, say, the last five years?
- 5. Is the method of instruction a combination of the lecture and seminar methods?
- 6. Are there any graduate students in International Law at all?
- 7. Would you say that the Law School is a "local" law school or could we say that it attracts students from all over french speaking Canada?
- 8. What was the total size of the Law School in terms of students and professors as of September 1985?
- 9. Can you send me a C.V. so that I can make appropriate reference to your work.
- 10. Did Bernier continue to teach International Law whilst he was in Ottawa?
- 11. During what years did Bernier serve as Dean?
- 12. Who is the new Dean and when did she take office?
- 13. Are there intellectual links between your law faculty and the law faculties in France and Belgium? For example, do you use text books and teaching materials prepared in France? Presumably you do not use any British or American materials, which would all be in the english language.

We did discuss this question in the hotel room last Friday, but I am still not completely clear on the range of intellectual contacts which you prefer at Laval. Is there anything that should be said on this matter?

A fruitless search for a city's heart

QUEBEC CITY

HE OLD CITY sits high on the cliffs looking down the St. Lawrence

River to the Atlantic Ocean and what was once the Old World. It is such a powerful image that it obscures the sad truth of this urban area — it has no heart, no real centre.

The narrow streets in the Old City are beset with grey stone buildings. The large structures built to serve religious institutions occupy whole blocks and in a snowy winter evening create a doleful feeling, with their long rows of large, unlit windows. In contrast the three-story row houses along the sharp hills and around sudden corners are havens of warmth, yellow light streaming out from behind curtains, footprints still on the doorsteps' new snow. A more wondrous scene would be difficult to imagine.

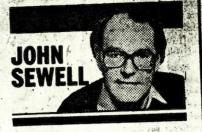
But the Old City is not the core of Quebec City. Thirty years ago Laval University began to abandon it for the new suburb of Ste Foy and that evacuation has continued. Now the Old City is only a tourist resource and a continuing symbol of the French entry into North America.

Three decades ago most residents would have said the centre of Quebec City, the downtown, was along Boulevard Charest in Lower Town where most of the retail stores were found. That too has passed. There have been attempts to revive the area. In the sixties and seventies, it was severely damaged by wholesale demolitions for expressways amid plans of redevelopment. The plans never came to pass and today it lies in ruin.

Ten years ago a five-block stretch of St. Joseph Street was covered over to create the Mall Centre Ville; it has become a dismal second-rate experience shunned by most city residents.

Even now there are further attempts at urban rehabilitation. After lying empty for some years the train station has been jauntily restored and reused as a train station. A large mirrorcovered Palais de Justice houses the courts and an office building is being erected nearby. But the vast expanse of empty land makes one feel that it will be a long time before the area again takes on an urban character. The Lower Town centre has been permanently expunged.

Very good; but way be not sympetthe enough; no history, you will drave!!



As with many other cities, Quebec City has suffered from the ravages of the suburban shopping centre. Today, the city's main retailing area is in Ste Foy, where two giant shopping centres, Place Laurier and Place Ste Foy, stand side by side. A typical modern suburb, Ste Foy lacks cohesion and focus.

As many people work in Ste Foy as in the city itself, but the jobs are spread thinly in lowslung industrial structures and isolated office buildings along expressways. There is no feeling of being in the centre of anything — let alone reminding one that just down the expressway is a 300-year-old walled city listed last year by UNESCO as a World Heritage Site.

The last great hope for a living, breathing downtown lay just outside the walls of the Old City on the Grand Allée, close by the Parliament Buildings. Almost 25,000 government employees worked here and as had happened with many citles, it was hoped the large office towers would become a focus for a new downtown.

It was not to be. The buildings are spread far afield in the campus style favored by so many North American administrations — as though green grass (or at this time of year, snow and icy wind) was a necessary component of good government. The attempts to create excitement with fancy hotels and fancy shops have fallen quite flat.

This vast urban area — half a million people in all, some living across the St. Lawrence River on the South Shore — no longer has a real centre. There is nowhere that can be called downtown.

The Quebec urban area has a soul — the Old City is a powerful spiritual force — but no heart. There is no engine pumping blood through the body, no energy which gives common purpose and will. It means there is an emptiness to the place, as though it is not complete as a city.

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Thursday January 30, 1986 p. A. E.

Balm is needed to heal the rifts

QUEBEC CITY

HE WORRY about the future of this city is widely shared. It is now becoming more focused as people prepare for hearings next month before the Lapointe commission.

The commission, headed by Jean-Louis Lapointe, was requested by Quebec City Mayor Jean Pelletier and established last summer by the Parti Québécois with a broad mandate. With a change in the provincial Government, it will now report to new Liberal ministers.

Mr. Pelletier based a large part of his argument for reviewing the city's status on its high property taxes, compared with other municipalities in the Communauté Urbaine de Quebec. In Quebec City, taxes are \$3.20 per \$100 of assessment; the next highest in the region is \$2.70.

Serge Viau, director of planning (or "urbanisme" as it is more appropriately called in French), will be preparing the brief for the city. "We are a central city," he says, "and we have the problem of every central city. As the suburbs grew, we lost people, commercial activity, industry, and the centre decayed. Our assessment also decreased. Many with higher incomes moved to the suburbs and those with lower incomes were left. So we have to build lower-income housing, which other municipalities don't have to.

"But there's also the problem of being a capital city — hosting visitors, receptions, paying for the police to deal with political demonstrations at the National Assembly on Parliament Hill, all the parks and flowers. "The Government hasn't done

"The Government hasn't done enough for Quebec City — just compare us to Ottawa, which has the National Capital Commission. We say Quebec City belongs to all Quebeckers and the provincial Government should put more money into it."

The mayor's deputy, Jean-Paul Morency, puts a slightly different emphasis on the problem. "We're the most important city in the CUQ, so we have some facilities used by all the citizens in the CUQ but paid for only by Quebec City residents. Is that right or normal?" He mentions the Colisée, where the Nordiques play to the delight of hockey fans, three-quarters of whom live outside the city. The building received a \$5-million contribution from Quebec City and



nothing from the CUQ.

Mr. Morency continues: "The mayor has said if the provincial Government paid the same rate of taxes as other commercial property owners, then they would pay us \$15-million more a year. And the federal Government would have to pay \$5-million more. That \$20-million would increase revenues 10 per cent a year."

But the provincial coffers are bare and if Quebec City was enriched, other municipalities would soon want similar treatment. For example, one of the three political parties represented on the suburban Ste-Foy council will present a brief to the Lapointe commission saying Quebec City has it all backward, and it is, in fact, the beneficiary of suburban largess - payments should go to the suburbs not to the city. Premier Robert Bourassa would gain nothing from entering this messy dispute.

It leaves the Lapointe commission with but two options. One would be to readjust tax-sharing arrangements, perhaps pooling the assessment base as is being suggested in Metro Toronto. Unlike Metro, where the benefit would flow to the suburbs, in the CUQ the benefits would flow to Quebec City, a move that would be political dynamite.

Another tack might be to regionalize some services. I thought police was the likely candidate — there are now several sizeable forces in the region and smaller communities, such as Sillery, contract with larger neighbors for the service — but that suggestion was unanimously panned by all political stripes.

Look at Montreal, everyone said. When the police forces were consolidated and regionalized there, politicians lost control of the police. Giving more power to the CUQ would not be popular.

The Lapointe commission has promised a report by September. The hearings that will begin in March are sure to drive wedges between municipalities in the Quebec urban area even deeper. Perhaps Mr. Lapointe can find some healing balm that will generate the goodwill so sorely needed.

Marday FEB.3, 1986

January 3rd, 1984.



Mr R. St. J. Macdonald, Q.C., Professor, Dalhousie Law School, Halifax, Canada.

Dear Mr Macdonald,

Following your phone call, I received your letters for which I thank you.

Be assured that you are completely forgiven for the "little error" in the spelling of my name. This happens all the time, but most people don't even bother to excuse themselves.

Coming back to the motive of your communication, I think that the enclosed documents, found in my father's papers, which are numerous I must admit, will give all the information you are seeking.

Following, are the names of a few of his former students whom I contacted and who are willing to answer your questions:

Me Charles Stein, c.r., 300-1150 Claire-Fontaine, Québec;

Me Alexandre Labreque, c.r., 904-600 avenue Laurier, Québec;

Hon. Sénateur Jacques Flynn, c.r., 1096 Parc Thornhill, Sillery, **G**ué.

M. le juge Gil Fortier, j.c.p., Palais de Justice, Boulevard Jean Lesage, Québec. There is also Me Jean-Louis Delisle, now retired, but who made a very brilliant career in External Affairs and diplomacy. His address: 602-1155 avenue Turnbull, Québec.

I am very flattered and pleased to learn that you intend to write nice things about my father; would it be too much to ask for a copy of that essay you are working on.

Anticipating the pleasure to meet you in a very near future and with all my best wishes for the New Year, I am,

.

Yours truly.

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Demise Jauglais