



Hyman Soloway Chair in Business and Trade Law

2018-2019 Annual Report

October 2019



uOttawa

Word from the Dean

The University of Ottawa and the Faculty of Law is proud of its long and meaningful history with the Soloway Family, which extends over 30 years and was originally formalized with the creation of the Hyman Soloway Chair in Business and Trade Law. Among the first endowed Chairs at uOttawa, the Hyman Soloway Chair has helped the University establish a standard for recruiting and retaining world-class researchers who in turn enrich the academic environment by attracting the best students. To this day, the Chair continues to convene the brightest minds to focus on issues of business and international economic law, and spur advances in the discipline. For this, the Faculty and the University are deeply grateful and look forward to the next 30 years.

Adam Dodek
Dean

Established in 1988, the **Hyman Soloway Chair in Business and Trade Law** is an endowed chair at the University of Ottawa Faculty of Law in the name of the principal donor, the late Mr. Hyman Soloway, Q.C., formerly the long time senior partner in the law firm of Soloway Wright and a recognized leader in community and public affairs.

Mandate

To promote teaching and research in business and international economic law at the University of Ottawa

Working in collaboration with the Faculty of Law's International Law Group, the Chair seeks to provide opportunities for students, professors, alumni and the international law community to engage and learn from leading experts in the field by supporting and organizing clerkships, membership and sponsorship of international law organizations, conferences, workshops, speakers, communications and other activities.

About the current Chairholder

Professor Anthony VanDuzer is one of the pillars of the Common Law Section's international law community and the co-chair of the Faculty's International Law Group. His main area of interest is international trade and investment law.

He has been a member of the Academic Advisory Council to the Deputy Minister for International Trade and participated in technical assistance projects relating to business and trade law in developing economies, including Armenia, Bangladesh, China, El Salvador, Georgia, Kyrgyzstan, Pakistan, Russia, Thailand, Ukraine and Vietnam. Professor VanDuzer's publications include *The Law of Partnerships and Corporations* (now in its fourth edition) and *Integrating Sustainable Development into International Investment Agreements: A Guide for Developing Country Negotiators*, written with colleagues Penelope Simons and Graham Mayeda, as well as more than 80 articles on business, trade and investment law issues.



He is also an Adjunct Research Professor at the Norman Paterson School of International Affairs at Carleton University. Professor VanDuzer is very involved in mooting at the law school and coaches the Foreign Direct Investment Moot team with Professor Anthony Daimsis and the Canadian Corporate/Securities Moot team with Professor P.M. Vasudev.

Courses taught in 2018-2019

- Business Organizations
- International Investment Law
- Contracts
- Foreign Direct Investment Moot
- TradeLab International Economic Law Clinic

Highlights - Visiting Professorship

For the first time, the Chair supported the inaugural **Hyman Soloway Visiting Professor**, Professor Michael Ewing-Chow, who taught a course at the law school during the January 2019 term. The course, *International Economic Law and the Regulation of New Technologies*, examined the regulatory space afforded by International Economic Law and how it provides a framework for dealing with emergent challenges stemming from the rise of new technology such as ride-share apps, self-driving cars, and crypto-currency, as well as the pressure being placed on Governments stemming from climate change and the Paris Convention.

Professor Ewing-Chow also delivered the **Hyman Soloway Annual Lecture**, "Trade Wars: Does WTO Law Matter?" The lecture explored factors threatening the role of law in the global trading system in recent years, fueled partially by a "Made in America" ideology taking root south of our border.



Biography

Michael Ewing-Chow is an Associate Professor and the WTO Chair at the Faculty of Law, National University of Singapore (NUS). He has a First Class Honours degree in law from NUS and a Masters from Harvard Law School. Michael worked in Allen & Gledhill before joining NUS where he started the first World Trade Law course in Singapore and was involved in the negotiations for some of Singapore's early FTAs. He has been a consultant to the Singapore Government, the ADB, ASEAN, UNCTAD, the World Bank and the WTO. Michael has advised government officials all over the world on trade and investment law as well as corporate governance. He also assisted the Singapore Company Law Reform and Frameworks Committee with a major overhaul of corporate law and in 2008 was appointed to a Working Group of the Steering Committee to review of the Companies Act. He has taught in a number of universities in Asia, Europe and Latin America. Michael also co-founded aidha, an NGO that provides financial education and microfinance opportunities for domestic migrant workers.



Highlights - Visibility

Sponsorships and memberships

Organization/Event	Date/Session	Benefits
Canadian Council on International Law – annual conference	November 2018	Sponsor recognition at Conference, participation of uOttawa students in Trade and Gender panel and discounted registrations for students
Faculty of Law as an Academic Partner of the American Society of International Law (ASIL)	2019	Recognition as sponsor at ASIL events, four (4) advertisement in American Journal of International Law, discounted ASIL memberships for faculty and students, discounted conference registration for faculty and students, and access to ASIL job placement resources for students
TradeLab uOttawa/Queen's Joint International Economic Law Clinic	Winter 2019	<p>TradeLab is an international organization headquartered at the Graduate Institute of International and Development Studies in Geneva, Switzerland that aims to empower developing countries, international organizations, and smaller stakeholders to reap the full benefits of global trade and investment rules (www.tradelab.org).</p> <p>The Common Law Section together with the Faculty of Law at Queen's University operates a Joint International Economic Law Clinic as part of TradeLab.</p> <p>The Chair supported the Common Law Section's participation in TradeLab by funding mobility of TradeLab students between both institutions and by finding student-participation in a panel at the CCIL Annual Conference on the Trade and Gender projects that they did for TradeLab.</p>



Highlights - Visibility

Event organization and sponsorship

Organization/Event	Partner(s)	Date/ Session	Presenters
"70 Years On...Is Humanity Ready for a World Court of Human Rights (WCHR)?"	Human Rights Research and Education Centre ICJ Canada	October 2018	Keynote: Mark OETTINGER Vermont international lawyer and academic, Convener of the WCHR Design Team, and Lead author of the proposed WCHR Statute Panel: Scott FAIRLEY (chair) Ian BINNIE Jeannine LESPERANCE John PACKER Daniel TURP



Organization/Event	Partner(s)	Date/ Session	Presenters
<p>International Law Group – International Law Speaker Series</p> <p>“Appointing Adjudicators in International Law: The Case of Investor-State Dispute Settlement”</p> <p>“L’immigration arabe dans le monde et au Canada : formes, ampleur et effets”</p> <p>“Responding to Emerging Challenges to the Rules-Based International Order”</p> <p>“Mass Rape of Rohingya Muslim Women and Girls: Charging Genocide against Burma’s Military”</p> <p>“Destroying the Caroline: The Frontier Raid That Reshaped the Right to War”</p>	<p>International Law Group</p> <p>ICJ Canada</p>	<p>Fall 2018 and Winter 2019</p>	<p>Martins PAPARINKIS Associate Professor, Public International Law University College London, Faculty of Laws</p> <p>Nawwar WANNOUS Part-time professor Faculty of Law, Civil Law section University of Ottawa</p> <p>Alan H. KESSEL Assistant Deputy Minister Legal Affairs and Legal Adviser Global Affairs Canada</p> <p>Djouida SIACI Vice President The Rohingya Support Group (NGO drawing attention and raising funds for Rohingya refugees)</p> <p>Craig FORCESE Professor Faculty of Law, Common Law section University of Ottawa</p>
<p>International Law Group Socials provide an informal opportunity for lawyers, students, and professors working in international law in Ottawa to meet and network.</p>	<p>Canadian Council on International Law, International Law Students Association and International and Commercial Trade Law Students Association</p>	<p>Fall 2018 and Spring 2019</p>	<p>n/a</p>

Chair's activity

Research

Publications

J. Anthony VanDuzer and Patrick Leblond, eds, *Foreign Investment Promotion and Regulation: Law, Economics and Policy* (to be published by Routledge in 2019). This will include four co-authored chapters (submitted June 2019).

J. Anthony VanDuzer, *The Law of Partnerships and Corporations*, 4th ed (Irwin 2018)(728 pages).

J. Anthony VanDuzer, "State-to-State Dispute Settlement under the USMCA: A missed opportunity?" in *Festschrift in Honor of Professor Stephen T. Zamora* (Houston: Arte Publico, submitted and forthcoming 2019).

J. Anthony VanDuzer, "Can international investment agreements be instruments of sustainable development? Capacity challenges for developing countries" in *Building Legal Capacity for a More Inclusive Globalization: Barriers to and Best Practices for Integrating Developing Countries into the Maze of Global Economic Regulation*, Joost Pauwelyn and Mengyi Wang, eds (Graduate Institute 2019).

Ashley Schram, Arne Ruckert, J Anthony VanDuzer, Sharon Friel, Ronald Labonte, Policy Responses to International Investment Arbitration: Adherence to Obligations or Regulatory Chill? (2018) Global Policy 1.

Research Work in Progress

- Using International Investment Agreements to Address Corporate Impunity for Human Rights Violations in Extractive Industries – co-authored with Penelope Simons, in *The Corporation in International, Transnational and Domestic Law and Governance – Canadian Perspectives on Globalized Rule of Law*, Oonagh Fitzgerald ed (CIGI forthcoming 2020)(submitted June 2019).
- The new exception permitting state action to fulfill obligations to Indigenous peoples in the United States-Mexico-Canada Agreement – co-authored with Melanie Mallet, to be presented at the Canadian Council on International Law Conference in October 2019.
- European Court of Justice upholds the compatibility of CETA with EU Law: What it means for CETA ratification and beyond – to be presented at CETA Implementation and Implications Conference at Dalhousie University in September 2019.
- Engaged in developing a book project with Silvia Maciunis of CIGI on Investment and Climate Change. A workshop is planned for Fall 2019.

Knowledge Mobilization and Outreach

Presentations

- Invited Panel Member, NAFTA 2.0: The Puzzle of North America as a Region at Texas A & M University School of Law (Fort Worth).
- Invited Chair, International Economic Law Panel, International Law at a Crossroads, Queen's University, Bader International Study Centre (Herstmonceux, UK).
- Invited Presenter, "Investment Obligations in a Post-Brexit Canada-UK FTA" American Society of International Law, International Economic Law Interest Group Meeting (Montreal).

- Invited Commentator, International Institute for Sustainable Development Expert Meeting on Developing a Progressive Agenda for Reform of International Investment Law: Canadian Perspectives (Ottawa).
- Invited Commentator, Purdy Crawford Emerging Business Law Scholars Workshop, Schulich School of Law at Dalhousie University (Halifax).
- Invited Participant, Global Affairs Review of Canadian Model Foreign Investment Promotion and Protection Agreement (Ottawa).
- Podcast, “International Investment Law Research” as part of first year Orientation, University of Ottawa, Faculty of Law (Ottawa).

Other Conferences Attended

- Biennial Conference of the Society of International Economic Law Conference (Washington).
- TradeLab 2018 Annual Meeting (Washington).
- G2 (Georgetown University and the Graduate Institute of International and Development Studies) Conference (Washington).
- TradeLab 2019 Annual Meeting (Geneva by Zoom).

Guest Lectures in Classes

- “Corporate Opinions and Searches,” presented in Dean’s Research and Writing Fellowship class, Professor Melanie Mallet, University of Ottawa.
- “International Investment Agreements” presented in *Transnational Corporations, Human Rights and International Economic Law*, Professor Penelope Simons, University of Ottawa.

Student Training

International Law Assistant

Meryam MIFTAH-IDRISSI (Fall 2018 and Winter 2019) – worked with the Chair in support of TradeLab, and activities of the International Law Group, including the Speaker Series and the Socials.

Directed Research Supervisions (JD students)

Trevor NEIMAN
Brendan WU
Maha ANSARI

Graduate Student Supervisions

Completed

Amr KORAIEM (LL.M.) (supervisor)

Incorporating the TRIPS Agreement in the definition of the Fair and Equitable Treatment - Completed December 2018.

Tomas TOMCZAK (LL.M.) (supervisor)

Problem of accessory security rights in the case of syndicated lending – a comparative study of Polish, Dutch and Ontario laws - Completed August 2018.

Zheng CAO (Ph.D.) (committee member)

Withdrew September 2018.

Current

Sriyan PINNAWALA (LL.M.) registered September 2016 (supervisor)

Alexander KOHLMEIER (LL.M.) registered September 2018 (supervisor)

Timileyin OYEWO (LL.M.) registered September 2018 (supervisor)

Kun HUI (Ph.D.) registered September 2015 (supervisor)

Ernest ADJEI (Ph.D.) registered 2018 (committee member)

Loai EYADAT (Ph.D.) registered 2018 (committee member)

Second evaluator for LL.M. research papers

Manuel CARRETERO-CANNELLA

Gurkanwarpal SINGH REHAL

Ph.D. Examinations

Ksenia POLONSKYA (Queen's University)

Majed Abdullah ALARIFE (University of Ottawa)

Moots

Coach (with Anthony Daimsis), Foreign Direct Investment International Arbitration Moot team – Winner Best Oralist, 3rd Place overall in Global Orals

Coach (with P.M. Vasudev), Davies Canadian Corporate Securities Moot team – Winner, Best Factums

Practice Judge for John Jackson WTO Moot, and Jessup Cup International Law Moot and met with Jean-Jacques Rousseau Moot team to discuss factums.



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