

# Neuberger-Jesin Professor of International Conflict Resolution

2019-2020 report





## From the Neuberger-Jesin Professor

If there was ever any doubt that we live in a complex, interdependent world, in 2020, the COVID-19 pandemic put a quick end to that. Of course, this hardly means our interdependence is necessarily a secure or happy one. That depends on whether and how the human race manages to address the challenges and risks that we face irrespective of geography, history or our separate aspirations.

COVID-19 appears to be a global threat to human health, and it has been enormously disruptive, costing millions of lives and trillions of dollars. It has not, so far, correlated with violent international conflict, but the phenomenon of “vaccine nationalism” may yet lead us there. However, the COVID-19 pandemic has exposed tremendous inequities and exacerbated grievances and, unfortunately, not led anyone to heed the UN secretary-general’s call for a universal pandemic ceasefire. Humans still fight — pandemic or not.

On the more hopeful side, the COVID-19 pandemic has demonstrated the great capacity of humans to cooperate, and for investment in science to yield remarkable (and fairly swift) results for human well-being. So, it is certainly possible that we can solve great problems, including violent conflicts, if we put our minds, resources and energies to the task. Perhaps we can achieve peace in at least some if not all of the world’s human-made conflicts.

The current web-based world has extended our reach across frontiers and generated new ways of easy, inexpensive cooperation. However, this was initially a problem for international peace mediation, which relies heavily on personal relationships. To be sure, the web has not stopped ongoing genocides, though we can perhaps see them more clearly.

Yet, with new communications tools and proof that cooperation works, the investment in training and supporting a new generation of competent peacemakers and peacebuilders may pay off sooner rather than later. This coincides with the mission of the Neuberger-Jesin Professorship of International Conflict Resolution, which we are committed to fulfill.

**John Packer**

Neuberger-Jesin Professor of International Conflict Resolution

## About Professor John Packer



Appointed in April 2018 as the inaugural Neuberger-Jesin of International Conflict Resolution, Professor John Packer is an internationally recognized practitioner and scholar with over 30 years' experience in the field. He is frequently called upon to share views, provide advice and counsel, contribute to training and deliver lectures or written commentary.

Professor Packer joined the Faculty of Law in 2014 from the United Nations, where he was the constitutions and process design expert on the UN's standby team of mediation experts attached to the Department of Political Affairs (now Political and Peacebuilding Affairs) in New York. He brought 20 years' experience providing advice, counsel and assistance for scores of peace processes and political transitions around the world, with a focus on conflict prevention and resolution, diversity management, constitutional and legal reform, protection of human rights and minorities, and international peace mediation. This included several years with the UN in Geneva with the UN High Commissioner for Refugees, the International Labour Organization and the UN High Commissioner for Human Rights. From 1995 to 2004, he was senior legal adviser, and then the inaugural director, of the Office of the Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities in The Hague, working across Central and Eastern Europe and throughout the former Soviet Union.

Professor Packer has held teaching positions at the University of Essex in the U.K. and the Fletcher School at Tufts University, and fellowships at Cambridge and Harvard universities. He has lectured at universities and professional institutions around the world. He also serves as director of the Human Rights Research and Education Centre at the University of Ottawa, the oldest such centre in Canada.

Professor Packer sits on a number of boards and advisory bodies part of organizations such as Human Rights Watch (Canada and Ottawa committees), the International Commission of Jurists–Canada Section, the World Refugee and Migration Council, the Atlantic Human Rights Centre (St. Thomas University, Fredericton), the European Centre on Minority Issues (Flensburg, Germany), the Democratic Progress Institute (London, U.K.), Genocide Watch (Washington, D.C.), Convivenza (Zurich, Switzerland), the Free Rohingya Coalition (London, U.K.) and the Rohingya Legal Forum of the Newlines Institute for Strategy and Policy (Washington, D.C.).

## Highlights

The onset of the COVID-19 pandemic had a significant impact on the second half of the 2019–2020 academic year, pushing the entire uOttawa community to rethink its ways of learning, researching and teaching, and to adapt to a new academic reality that persists to this day. Despite the challenges brought about by the pandemic, Professor Packer's second year as the Neuberger-Jesin Professor of International Conflict Resolution was filled with achievements. Significant strides were made in accomplishing the professorship's mission of contributing to resolution of violent international conflict through mediation grounded in legal and other norms, to achieve sustainable peace and development. Key highlights of the professorship's second year include:

- Introducing a cornerstone course for upper-year JD students
- Successfully supervising several undergraduate and graduate students to completion
- Contributing to several professional training activities
- Influencing policy developments in a number of situations
- Acting as a co-principal investigator on a major research project involving four uOttawa research centres

The remainder of this report details the activities of the Neuberger-Jesin Professorship in International Conflict Resolution for the 2019–2020 academic year.

## Teaching and student support



In fall 2019, Professors Packer and Ellen Zweibel introduced a course, **International Peace Mediation: Peace-making and Peace-building (CML 4113)**, at the Faculty of Law, Common Law Section. The course combines conceptual and institutional knowledge with skills development, to introduce students to, and equip them for entry into, this unique and developing field of practice. Fifteen JD or LLL students enrolled in this new course, the first of its kind at a Canadian law school.

The three-unit (credit) course accepts students who apply and want to advance their conflict resolution knowledge and skills by working through complex multiparty, multicultural international conflict problems. Students gain a solid understanding of the nature, scope and principal elements of international peace mediation, notably in terms of the use of law in peacemaking and peacebuilding processes. Together, students learn and practice third-party skills in complex, violent international settings. Practitioners are invited as guests. Some topics include:

- the sources and nature of violent international conflict
- analytical frameworks and processes in conflict, law and human rights
- conflict-handling mechanisms — options and practices
- actors in peacemaking and peacebuilding
- problem-solving dispute resolution approaches in multiparty situations
- designing peace mediation and peace-building processes
- convening and conducting processes
- working in multicultural environments

A highlight for the initial student cohort was the opportunity to visit the University of Notre Dame's Kroc Institute for International Peace Studies from November 7 to 10, 2019. This was a tremendous learning opportunity for the students, who met with practitioners and leading thinkers in the field. Two students from the class, Annie Arko and Les Honywill, shared their experience in an article published on the uOttawa Common Law Section website (see Appendix I).



*Class trip to to the University of Notre Dame's Kroc Institute for International Peace Studies*

Feedback received from the students at the end of the course included the following:

*"I most enjoyed getting the opportunity to attend the UND Conference because we got the chance to hear from other scholars and practitioners in the field and experienced an aspect of the peace-making community/field. This is a kind of experiential learning that is immersive and, in my opinion, lacking in the curriculum."*

*"I loved how interactive the course was. It felt like I was reflecting on course material in real time. The discussions were very helpful, and the speakers were fabulous. Professor Packer put so much care into this course and it really showed. Being able to attend the Kroc Peace Conference will also be a highlight of my time in law school."*

*"I thought the firsthand experience that Professors Zweibel and Packer brought to the course was invaluable. This combination was wonderfully unique and an experience unlike any other course I've taken in law school."*

*"This course was the single most formative course for my development as a global citizen that I have ever taken. This was refreshing as it was one of the few law courses that allowed me to look at the big picture."*

Other courses taught in 2019-2020 by Professor Packer include:

- DCC 2303 — Legal Aspects of Human Rights (online, both Fall 2019 and Winter 2020 terms)
- CML 3173 — Law-related Internship: Human Rights Clinic (the clinic was founded by Professor Packer, who oversees a handful of its projects throughout the year)
- DRC 4521 — International Humanitarian Law Summer School (in collaboration with the Canadian Red Cross and the Canadian Armed Forces Judge Advocate-General) (13th edition, May 26 to 31, 2019)

Again this year, Professor Packer seized every occasion to present his students with opportunities for practical experience on the international scene. Such notable examples include:

- Katharine Cornish (JD '20) travelling with Professor Packer to Juba, South Sudan, in May 2019 to advise the United Nations Mission to South Sudan on the national dialogue process and to facilitate a Women's Leadership Forum designed by Professor Packer to enhance women's meaningful and effective participation in the peace process (see Appendix II for an article written by Katharine on her experience).
- Slava Balan (LLM, PhD candidate) accompanying Professor Packer on visits to the UN in Geneva and to Chisinau, Moldova, in December 2019 to advance minority rights and prevent conflict (see Appendix III for an account of the visits by Slava).
- Anne-Lise Bloch (JD '21) travelling with Professor Packer in January 2020 to the University of Dhaka's Centre for Genocide Studies, in Bangladesh, to participate in a Winter School on Genocide and meetings with the Bangladeshi government, and to visit Rohingya in the world's largest refugee camp and hear their views on the occasion of the International Court of Justice's historic decision on provisional measures ordered against Myanmar (see Appendix IV for an article written by Anne-Lise on her experience).

Through the 2019–2020 academic year, Professor Packer supervised many PhD and LLM students (listed in Appendix V). He also supervised the directed research projects of five JD students and one LLM candidate (also listed in Appendix V).





*Slavan Balan, PhD candidate, and Professor Packer with councillors of the Moldova Equality Council in Chisinau, Moldova*

## Speaking engagements and conferences



*Professor Packer presiding over an experts' meeting on minorities with the UN Special Rapporteur de Varennes at the United Nations in Geneva, Switzerland*

Humanitarian Law at the University of Ottawa. The guest speaker was Liam Mahony, a long-time associate of Professor Packer and an internationally recognized independent expert on humanitarian protection and human rights, with over 35 years of experience in fieldwork, research, writing and training all over the world. Mr. Mahony's insider reporting on the UN's shortcomings concerning the Rohingya genocide in Myanmar led in part to international public scrutiny and a special report for the UN secretary-general proposing reform of UN practices.

During the 2019–2020 academic year, the Neuberger-Jesin Professor gave guest lectures at several academic institutions and foreign ministries, and to civil society or advocacy groups, as well as contributing to conferences and meetings in Canada and abroad (see Appendix VI for details).

Of particular note was Professor Packer's increasingly influential work on the Rohingya genocide and explorations of possibilities for an eventual voluntary, safe and dignified return to their homeland, for which some international agreement and guarantees are needed.

On May 27, 2019, the Neuberger-Jesin Professor partnered with Inter Pares to present "Breaking the Silence: The International Community's Failure to Confront Genocide Inside Myanmar," as part of the 13th edition of the Summer School on International

## Training

Professor Packer again was invited to contribute to several training activities for practitioners, including diplomats and intergovernmental officials as well as representatives of leading specialized international NGOs. Training was offered to the United Nations in New York (May 2019), the OSCE in Chisinau, Moldova (May and November 2019), the Intergovernmental Authority on Development (IGAD) in Nairobi (June 2019), the United Nations Institute for Training and Research (UNITAR) in Oslo (July 2019), the Organization of Islamic Cooperation (OIC) in Ankara (September 2019) and international NGOs in Helsinki (November 2019).

In addition, for the fifth consecutive year, Professor Packer presented an intensive two-day module on international peace mediation as part of a learning unit on negotiation, advocacy and lobbying for the top-ranked international relations program at Blanquerna Universitat Ramon Llull in Barcelona, Spain, in December 2019.



*Professor Packer training young IGAD diplomats in Nairobi, Kenya*



*Professor Packer with representatives from the OSCE and the UN at the OIC meeting in Ankara, Turkey*



*Professor Packer with participants at the OIC training on mediation in Ankara, Turkey*

## Research and professional practice

In 2019–2020, Professors Packer, Rita Abrahamsen, Jennifer Bond and Monica Gattinger initiated a project titled **Changing Orders: Shaping the Future and Securing Rights in a World in Transformation**. A joint initiative among various University of Ottawa research centres and institutes, Changing Orders seeks to reveal the fundamental dynamics underlying today’s governance and human rights challenges nationally and internationally and to generate new, innovative ideas and policy responses to them.

The project has come about at a time when policymakers are facing unprecedented challenges. Emerging and disruptive technologies, the decline of public trust in institutions and expertise, the rise of fake news, polarized politics and populism, along with the global challenges of climate change, demography and mass migration, are raising fundamental questions for decision-makers. Who decides what, when, how and with what level of legitimacy is increasingly contested. Equally urgent is the question of how fundamental human rights, bolstered for more than seven decades by core international agreements and the rules-based international order, can continue to be protected within a fragmented, shifting global order.

At the heart of Changing Orders are two fundamental questions:

- How to secure inclusive and durable democracies and multilateral cooperation in the face of political and technological change?
- How to secure fundamental human rights in the face of challenges to the rules-based international order?

The initiative will mobilize cutting-edge research and networks of decision-makers from a variety of fields to analyze these challenges and co-produce effective solutions. It will also build on and amplify cutting-edge public interest legal interventions conducted by project partners both domestically and internationally to secure rights in a changing order.

This research project received multi-year funding in February 2020 from the **Alex Trebek Forum for Dialogue: “Smart Changes for a Better World” Public Policy Research Agenda**.



*Professor Packer visiting Rohingya refugees in Bangladesh*

In October 2019, Professor Packer was invited by **Inter Pares**, a Canadian NGO working for international peace and development, to accompany its staff on a visit to local beneficiaries (notably Myanmar refugee groups) in Thailand to discuss the availability and workings of international human rights monitoring bodies and mechanisms for justice (especially regarding accountability for international crimes). He followed this engagement with a visit to Kuala Lumpur, Malaysia, to meet with the Foreign Ministry and to deliver lectures to the Malaysian Bar Association and NGOs regarding the Rohingya genocide and possibilities for the Rohingyas' voluntary return in conditions of safety and dignity. On the same matter, in late January 2020, Professor Packer visited Dhaka, Bangladesh, for meetings with the foreign secretary and senior officials, followed by a visit to Cox's Bazar to meet with Rohingya refugees and local groups to hear their views.

## **Interviews, comments, statements and publications**

Professor Packer contributed opinion pieces, interviews and comments to traditional broadcast media, including on several occasions on CTV News and on TV3 (Catalonia), and to newspapers, including being quoted in major news articles in the *Globe and Mail*, the *Washington Post*, the *New York Times*, the *Anadolu Agency* (Turkey), *Yeni Şafak* (Turkey), the *Dhaka Tribune* and *Prothom Alo* (Bangladesh). He also gave interviews broadcast on digital networks in Bangladesh, Moldova and Pakistan, and through the global *International Observatory for Human Rights* (from The Hague, the Netherlands, and London, U.K.).

Throughout the academic year, Professor Packer was interviewed by scholars doing primary research relating to past or ongoing situations in which he was significantly involved. One notable example was the interview he gave regarding international peacemaking in Yemen from 2011 to 2014 (during which he served as legal adviser for the special adviser to the UN secretary-general) to Sarah Clowry, ESRC PhD Scholar and Cumberland Lodge Scholar, School of Government and International Affairs, Durham University, for her doctoral thesis entitled "Negotiating the Impasse: Identity and International Conflict Mediation in Syria and Yemen." Another example, also with regard to peace processes in Yemen, was an interview given to Professor Laurie Nathan and Dr. Catriona Standfield as part of a project for the United Nations. This project aimed to inform mediators about how to navigate the constraints and sometimes competing demands of their political, normative, donor and other mandates, and the effects on their discretion in implementing specifically the UN's Women, Peace, and Security Agenda.

Additional 2019–2020 interviews, comments, statements and publications are detailed in Appendix VII.

In his academic role, Professor Packer maintains editorial responsibilities for the following periodical journals and yearbooks:

- *Human Rights Law Journal* (associate editor, since 1991)
- *European Yearbook of Minority Issues* (general editor, since 2001)
- *Canadian Yearbook of Human Rights* (editor-in-chief, since 2014)
- *International Journal on Minority and Group Rights* (editorial board, since 1996)

The Neuberger-Jesin Professor retains an active social media presence through Twitter (@JP-Peacemaking) and LinkedIn, with postings read by thousands and disseminated worldwide.



## **Priorities for the 2020-2021 academic year**

- An international tribute to the late human rights and mediation scholar-practitioner and lawyer Professor David Petrasek, with contributions from the current and three past UN high commissioners for human rights.
- Delivery (in whichever way the COVID-19 pandemic constraints permit) of the second iteration of the seminar on international peace mediation for a new cohort of interested JD students.
- Notwithstanding the evident constraints and limitations of the COVID-19 pandemic, raising the profile and awareness and expanding the reach of activities of the Neuberger-Jesin Professorship.
- Ongoing contributions to training and professional practice development, including contributing know-how about resolution of recurrent substantive issues and about peace processes.

As both traditional and social media made abundantly clear in 2019–2020, achieving sustainable peace is an urgent matter, with violent conflicts on the rise across the world and tensions between countries further exacerbated by a deadly global pandemic. Shaping the next generation of jurists as peacemakers and peacebuilders skilled in conflict mediation and resolution and inspired to make a difference is an important step towards achieving peace.

# APPENDICES





## **Appendix I - International Peace Mediation: No Silver Bullet, But Silver Lining**

**By Annie Arko (L2 - JD 2021) and Les Honywill (L3 - JD 2020)  
VOX, posted on December 17, 2019**

There is no silver bullet. We often hear this adage when discussing the complex dilemmas that pervade the 21st Century. This is especially true when it comes to resolving violent international conflict.

Professors John Packer and Ellen Zweibel's International Peace Mediation course, sponsored by the Neuberger-Jesin Professorship in International Conflict Mediation, peels back the layers of triggers and causes of conflict and looks at how law and mediation can support peace-making and building initiatives.

This inaugural course covers topics from the foundations of international law, to analysing conflicts and actors, to designing peace processes. The course engages us in the substantive body of laws governing conflict and intervention, and allows us to study current conflict situations and mediation efforts.

This course also builds upon the University of Ottawa's Dispute Resolution and Professional Development program by allowing us to experiment with different communication and mediation skills in multicultural scenarios. As a class we grapple with the practical realities of securing cease-fires and comprehensive peace agreements against the backdrop of deep-seated ethnic conflict and a range of competing interests.

This class presents an exciting opportunity to gain experience in a quickly evolving field and to be on the forefront of change in exploring how law can assist or constrain attempts to build lasting peace. Peace studies is a relatively recent discipline, with more questions than answers. Part of this stems from the closed-door nature of most peace mediation, which can make it difficult to determine good-practices and to identify learnable moments.

As more scholars and practitioners enter the field, the collective ability to deconstruct and critically evaluate peace processes will grow. But in the meantime, our class relies on candid conversations with practitioners like Professor Packer and others directly on the front-lines.

From November 7 – 10, 2019 our learning was enormously complemented by a class trip to the University of Notre Dame's Kroc Institute for International Peace Studies, where we met and learned from practitioners and leading thinkers in the field. Hearing stories from around the world gave our class a much more vivid understanding of the boots-on-the-ground challenges and complexities that mediators and other practitioners face.

The Kroc Institute's conference, Building Sustainable Peace (<https://kroc.nd.edu/news-events/events/building-sustainable-peace-ideas-evidence-and-strategies/>), drew a large multidisciplinary crowd allowing us to attend talks on building peace from the perspectives of elections, health, environment, economics, disarmament, the list goes on. One particularly powerful keynote speaker, sujatha baliga, a former practicing lawyer, spoke about her restorative justice approach to domestic peace building by diverting youth from America's dysfunctional and costly criminal justice system to combat the over-incarceration of racial minorities.

Beyond the traditional parameters of the state, diplomats, and the United Nations, we were exposed to a variety of grassroots, bottom-up, and community-centered peace building initiatives that focus on stakeholders and actors who are often absent in mainstream peace processes.

Exposure to multiple modes of problem-solving is essential for developing creative legal minds of the future that are capable of responding to the growing complexities and non-traditional problems we will face throughout our careers.

This conference was both a mind- and possibility-expanding opportunity as many of us received not only greater substantive and practical knowledge of the field, but also exposure to career paths previously unknown to us.

Attendees also benefited from candid talks on peace building failures on personal and systemic levels. Hearing critical perspectives on common practices in the field is something that will stick with us as we strive to ask the right questions and talk to the right people when planning peace processes from discreet negotiations to national dialogues.

While there are no silver bullet solutions, we are encouraged by the silver lining that together our collective and multidisciplinary approaches will enable greater peace outcomes in the future.

*On behalf of our class, we thank Professors Packer and Zweibel and uOttawa Faculty of Law alumni (Class of 1981) Edith Neuberger and Norman Jesin for this wonderful hands-on and cutting-edge learning experience.*



## **Appendix II - Katharine Cornish, JD Candidate 2020, joined Professor John Packer in South Sudan for a Women's Leadership Forum organized by the UN**

**By Katharine Cornish (L3 - JD 2020)  
VOX, posted on July 17, 2019**



In May 2019, I had the opportunity to accompany Professor John Packer, Director of the University of Ottawa's Human Rights Research and Education Centre, to Juba, South Sudan to observe and assist with a Women's Leadership Forum organized by the UN Mission in South Sudan (UNMISS). During the trip, we also had a chance to meet with the Canadian Ambassador to South Sudan and attend a regional conference related to the South Sudan National Dialogue process. This opportunity stemmed from my directed research project work on women's participation in the National Dialogue process under Professor Packer's supervision. My travel to Juba was funded through the Neuberger-Jesin Professorship of International Conflict Resolution which Professor Packer holds.

South Sudan is the world's youngest nation, becoming independent from Sudan in 2011. It is also one of the world's poorest countries. Since its independence, the country has experienced civil strife causing massive displacement and food insecurity. After several failing peace agreements, a revitalized peace agreement was signed in September 2018. This agreement provides a blueprint for establishing a transitional government of national unity and includes provisions for women's representation across all levels of government. The purpose of the Leadership Forum was to help equip women to participate meaningfully in the peace process and discuss strategies for meeting the 35 percent minimum quota for women's participation. One feature of the Forum was the presence of two female politicians from the region, including a former minister and presidential candidate from Kenya and an opposition leader from Sierra Leone, who shared their own experiences as women in politics.

Accompanying Professor Packer presented a unique opportunity to see how UNMISS functions and works with other parts of the UN to deliver its mandate. It also exposed me to some of the different roles lawyers can play in conflict-affected and post-conflict country contexts. The opportunities I had to interact with women leaders from South Sudanese civil society were a major highlight of the trip for me. It was inspiring to see their zeal and determination for a meaningful role in the next phase of political transition in South Sudan. It was also special to attend the regional National Dialogue conference, which provided fresh perspective on the research I had conducted and a chance to make new connections and to gather first hand updates on the process.

While the trip presented some hiccups and challenges along the way, it was one of the most memorable opportunities I've had to date at law school. I feel very fortunate to have had this opportunity and exposure, which will undoubtedly help inform my future directions in law.

## Appendix III - Resolving Conflicts and Building Peace by Advancing Minority Rights

By Slava Balan, LLM, PhD candidate  
VOX, posted on February 19, 2020



In December 2019, I enjoyed the enriching experience of accompanying Prof. John Packer, Neuberger-Jesin Professor of International Conflict Resolution, during visits to Geneva and Chisinau (the capital of Moldova) to advance minority rights and prevent conflicts.

In Geneva, Prof. Packer contributed to a meeting of experts aimed at strengthening the implementation of minority rights. The consultation was convened by the UN High Commissioner for Human Rights in collaboration with world-leading NGO Minority Rights Group. Many important and complex questions of current challenges were raised and debated at the meeting, including the work of the UN human rights bodies and mechanisms seeking to empower minorities and promote the realization of their rights. The meeting was chaired by the UN Special Rapporteur on Minority Issues, Dr. Fernand de Varennes (a Canadian and former Dean of the Faculty of Law at the University of Moncton), and attended by members of the UN treaty bodies, recently appointed UN Assistant Secretary-General for Human Rights Ilze Brands Kehris of Latvia, leading minority rights scholars and key experts from international NGOs. Prof. Packer shared his substantial experience and called for the UN to consider commencing negotiation of a legally binding Minority Rights Convention to translate the 1992 UN Declaration into 'hard law' with a dedicated supervisory body.

While in Geneva, Prof. Packer convened a briefing on the case of *The Gambia v. Myanmar* at the International Court of Justice (ICJ) under the UN Genocide Convention (1948) concerning the Rohingya genocide. Rohingya intellectual and activist Dr. Hla Myint (Foreign Relations Representative of the Arakan Rohingya National Organisation – ARNO) was invited by Prof. Packer to co-present at the briefing. During the meeting Prof. Packer explained the opportunities and limitations of the case before the ICJ, and encouraged specialized UN bodies to make tailored submissions to the Court along with Governments and relevant IGOs.

In Chisinau, Prof. Packer conducted an expert training on Health, Human Rights and Minorities for the professional staff of Moldova's Agency for Inter-Ethnic Relations, the Ombudsperson's Office, and the Equality Council (Moldova's national human rights institution akin to Canada's Human Rights Commission), and provided on-the-spot expert advice to the members of the Equality Council regarding selected challenges and cases. Invited to Moldova by the Mission of the Organisation for Security and Cooperation in Europe (OSCE), the purpose of Prof Packer's visit was to help the three institutions develop their shared knowledge base and contribute to fairness for all persons throughout the country with a view to building public confidence in the rule of law and democratic governance. This is directly linked to peace and security in the country which has endured persistent political and economic challenges including part of its territory (predominantly Russian-speaking Transnistria) not under the State's effective control. The better management or resolution of Moldova's inter-ethnic relations would significantly contribute to the security and development of the country and the region.

Plans for an extended collaboration between the University of Ottawa's Human Rights Clinic and the Moldova Equality Council were discussed. Engaging uOttawa Law students in some legal research, notably of International and Comparative Law, to support the Moldova Equality Council would be meaningful for both the Council and students and deliver real value to the country.



As a doctoral candidate in Law under Prof. Packer's supervision, it was a tremendous opportunity and great learning experience for me to attend and observe how Prof Packer employs law to strengthen the performance of key public institutions and build peace in such a context. Similarly, at the UN in Geneva I was able to attend and also address the minority rights expert meeting to which I shared some ideas from my doctoral work on mainstreaming the minority dimension through a human rights based approach. These were both invaluable and highly stimulating experiences for me and, we hope, useful contributions to the important work being done in Moldova and by the UN on a global basis.

*We thank uOttawa Faculty of Law alumni (class of '81) Edith Neuberger and Norman Jesin for their financial support of the Neuberger-Jesin Professorship in International Conflict Resolution.*

## Appendix IV - Insights from the Field; Using International Law for Sustainable Peace and Development

By Anne-Lise Bloch (L2 – JD 2021)  
VOX, posted on March 10, 2020



On 23 January, at 10 a.m. in The Hague, the International Court of Justice delivered its decision on a request for provisional measures in the contentious case of *The Gambia v Myanmar* ([www.icj-cij.org/en/case/178](http://www.icj-cij.org/en/case/178)). At the time, I was six time zones away – awaiting the Court’s decision with a group of Rohingya refugees in Kutupalong, the world’s largest refugee camp located outside of Cox’s Bazar in Bangladesh. Relying on the limited internet connection of a health clinic (cell service in the camps is virtually non-existent), we parsed the contents of the order together from the tweets and press

releases of journalists present in The Hague: the case would proceed to the merits, and the Court had granted four provisional measures for Myanmar to implement in the interim.

I have been following this case closely since it was filed in November of 2019, as I have been researching the Rohingya genocide for the entirety of my law school career. I began my work on the topic in July of 2018, a month before my first year, helping Professor John Packer (Director of the Human Rights Research and Education Centre and the inaugural Neuberger-Jesin Professor of International Conflict Resolution) organise a symposium on the legal dimensions of the Rohingya crisis. I have continued this research for Prof. Packer over the course of my studies at the University of Ottawa, and have had the opportunity to study this case in my Public International Law, International Human Rights, and Law of International Organisations courses. And, for my January term this year, I completed a directed research project on the customary status of the principle of *non-refoulement*, looking at the legal implications of the possible forced repatriation of Rohingya refugees from Bangladesh to Myanmar.

In this last connection, I was offered the opportunity to accompany Prof. Packer on a week-long trip to Bangladesh. He was set to lecture at the University of Dhaka’s Centre for Genocide Studies’ 6th annual Winter School, at the invitation of the Centre’s Director, Mr. Mofidul Hoque. I had the opportunity to meet Mr. Hoque, who is also the founder of Bangladesh’s impressive War Liberation Museum ([www.liberationwarmuseumbd.org](http://www.liberationwarmuseumbd.org)), as well as a number of the Centre’s graduate students and researchers. Prof. Packer delivered two separate lectures for the Winter School, providing students with an overview of the ICJ case, and examining other legal dimensions to the Rohingya genocide. We stayed at the institute where the course was held and so enjoyed meeting the course organisers from Dhaka University, as well as the Bangladeshi, Nepalese, Sri Lankan, and Cambodian students in attendance. Prof. Packer also engaged with the students over issues arising from the 1.1 million Rohingya refugees currently living in Bangladesh, debating policies aimed at preventing integration and at encouraging the repatriation of Rohingya refugees (including, in particular, the lack of formal, recognised education and accreditation available in the camps).

The timing of the week-long course was fortunate: we arrived in Dhaka on Monday, January 20th, three days before the ICJ decision would be delivered. As such, in addition to lecturing, Prof. Packer was interviewed by three prominent Bangladeshi newspapers and met with journalists to discuss the case and answer substantive questions: *What did the case mean for Bangladesh? What enforcement mechanisms are available to the Court to ensure Myanmar's compliance with any provisional measures? What role, if any, would the Security Council play moving forward?* We were also able to meet with the Bangladeshi Foreign Secretary, His Excellency Masud Bin Momen, and six of his Director Generals, for whom Prof. Packer outlined the ICJ case and the potential for States to join the proceedings (under Articles 62 and 63 of the ICJ *Statute*) and discussed how the case might affect international negotiations and contribute to a solution for the ongoing situation. Being in the room as this conversation took place, I gained an invaluable perspective into the diplomatic dimension of International Law – one which, despite being constantly highlighted during my studies, is difficult to glean from a classroom. In particular, I was struck by Prof. Packer's emphasis on the interests of Bangladesh, discussing refugee policy as a developmental opportunity – reframing access to education and skills-based training for Rohingya refugees as a long-term investment in the peace and stability of the region.

However, the most poignant moment for me remains discussing the ICJ case and decision with Rohingya refugees huddled in Kutupalong camp. Only a handful of Rohingya were in The Hague to hear the decision in person. Unfortunately, as a dispute between States, there is little opportunity for the Rohingya to be meaningfully represented or even heard in the ICJ case. Nevertheless, the Rohingya stand to be substantially affected by the Court's decisions and orders. For the Rohingya who remain inside Myanmar, the decision marks the first time that a court has ordered Myanmar to take action to protect the Rohingya; the State has been directed to take all measures within its power to prevent the commission of all genocidal acts against the Rohingya, and to take effective measures to prevent the destruction and ensure the preservation of evidence relating to the case. For Rohingya refugees living in Bangladesh, the order may pave the way for future repatriation and possible reparations – and has garnered increased global attention to their plight.

On our return to Canada, and a little over a week after the Court's decision, it was striking to see the Government of Bangladesh announce it will begin to offer schooling and skills training opportunities to all Rohingya children. The Foreign Secretary told journalists that his Government "has felt the need to keep Rohingya children's hope for the future alive with extending education and skills training to them".<sup>1</sup>

*We thank the uOttawa Faculty of Law alumni (class of '81) Edith Neuberger and Norman Jesin for their financial support of the Neuberger-Jesin Professorship in International Conflict Resolution.*

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1 <https://www.amnesty.org/en/latest/news/2020/01/bangladesh-rohingya-children-get-access-to-education/>



## Appendix V - Students under the Neuberger-Jesin Professor of International Conflict Resolution

### Supervision (relating directly or indirectly to the professorship)

#### Doctoral

- Veaceslav Balan [Moldova], "The Human Rights Based Approach to Development at the International, National and Local Levels"
  - comprehensive examination completed in May 2020
- Agnes Barr-Klouman [Canada/Norway], "On the intersections between international law, space, and power vis-à-vis territory and sovereignty/authority"
  - Member of thesis committee; supervised by Professor Elizabeth Judge
- David DesBaillets [Canada], « Le droit au logement au Canada d'hier à demain; Le droit au logement social d'aujourd'hui: de la Charte à la stratégie nationale sur le logement canadien »
  - External examiner for PhD at UQAM; thesis successfully defended in April 2020
- Lilou Jiang [China/Canada], "Capital Punishment in China: Towards Effective Public Policy and Law"
  - PhD thesis successfully defended in April 2020 (the first conducted virtually at the Faculty of Law)
- Jocelyn Kane [Canada], "Voluntary Statelessness: Conceptual and Practical Implications"
  - Member of thesis committee; supervised by Professor Patti Lenard, Faculty of Social Sciences; successfully defended her proposal in February 2020
- Jeonghyeon Kim [South Korea]. Hosted and provided pastoral care to visiting PhD student completing her thesis entitled "At the Border of Human Rights: Analyzing State Compliance with International Refugee Protection Norms."
  - PhD thesis successfully defended at the University of Nebraska in summer 2019
- Abu Saleh [Bangladesh], "The International Protection of the Rohingya and Accountability for Atrocity Crimes Against Them"
  - completed first year course-work with outstanding grades

#### LLM

- Astrid Akakpo [France], « L'efficacité et la mise en œuvre du droit international de la santé, du droit à l'intégrité physique et du Droit International envers les femmes victimes de violences sexuelles constitutives de crimes internationaux (Étude de cas du Soudan du Sud) »
  - successfully completed in September 2019
- Victoria Antkowiak [France], « Les limites du statut juridique des forces de maintien de la paix des Nations Unies, dans le respect du droit international humanitaire et de la protection internationale des droits de l'homme, lors de leur déploiement en cas de crise internationale »
  - successfully completed in September 2019
- Hortense Arany [France], « Concevoir et perpétuer la culture immatérielle, entre existence physique, identité distincte et le groupe « comme tel » »
  - successfully completed in winter 2020
- Ebenezer Orumwense [Nigeria], "Non-Compliance to International Humanitarian Law Standards: The 'War' Against Boko Haram"
  - successfully completed in May 2019
- Sukhchain Singh [India], "Is the Persecution of the Rohingya in Myanmar a Threat to International Peace and Security?"
  - successfully completed in winter 2020
- Murray Isaac Snider [Canada], "International Cultural Heritage Law and Suggestions for Reform."
  - successfully completed in Winter 2020

Directed research papers (JD and LLM)

- Murray Isaac Snider [Canada, LLM], "The Protection of Cultural Property in Periods of Armed Conflict and the Interrelationship between International Humanitarian Law and International Human Rights Law"
- Katharine Cornish [Canada, JD], "A Seat at the Table: The Case for Women's Participation in the South Sudan National Dialogue"
- Annie Arko [Canada, JD], "The Long Journey Home: A Peace Process for the Rohingya"
- Anne-Lise Bloch [Canada, JD], "Non-Refoulement and the Rohingya Refugees: An analysis of the customary status of non-refoulement, and its standing in Bangladesh"
- Stephanie Nedoshytko [Canada, JD], "Developing Effective and Sustainable Institutions in a Constitutional State: Republic of Moldova"
- Rashid Timbilla [Canada, JD], "The Role of Infrastructure: How the BRI is influencing the world"

## Appendix VI - Speaking engagements

- May 3–4, 2019: New York, N.Y., U.S.
- May 12–14, 2019: London, U.K.
- May 14–19, 2019: Chisinau, Moldova
- June 8–13, 2019: Nairobi, Kenya
- June 23–27, 2019: The Hague, Netherlands
- June 28–July 2, 2019: Oslo, Norway
- August 28–31, 2019: Washington D.C., U.S.
- September 11–14, 2019: Ankara, Turkey
- October 9–11, 2019: Brussels, Belgium
- October 12–20, 2019: Chang Mai and Mae Sot, Thailand
- October 31, 2019: Fredericton, New Brunswick
- November 4, 2019: Washington, D.C., U.S.
- November 6–7, 2019: Helsinki, Finland
- November 8–10, 2019: South Bend, Ind., U.S.
- November 20–23, 2019: Chisinau, Moldova
- November 25–28, 2019: Geneva, Switzerland
- December 1–4, 2019: Hanoi, Vietnam
- December 4–7, 2019: Kuala Lumpur, Malaysia
- December 10–14, 2019: Barcelona, Spain
- December 17–18, 2019: Seton Hall University, N.J., U.S. (virtually)
- January 16–18, 2020: Los Angeles, Calif., U.S.
- January 18–26, 2020: Dhaka and Cox’s Bazar, Bangladesh
- February 25, 2020: Washington D.C., U.S.

On May 3, 2019, Professor Packer contributed to panel TH7 on “International Protection of Minority Rights (Effective) Multilateralism Under Threat?” at the 2019 Annual Conference of the Association for the Study of Nationalities (ASN) held at the Harriman Institute, Columbia University in New York, USA.

On May 13, 2019, Professor Packer contributed to the proceedings held at the House of Lords in London, U.K. These proceedings marked the 50th anniversary of the international NGO “Minority Rights Group International”, of which he previously served on the International Council.

On June 20, 2019, Professor Packer spoke at the Alex Trebek Forum for Dialogue event “Humanizing Migration Rights, Refuge, Responsibilities” at the University of Ottawa. Other speakers included the Hon. Ahmed Hussen, minister for immigration, citizenship and refugees; the Hon. Senator Ratna Omidvar; Jean-Nicolas Beuze, UN Refugee Agency representative in Canada; and Mustafa Alio, co-founder of the Network for Refugee Voices.

From June 25 to 28, 2019, Professor Packer participated in and contributed to several panels and consultations as part of the first World Conference on Statelessness and Inclusion held in The Hague, Netherlands. While in The Hague, he also delivered a talk hosted at the Canadian Embassy for legal advisers from a number of like-minded governments about the ongoing Rohingya genocide and options to pursue justice.

On September 12-13, 2019, while training diplomats on International Peace Mediation in Ankara, Turkey, Professor Packer held meetings with officials at the Foreign Ministry, contributed to expert consultations on developing a Code of Conduct for mediators on culturally sensitive approaches to mediation convened by the Organisation of Islamic Cooperation (SESRIC centre), and delivered a lecture at the headquarters of the Turkish Red Crescent entitled “Reflections on International Humanitarian Law”.





*Professor Packer at the Turkish Red Crescent headquarters in Ankara, Turkey, in September 2019*

On September 19, 2019, Professor Packer spoke at the launch of the exhibition “An Image of Justice: Genocide, Truth & Reconciliation” at the University of Ottawa. This exhibition presented cartoons selected by a jury out of over 600 submissions from 34 countries for the first edition of the Global Cartoon Contest launched in May 2019.

From October 12 to 19, 2019, Professor Packer accompanied staff of the NGO Inter Pares for meetings with representatives of refugees, civil society groups and scholars in Chang Mai and Mae Sot, Thailand. He also delivered a talk at Chang Mai University during his week in Thailand.

On October 31, 2019, Professor Packer was a guest speaker for the Human Rights Speaker Series at St. Thomas University, New Brunswick (lecture entitled “Investigating Serious Violations of Human Rights: Reflections from International Practice”) and contributed to a class on international human rights law taught through the Atlantic Human Rights Centre at St. Thomas.

On November 4, 2019, Professor Packer contributed to closed and public consultations of the Rohingya Legal Forum of the Center for Global Policy in Washington, D.C. While there, he also met with officials of the U.S. State Department and relevant embassies.

From November 8 to 10, 2019, Professor Packer contributed to the international conference “Building Sustainable Peace: Ideas, Evidence, and Strategies” held at the Kroc Institute for International Peace Studies at the University of Notre Dame (South Bend, Indiana, U.S.). During the conference, he contributed a talk that drew from his professional practice, entitled “Reflections from Yemen and Challenges in South Sudan: Toward the Effective Participation of Women in Peace Processes”; and also accompanied his students from the University of Ottawa, for whom a number of dedicated talks were arranged in addition to the conference program.

On November 18, 2019, Professor Packer spoke on peace and conflict resolution at a private event for the Nobel Women’s Initiative’s Sister-to-Sister Mentorship Program.

From November 25 to 28, 2019, Professor Packer contributed to a consultation of experts on minority rights and issues held at the United Nations in Geneva, Switzerland, preceding the annual open Forum on Minority Issues. Professor Packer specifically addressed the meeting on the issue of conflict prevention. While in Geneva, he also held meetings with officials from the United Nations and its agencies and with representatives of international NGOs about options to pursue justice and implications for peacemaking and peacebuilding affecting the Rohingya minority of Myanmar (the large majority of whom have been pushed to flee their homeland).

From December 2 to 4, 2019, Professor Packer contributed to the deliberations of the periodic high-level inter-governmental dialogue between ASEAN and the United Nations (“AURED V” on Political-Security Cooperation) held in Hanoi, Vietnam. He delivered a presentation as part of the panel entitled “Regional Contexts: Regional Models of Conflict Prevention and Conflict Response”.

From December 5 to 7, 2019, Professor Packer travelled to Kuala Lumpur, Malaysia for meetings with civil society groups and delivered talks for Malaysian diplomats and members of the Malaysian Bar Council regarding the Rohingya genocide and options to pursue peace with justice including through available international recourses.

On December 10, 2019, at the invitation of an all-parliamentary group on human rights in the Parliament of Canada, Professor Packer addressed developments in Asia (China, Sri Lanka, and Myanmar) as part of a Human Rights Day roundtable discussion held in the West Block in Ottawa.

On December 17-18, 2019, Professor Packer contributed (via Skype) to the “Integrative Peace Building – United Nations Generative Dialogue” held at the School of Diplomacy and International Relations at Seton Hall University in South Orange, New Jersey, U.S.

On January 17-18, 2020, Professor Packer contributed to the Rotary World Peace Conference 2020 held near Los Angeles, U.S., at which he delivered a presentation entitled “Understanding our role in helping victims of persecution: Responding to the Rohingya genocide – and lessons beyond” with humanitarian Dr. Fozia Alvi.

From January 19 to 26, 2020, Professor Packer delivered a number of lectures as part of “Dealing with the Past: Confronting Genocide through Peace Education and Justice”, a South Asian Winter School program organized jointly by the Center for the Study of Genocide and Justice and the Liberation War Museum in Dhaka, Bangladesh. While in Dhaka, Professor Packer also met to discuss the ongoing Rohingya genocide affecting Bangladesh with independent researchers, diplomats, and at length with officials of the Bangladesh Foreign Ministry including the Foreign Secretary. He also met with journalists and provided a number of interviews published in the press. On the last two days of his visit, he traveled to Cox’s Bazar to visit the Rohingya refugee camps along the southern border to meet with refugees, humanitarian workers and others providing assistance.

On February 25, 2020, Professor Packer contributed to closed and open consultations regarding the ongoing Rohingya genocide as part of the Rohingya Legal Forum in Washington D.C., U.S., and met again with U.S. government officials and interested foreign diplomats.

On March 5, 2020, Professor Packer contributed a presentation on “mediation in political transitions, drawing examples from South Asia and Southeast Asia” as part of an international mediation experts roundtable convened by Global Affairs Canada in Ottawa.

*\*Events and meetings scheduled for spring and summer 2020 were largely cancelled or postponed on account of the COVID-19 pandemic.*



*Professor Packer at the AURED V conference in Hanoi, Vietnam in December 2019*

## Appendix VII - Additional 2019-2020 interviews, comments, statements and publications

- Sally Holt and John Packer, "[Self-determination and peace processes; Pathways and stumbling blocks for conflict resolution](#)", in Cate Buchanan (ed.), *Pioneering peace pathways; Making connections to end violent conflict*, Accord Series – Issue 29, Conciliation Resources, UK (2020)
- Payam Akhavan and John Packer, "[What Canada Can Do About the Rohingya](#)", CIPS blog, uOttawa (May 1, 2019)
- John Packer, "[Director Packer Addresses Rohingya Genocide Remembrance Day on Parliament Hill](#)", Common Law Section, uOttawa (August 25, 2019) with statement here: [https://cdp-hrc.uottawa.ca/sites/cdp-hrc.uottawa.ca/files/2019-08-25\\_jpstatement\\_rohingyagenocideremembranceday\\_en.pdf](https://cdp-hrc.uottawa.ca/sites/cdp-hrc.uottawa.ca/files/2019-08-25_jpstatement_rohingyagenocideremembranceday_en.pdf)
- John Packer, "[Bir devlet eylemi olarak soykırım Rohingya meselesi](#)", Yorum, JOHN PACKER – OTTAWA ÜNİVERSİTESİ HUKUK FAKÜLTESİNDE PROFESÖR, Haber Merkezi, Yeni Şafak, 07 Eylül 2019 [Translation: "Genocide as a State Action Rohingya Issue", Comment, John Packer – Professor of Ottawa University Law School, News Center, Yeni Şafak ("New Dawn" newspaper), September 7 2019]
- John Packer, "[MBS admits "full responsibility" for the Khashoggi murder: what this means for the Kingdom's allies](#)", CIPS blog, uOttawa (October 1, 2019)
  - This publication won the inaugural "CIPS Best Blog of the Year" competition, determined by public vote.
- Sareta Ashraph, Azeem Ibrahim, John Packer, Allan Rock, David Scheffer and Djaouida Siaci, "[The International Court of Justice and the Duty to Prevent and Punish the Rohingya Genocide](#)", Center for Global Policy, Washington D.C., USA (November 4, 2019)
- Marlise Simons, "[Myanmar Genocide Lawsuit is Filed at United Nations Court](#)" (quote from John Packer), The New York Times, USA (November 11, 2019)
- Danielle Paquette, "[Why a tiny African country is taking the Rohingya's case to the world court](#)" (quote from John Packer), The Washington Post, USA (November 12, 2019)
- Sareta Ashraph, Mark Farmaner, Penny Green, Hla Kyaw Khybybe, Wai Wai Nu, John Packer, and Laetitia van den Assum (interviewees), "[Aung San Suu Kyi: I know nothing](#)", Dhaka Tribune, Bangladesh (December 9, 2019)
- Rifat Munim, "[There has been genocide in almost every sense of the word](#)" (interview with John Packer), Dhaka Tribune, Bangladesh (January 22, 2020)
- John Packer, "[ICJ's provisional verdict will give a sense of which way the court is leaning](#)", Prothom Alo, Bangladesh (January 23, 2020)
- John Packer (interviewee), "[Failures by Myanmar to fulfil its obligations will be breaches of the UN Charter](#)", The Daily Star, Bangladesh (January 28, 2020)





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