

HYMAN SOLOWAY CHAIR IN BUSINESS AND TRADE LAW

2020–2021 Annual Report



Faculty of Law, Common Law Section
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uOttawa

Overview

The **Hyman Soloway Chair in Business and Trade Law** is an endowed chair at the Faculty of Law in the name of the principal donor, the late 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.

The Hyman Soloway Chair has a broad 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, learn, and be inspired by leading experts in the field by supporting and organizing clerkships, membership and sponsorship of international law organizations (such as the Canadian Council on International Law and the American Society of International Law), conferences, workshops, speakers, communications and other activities.

Each year, the law school presents the Hyman Soloway Lecture by a leading academic in business or international economic law. In 2019, for the first time, the Chair supported the inaugural Hyman Soloway Chair Visiting Professor, Professor Michael Ewing-Chow from the National University of Singapore, who taught a course at the law school in the January term. Howard Mann, Senior International Law Advisor for the International Institute for Sustainable Development was the Hyman Soloway Visitor for 2020. Unfortunately, in light of the COVID-19 pandemic, there was no Hyman Soloway visitor or lecture in 2021.

About the current chairholder

Professor **J. 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.

Professor VanDuzer has been a member of the Academic Advisory Council to the deputy minister for international trade and has delivered 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 100 articles on business, trade, and investment law issues. His work has been cited in more than 40 judicial decisions by Canadian courts, including the Supreme Court of Canada. 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 Jolene Hansell, as well as the Canadian Corporate Securities Moot team with Professor P.M. Vasudev.



Courses taught in 2020–2021:

- Business Organizations (CML 2302A)
- International Trade and Investment Law Practicum (CML 3385)
- Foreign Direct Investment Moot (CML 3120FA)

J. Anthony VanDuzer

Hyman Soloway Chair in Business and Trade Law
and full professor, Faculty of Law, Common Law Section

Highlights

Hyman Soloway Student Summer Fellowships – Summer 2021

- Organized five Hyman Soloway Student Summer Fellowships, building on the successful first run of this program in the summer of 2020 (hosts: Columbia Center for Sustainable Investment, Tereposky DeRose, Woods LaFortune, Professor Surya Deva and Howard Mann).

International Law Speaker Series

- Presentation by Dr. Kristen Boon, Miriam T. Rooney Professor of Law, Seton Hall Law School “Access to Justice in International Law” March 9, 2021. Unfortunately, due to the COVID-19 pandemic, it was not possible to offer the full Speaker Series in 2020-2021.

Hyman Soloway Research Colloquium on International Economic Law

- Launched and chaired the Hyman Soloway Research Colloquium on International Economic Law presenting papers by Jean-Michel Marcoux, Julien Sylvestre-Fleury, Wolfgang Ascher, and Nicolas Lamp in February, March, and May 2021, all of which were held virtually.

The colloquium provides scholars, practitioners and graduate students with an opportunity to present work-in-progress and to receive feedback from experts in the field. It was set up as a way for a small group of people interested in international economic law and policy to get together to exchange views when the usual fora for academic exchange are not available.

Panel on an Atlantic Free Trade Area

- Organized and co-chaired a panel on an Atlantic Free Trade Area, with co-sponsors the CN-Paul Tellier Chair, and the Centre for European Studies (Carleton University) on May 27, 2021. This event featured leading international economic law experts and over 140 registrants.

Speakers:

- **Armand de Mestral**, professor emeritus and Jean Monnet Chair in the Law of International Economic Integration, McGill University
- **Marc Bungenberg**, director of the Europa-Institut and professor of Public Law, European Law and Public International Law, Saarland University
- **Michelle Egan**, professor and Jean Monnet Chair *ad personam*, School of International Service, American University
- **Ricardo Ramirez**, founder and partner RRH Consultores, S.C. and former WTO Appellate Body member
- **Ozlem Atikcan**, associate professor in Politics and International Studies, University of Warwick
- **Sylvie Tabet**, general counsel and director, Trade Law Bureau, Global Affairs Canada
- **Crina Viju -Miljusevic**, associate professor of European Economic Integration, Carleton University and associate director of Carleton’s Centre for European Studies

Highlights (cont.)

TradeLab uOttawa/Queen's Joint International Economic Law Clinic

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).

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. The Chair is the TradeLab academic supervisor. The chair supported the Common Law Section's participation in TradeLab in various ways, including funding visits by uOttawa students to Queen's and by Queen's students to uOttawa.

This year, clinic students worked on two projects:

- A possible Canadian border carbon adjustment tariff and its compatibility with Canada's WTO obligations for Trade Law Bureau of Global Affairs Canada; and
- A confidential project for an international Geneva-based NGO in partnership with Kenyatta University in Nairobi, Kenya.

Canadian Council on International Law Annual Conference – Fall 2020

The Chair was a sponsor of the conference. Benefits included sponsor recognition at the conference and all advertising and discounted registrations for students and free registration for 4 faculty members.

Faculty of Law Academic Partnership with of the American Society of International Law (ASIL)

The Chair funded the Faculty of Law to be an Academic Partner of ASIL, the only Canadian school to have that status. Benefits included recognition as a sponsor at ASIL events, four advertisements in the *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.



Canadian Council on International Law
Conseil canadien de droit international



Research and other knowledge mobilization/outreach activities

PUBLICATIONS

Mitchell McIness, Ian Kerr, **J. Anthony VanDuzer** and Malcom Lavoie, *Managing the Law: Legal Aspects of Doing Business*, 6th edition (Toronto: Prentice Hall Canada, forthcoming 2022) (author of 6 chapters, submitted).

J. Anthony VanDuzer and Penelope Simons, "2020 Developments in Home State Foreign Direct Investment Policies" in *2020 Yearbook of International Investment Law and Policy*, Lisa Sachs & Lise Johnson eds. (Oxford: OUP forthcoming 2021).

J. Anthony VanDuzer and Melanie Mallet, "Indigenous Rights and Trade Obligations: How Does CUSMA's Indigenous General Exception Apply to Canada?" forthcoming (2020), *Canadian Yearbook of International Law*, Vol. 58. * Winner of the Charles B Bourne Article Prize for an article published in the *Canadian Yearbook of International Law* that makes an outstanding contribution to international law.

J. Anthony VanDuzer, "Indigenous Peoples and International Trade: Building Equitable and Inclusive International Trade Agreements," John Borrows and Risa Schwartz (eds) (Cambridge: CUP 2020) forthcoming (2021), *Journal of World Investment and Trade*, Vol. 22.

PRESENTATIONS

Presenter, "Corporations and International Investment Law," Three 2-hour Webinars for the Trade Law Bureau, Global Affairs Canada, January 7 and 28 and February 4, 2021 (held virtually).

Invited participant, Columbia Center for Sustainable Investment, Consultation on Investment Dispute Prevention Mechanisms, March 9 and 10, 2021 (held virtually).

Invited participant, United Nations Consultation on Human Rights and International Investment Law, February 24, 2021 (held virtually).

Panelist, Centre for International Governance Innovation, The Corporate Citizen & COVID-19: Investor-State Settlement, November 19, 2020 (held virtually).

Invited panelist, "Investment Rules in the United States-Mexico-Canada Agreement" at USMCA, Energy, Environment, and Health Challenges: a Legal Context in the Complex Times of COVID 19, North American Consortium on Legal Education, University of Houston Law Center, November 13, 2020 (held virtually).

Research and other knowledge mobilization/outreach activities (cont.)

OTHER CONFERENCES ATTENDED

- Annual Conference of Canadian Council on International Law (Ottawa – held virtually)
- Annual Meeting of American Society of International Law (Washington – held virtually)
- TradeLab Annual Meeting and extraordinary general meeting (Geneva – held virtually)
- TradeLab Student Showcase (Geneva – held virtually)

GUEST LECTURES IN CLASSES

- “Corporate Opinions and Searches,” presented in *Dean’s Research and Writing Fellowship* class, Professor Mallet.
- “International Investment Agreements” presented in *Transnational Corporations, Human Rights and International Economic Law*, Professor Simons.
- “International Investment Agreements and Climate Change” presented in *Climate Change and the Law*, Professor Mcleod-Kilmurray.
- “International Investment Arbitration” presented in *International Commercial Arbitration*, Professor Daims.

RESEARCH WORK IN PROGRESS

- **J. Anthony VanDuzer**, “International Investment Agreements: Compatibility with Sustainable Development Goals 8 (Work), 9 (Infrastructure), and 11 (Cities)” to be published by Edward Elgar as part of its research handbook series, titled *Research Handbook on Investment Law and Sustainable Development*, edited by Sean Stephenson of CISDL, and Professor Marie-Claire Cordonier Segger of CISDL, the University of Cambridge LCIL and UWaterloo SEED. (Submitted October 2020 and responded to editors queries July 2021).
- **J. Anthony VanDuzer**, “Exploring the Uncertain Scope for Customary International Law Claims in the Wake of *Nevsun Resources v Araya*” to be presented at CCIL Annual Conference October 2021.
- **J. Anthony VanDuzer** and Melanie Mallet, “Country Report for Canada,” *Encyclopaedia of International Economic Law*, Thomas Cottier and Krista Nadakavukaren, eds (Elgar, forthcoming 2022) (to be submitted December 1, 2021).
- **J. Anthony VanDuzer**, “Full Protection and Security,” *Encyclopaedia of International Economic Law* (Edward Elgar, 2022)(6 pages) revised and expanded.
- **J. Anthony VanDuzer**, “A 50-year Retrospective on International Economic Law in Canada” invited contribution to a special edition of *Dalhousie Law Journal* to be submitted Summer 2022.

Research and other knowledge mobilization/outreach activities (cont.)

OTHER

- Conference organizing committee, “Foreign Direct Investment in Canada - Can we afford to say no? Understanding and Debating the Boundaries of FDI and National Security in a post-crisis climate” (which was to be held September 2020, but was postponed to April 2021).
- Built institutional linkages with the Columbia Center for Sustainable Investment (CCSI) at Columbia University in New York to support research collaboration and access for uOttawa students to CCSI opportunities.
- Member, Expert Advisory Group for the NGO Above Ground on Model parent company liability and mandatory human rights due diligence legislation.
- Appointed to Review Panel, *Canadian International Lawyer*.
- Appointed to Review Panel, ICSID Review – *Foreign Investment Law Journal*.
- Member, Faculty of Law Corporate Accountability Research Group organized by Vice Dean Research Penelope Simons.
- Member, Selection Committee for Syron Scholarship.
- External Assessor, France-Canada Research Fund proposal for Office of the Vice-President, Research.
- External Assessor, SSHRC Standard Grant Application.
- External Evaluator, Application for Promotion to Full Professor, University of Victoria, Faculty of Law.
- Refereed articles for:
 - *ICSID Review, Foreign Investment Law Journal*
 - *Ottawa Law Review*
 - *Osgoode Hall Law Journal*
 - *Journal of Law and Society*
 - *2020 Yearbook of International Investment Law and Policy*

Student Training

International Law Assistant

Kahina Haroune (Fall 2020 and Winter 2021) – worked with the Chair in support of TradeLab and activities of the International Law Group, including the Speaker Series.

Graduate Student Supervisions

Completed supervisions:

- Michael Piok (LLM) 2019. *Legal Pluralism in International Trade Dispute Settlement Crisis: Clash of Common Law and Civil Law Approaches at the Appellate Body of the WTO* (supervisor)
- Ebo Dadzie (LLM) 2019. *Impact Assessment of the African Continental Free Trade Agreement (AfCFTA) on Agricultural Trade and Food Security* (supervisor)

Currently supervising:

- Kun Hui (PhD) registered September 2015 (supervisor)
- Loai Eyadat (PhD) registered 2018 (committee member)
- Bin Cheng (PhD) registered 2019 (committee member)
- Stephanie Gagné (LLM) 2020

Second evaluator for LLM research paper

- Agata Zwolankiewicz (LLM) 2020
- Corey Stewart (LLM) 2021

PhD Examinations

- Loai Eyadat (PhD) registered 2018 (committee member) (thesis proposal defence)

Moots

- Co-coach for FDI Moot (2021) with Anthony Daimsis, Jolene Hansell and Céline Lévesque.
- Practice judge for John Jackson WTO Moot, Willem C. Vis International Commercial Arbitration Moot.
- Arbitrator, Willem C. Vis International Commercial Arbitration Pre-moot, organized by Arbitration Place and the International Law Association.
- Faculty organizer and judge, Negotiation competition for local competition in Ottawa (sponsored by Dentons and held virtually) and faculty liaison for the National competition (Saskatoon, held virtually).



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