

**CURRICULUM VITAE****DONALD M. McRAE, CC, ONZM**

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Citizenship: Canadian, New Zealand

**Education:**

University of Otago, New Zealand, 1962-67  
Cambridge University, England, 1968-69  
Columbia University, New York, 1969-70

**Degrees Held:**

LL.B., Otago (1966)  
LL.M., Otago (1967) First Class Honours  
Diploma in International Law, Cambridge. (1970)

**Awards and Honours:**

N.Z. Law Society's Sir Timothy Cleary Memorial Prize, 1966  
N.Z. University Grants Committee Postgraduate Scholarship, 1967  
N.Z. Legal Research Foundation Prize for Essay on Law Reform, 1968  
British Institute of International and Comparative Law Overseas  
Research Fellowship, 1968  
Charles Evans Hughes Fellowship (Columbia University), 1969  
Canada Council Leave Fellowship, 1977-78  
Fellow of the Royal Society of Canada, 2002  
John E. Read Medal, 2003  
Companion of the Order of Canada, 2014  
Officer of the New Zealand Order of Merit, 2017

**Professional Qualifications and Affiliation:**

Admitted as Barrister and Solicitor of the Supreme Court of New Zealand, 1966  
Admitted to the Bar of Ontario, 1989  
"Door Tenant" Barristers Chambers at 20 Essex Street, London, England

**Academic Appointments Held:**

Assistant Lecturer in Law, University of Otago, 1966-67  
Lecturer in Law, University of Otago, 1968

Assistant Professor, Faculty of Law, University of Western Ontario, 1970-72  
Visiting Associate Professor, Faculty of Law, University of British Columbia, 1972-73  
Associate Professor, Faculty of Law, University of British Columbia, 1973-77  
Visiting Fellow, Centre for International Studies, Cambridge University, 1977-78  
Professor, Faculty of Law, University of British Columbia, 1977-87  
Associate Dean, Faculty of Law, University of British Columbia, 1980-1982  
Dean, Faculty of Law, Common Law Section, University of Ottawa, 1987-94  
Professor, Faculty of Law, Common Law Section, University of Ottawa, 1987 to 2016  
Hyman Soloway Professor of Business and Trade Law, University of Ottawa, 1996 -2016  
Distinguished University Professor, University of Ottawa, 2015  
Professor Emeritus, University of Ottawa, 2016  
Adjunct Professor, Norman Paterson School of International Affairs, Carleton University.  
2004-

**Invited Lectures:**

Hebei University, China, 1991  
Paul Martin Distinguished Lecturer, University of Windsor, 1993  
Hague Academy of International Law, course of lectures on “The Contribution of International Trade Law to the Development of International Law”1996  
Hersch Lauterpacht Memorial Lectures, Cambridge University, 1997 on “From Security to Trade: Refocusing International Law”  
Mexican Legal Studies Program, Houston Law School, Mexico City, course on NAFTA, June, 2001  
Merv Leitch Q.C., Memorial Chair, Universities of Calgary and Edmonton, 2003  
Paris X - Nanterre, 2008

**Other:**

Acting Director, Institute of International Relations, U.B.C., 1974-75  
President, U.B.C. Faculty Association, 1975-76  
Chair, Board of Directors, International House, U.B.C. 1980-81  
Member, Board, Canadian Lawyers for International Human Rights, 1992-1996  
Member, Board, Public Interest Advocacy Centre, 1992-1996  
Member of review teams for Faculty of Law, University of Victoria, (1996) and Faculty of Law, University of British Columbia (1996), Queen’s University (1997)  
Member of Task Group on Misogyny, Sexism and Homophobia in Dalhousie University  
Faculty of Dentistry, 2015

**Membership in Professional Societies:**

American Society of International Law (since 1969),  
(member Executive Council 1991-94; counsellor 2004-2008)  
Canadian Council on International Law, (President 1990-92)  
Society of International Economic Law, President 2007 - 2011  
Institut de droit international, Associate Member,2011, Member 2021.

**Professional Experience:**

Appeared as counsel in Magistrates and Supreme Courts, Dunedin, New Zealand, 1966-68

Consultant to the Joint Committee of the B.C. Branch of the Canadian Bar Association and the Law Society of B.C. in the preparation of a pilot programme for the certification of specialists in the legal profession in British Columbia, 1976-77

Consultant to the Intergovernmental Oceanographic Commission (IOC) of UNESCO, 1979

Adviser to the Department of External Affairs, Government of Canada, on various international legal issues, 1979-92

Counsellor, International Law, Department of External Affairs, 1983-86

Counsel for Canada in Fisheries Arbitration (Canada/France), 1985-86

Special Observer to the Canadian Delegation to the 41st Session of the General Assembly, 1986

Consultant to United Nations Under Secretary for Law of the Sea on High Seas Fisheries Issues (1991), and on State Practice on the Law of the Sea since 1982, (1992)

Special Investigator for Canadian Human Rights Commission on complaints brought by Innu Nation against the Government of Canada, 1992-93, 2001-2002

Member of the Permanent Court of Arbitration, 1998-

Chief Negotiator for Canada for the Pacific Salmon Treaty, 1998-99

Counsel to the Government of New Zealand on international trade law issues including cases before the WTO, 1998-

Special Legal Adviser to North American Commission on Environmental Cooperation, 2002-

Co-Chair Joint Task Group established by the Government of Canada and the Government of British Columbia on Post-Treaty Fisheries, 2003-2004

Member of the United Nations International Law Commission, 2007-2016

Counsel for Thailand in Cambodia v. Thailand, Interpretation of the Judgment of 15 June 1962, Application of Cambodia for Provisional Measures, ICJ 30-31 May 2011

Adviser to New Zealand in Whaling in the Antarctic (Australia v. Japan), New Zealand Intervening, 2013

Arbitrator in confidential arbitration administered by the PCA 2018

### **Maritime Boundary Experience**

Consultant to the Government of British Columbia on the law of the sea (1973) and west coast maritime boundaries (1977-82)

Senior Legal Adviser to the Agent for Canada in the Gulf of Maine maritime boundary case (Canada/United States), 1983-84

Consultant to International Centre for Ocean Development, Government of Kiribati, Organization of Eastern Caribbean States, Government of Western Samoa, and the Government of Namibia on maritime delimitation, 1987-88

Counsel for Canada in Canada-France Arbitration over St. Pierre and Miquelon Maritime Boundary, 1991-92

Adviser to the Province of Newfoundland and Labrador on maritime boundary matters, 1996- 2000

Agent and Counsel for Newfoundland and Labrador in the Newfoundland and Labrador-Nova Scotia Maritime Boundary Dispute and Arbitration 2000-2002

Adviser to the Government of New Zealand on maritime boundary issues 2000-2005

Counsel to Republic of Suriname before arbitral tribunal in Guyana v. Suriname 2006

### **Trade Dispute Experience**

Member of Chapter 18 Roster of Panelists Canada-United States Free Trade Agreement, 1993-

Member of Chapter 19 Roster of Panelists, NAFTA 1994-

Chair, Dispute-Settlement Panel on Salmon and Herring (first Panel set up under Chapter 18 of the Canada-U.S. Free Trade Agreement) 1989

Chair, Dispute Settlement Panel set up under U.S.-Israel Free Trade Agreement, 1990-91

Member, Dispute Settlement Panel set up under Chapter 18, Canada-United States Free Trade Agreement (Non-Mortgage Interest), 1992

Member, Dispute Settlement Panel set up under Chapter 19, Canada-United States Free Trade Agreement (Softwood Lumber Injury) 1993

Member of Indicative List of Panelists under WTO Dispute Settlement Understanding, 1996-

Member, Dispute Settlement Panel set up under Chapter 20, North American Free Trade Agreement (Supply Management) 1996

Adviser to the Government of New Zealand on international trade law matters, 1997-

Counsel to New Zealand Government in the following WTO cases:

EC-Measures Affecting Butter Products;

Canada-Measures Affecting the Importation of Milk and the Exportation of Dairy Product

United States-Safeguard Measures on Imports of Fresh, Chilled and Frozen Lamb Meat from New Zealand and Australia

United States-Safeguard Measures on Steel and Steel Products

Australia-Measures Affecting the Importation of Apples

Adviser to Government of Morocco on FTA negotiations with the United States, 2003-2004 and on negotiations with the EU, 2008-2009

Member WTO Dispute Settlement Panel United States-Rules of Origin (2003)

Member WTO Panel on EC-Measures Affecting Trade in Commercial Vessels 2004-2005

Member WTO Panel on Brazil-Retreaded Tyres 2006-2007

Member WTO Panel on US-Tyres from China 2010

Chair WTO Panel on Saudi Arabia – Measures concerning the protection of Intellectual Property Rights 2019-2020

Panel member, CUSMA, Chapter 31, Canada v. US, Safeguard Measure on Photovoltaic Cells, appointed by the parties, 2021-2022

Panel member, USMCA, Chapter 31, Mexico and Canada v. US, Automotive Rules of Origin, appointed by the United States 2022-

### **Investor-State Dispute Experience**

Counsel to Canadian Government in NAFTA Chapter 11 case: Pope & Talbot Inc. and

the Government of Canada

Member NAFTA Chapter 11 tribunal Cargill v. Mexico, 2006- 2009 (Nominated by Respondent)  
 President ICSID tribunal, European Cement v. Turkey, 2007- 2009 (Appointed by ICSID)  
 Member ICSID tribunal, Trans-Global v. Jordan, 2008-2009 (Nominated by Claimant)  
 Member ICSID tribunal Bosh v. Ukraine, 2009-2012 (Nominated by Respondent)  
 Member NAFTA Chapter 11 tribunal Bilcon v. Canada, 2009- (Nominated by Respondent)  
 Member ICSID tribunal Asurix v. Argentina, 2010-2012 (Nominated by Respondent) discontinued.  
 President ICSID tribunal, Standard Chartered Bank (Hong Kong) Limited v. TANESCO 2011- 2016 (Agreed by tribunal members)  
 President ICSID tribunal, Türkiye Petrolleri Anonim Ortakligi v. Republic of Kazakhstan 2011–2014 (Agreed by tribunal members) settled  
 Member ICSID ad hoc Committee on annulment, Tza Yap Shum v. Peru, 2012 (Appointed by ICSID)  
 Member of UNCITRAL tribunal, PM Asia v. Australia 2012- (nominated by Respondent)  
 President, ICSID tribunal, Indorama v. Egypt, 2012- 2015 (Appointed by ICSID) settled  
 Member ICSID tribunal, Accession v. Hungary, 2012- (Nominated by Respondent) resigned, 2014.  
 President UNCITRAL tribunal, Maiman v. Egypt 2012 – 2019 (Nominated by PCA)

ICSID Panel of Arbitrators, appointed September 15, 2011  
 Co-Chair ILC Study Group on MFN, 2009-2010: Chair, 2011-2015

Member, tribunal Noranda v. Jamaica, 2015-16, (appointed by Respondent)  
 President, ICSID tribunal, Next-Era Energy v. Spain, 2015, (appointed by agreement of the Parties)  
 President, ICSID tribunal, Micula v. Romania, 2015, (appointed by ICSID)  
 President, ICSID Annulment Committee, Mamidoil v. Albania, 2015 (appointed by ICSID) discontinued  
 Member, UNCITRAL tribunal, Vedanta v. India, 2015, (appointed by Respondent)  
 President, UNCITRAL tribunal, Lugzor (Ukraine) et al. v. Russia, 2015 (agreed by tribunal members and appointed by PCA)  
 President, ICSID Annulment Committee, Carnegie Minerals v. Gambia, 2016, appointed by ICSID),  
 President, ICSID Annulment Committee, Suez et al. v. Argentine Republic, 2016, appointed by ICSID  
 President ICSID Annulment Committee, RSM Production Corp v. St. Lucia, 2016, appointed by ICSID  
 President, ICSID tribunal, Adamakopoulos v. Cyprus 2016, appointed by ICSID  
 Member, ICSID Tribunal, ČEZ v. Bulgaria, 2017, (nominated by Respondent)  
 Appointing Authority for Hesham Al Medhar et al v. Egypt, 2017 (appointed by the PCA)  
 Member, ICSID tribunal Elitech BV and Razvoj Golf DOO v. Croatia, 2017 (nominated by Respondent), resigned 20 December 2017)

Member, UNCITRAL Tribunal, Alcor v. Czech Republic, 2018 (Nominated by Respondent)  
 Member, UNCITRAL Tribunal, Seo v. Korea, 2018-2019 (Nominated by the Respondent)  
 Member, UNCITRAL tribunal, Peteris et al v. Norway, 2020 (Nominated by Respondent)  
 Member, ICSID tribunal Fengzhen Min v. Republic of Korea, 2020 (Nominated by Respondent)  
 Member, ICSID tribunal Fin Doc Srl v. Romania, 2021 (Nominated by Respondent)  
 President, ICSID tribunal Kaloti Metals v. Peru, 2021 (Appointed by the Parties)

### **State to State Arbitral, Conciliation and Judicial Experience**

Member of UNCITRAL tribunal, Ecuador v. United States 2011-2012 (Nominated by Respondent)  
 Presiding Arbitrator, Law of the Sea Convention, Annex VII tribunal, Ukraine v. Russia, appointed by the President of ITLOS, 2019

Member of the Conciliation Commission set up under Article 298 and Annex V of the United Nations Convention on the Law of the Sea (Timor Leste/Australia) 2016 nominated by Australia

Judge ad hoc, International Court of Justice, Bolivia v. Chile, 2017  
 Judge ad hoc, International Court of Justice, Nicaragua v. Colombia (Maritime Spaces), 2019  
 Judge ad hoc, International Court of Justice, Guatemala/Belize, 2021  
 Judge ad hoc, International Court of Justice, Nicaragua v. Colombia (Continental Shelf), 2022

### **Publications:**

"Revocation of Unilateral Contracts" 1 Otago Law Review 149-155 (1966)  
 "Submarine Cables and Pipelines Protection Act 1966" 2 New Zealand Universities Law Review 351-354 (1967)  
 "Fisheries (Agreement with Japan) Act 1967", "Fisheries Amendment Act 1967" 3 New Zealand Universities Law Review 98-102 (1968)  
 "Warrants of Fitness and the Sale of Motor Vehicles" International Business and Law Symposium (1968) 1-12  
 "Those Warrants of Fitness!" (1968) New Zealand Law Journal 424-426  
 "Co-operation Agreements and the Law Relating to Agreements Concluded by International Organizations" in Zemanek ed., Agreements of International Organizations and the Vienna Convention on the Law of Treaties, Vienna: Springer-Verlag (1970) 1-55  
 "The U.N. and the Environment" 64 American Journal of International Law (Supp.) 227-230 (1970)  
 "The Law School and the University: A Law Course for Undergraduates" 21 University of Toronto Law Journal 529-542 (1971)  
 "Applications under the Dependents' Relief Act of the Province of Ontario" 19 Chitty's Law Journal 322-340 (1971)  
 "Sovereignty and the International Legal Order" 10 Western Ontario Law Review 56-86 (1971)  
 "Regional Organization Involving South East Asia and the Western Pacific: ECAFE, the

Colombo Plan and the Asian Development Bank" 2 Otago Law Review 393-407 (1972)

"Contracts to Leave Property by Will and Dependents' Relief" 20 Chitty's Law Journal 298-300 (1972)

"Charitable Trusts and Public Benefit" (1973) New Zealand Law Journal 57-59

Reports on "Annual Conference of Canadian Council on International Law":

10 Canadian Yearbook of International Law 278-282

11 Canadian Yearbook of International Law 280-284

12 Canadian Yearbook of International Law 267-271

13 Canadian Yearbook of International Law 323-328

14 Canadian Yearbook of International Law 317-322

Developments in the Law of Contracts, U.B.C. Centre for Continuing Education (1973) 1-37

"Sovereign Immunity - The Role of the Courts: Comment on Le Gouvernement République Démocratique du Congo v. Venne" 11 Osgoode Hall Law Journal 326-334 (1973)

"Nuclear Tests Cases" 8 University of British Columbia Law Review 375-382 (1973)

"Legal Obligations and International Organizations" 11 Canadian Yearbook of International Law 87-105 (1973)

"Non-Western Approaches to Human Rights" Proceedings of the Second Annual Conference of the Canadian Council on International Law (1973) 89-97

"Deep Ocean Mining: Negotiation of an International Regime, Some Legal and Political Aspects" 48 Western Miner 17-22 (1975) with B.G. Buzan

Developments in the Law of Contracts U.B.C. Centre for Continuing Education (1976) 1-42

"Maritime Jurisdiction in the Dixon Entrance: The Alaska Boundary Re-examined" 14 Canadian Yearbook of International Law 175-222 (1976) with C.B. Bourne

"Sovereign Immunity - Commercial Activities - Actions in Rem - Applicability to Actions in Personam - Need for Legislation" 45 Canadian Bar Review 747-761 (1976)

"Pilot Project for the Certification of Specialists" 35 The Advocate 481-486 (1977)

"Delimitation of the Continental Shelf Between the United Kingdom and France: The Channel Arbitration" 15 Canadian Yearbook of International Law 173-197 (1977)

"Repudiation of Contracts in Canadian Law" 56 Canadian Bar Review 233-263 (1978)

"Competent International Organizations and the Law of the Sea" 3 Marine Policy 106-132 (1979) with J.D. Kingham

"The Extension of Options and Equitable Estoppel" 3 Canadian Journal of Business Law 426-435 (1979)

"The Legal Effect of Interpretative Declarations" 49 British Yearbook of International Law 155-173 (1978)

"Adjudication of the Maritime Boundary in the Gulf of Maine" 19 Canadian Yearbook of International Law 292-303 (1979)

"Canada and the Law of the Sea: Some Multilateral and Bilateral Issues" 3 Canadian Issues 161-173 (1980)

"The Law of the Sea Draft Convention and International Organizations" 3 Marine Policy Reports No. 2 (1980)

"Exculpatory Clauses" in Drafting Commercial Documents, Continuing Education Society of British Columbia (1981) 10p.

- "Proportionality and the Gulf of Maine Maritime Boundary Dispute" 19 Canadian Yearbook of International Law 287-302 (1981)
- "Environmental Jurisdiction in Arctic Waters: The Extent of Article 234" 16 University of British Columbia Law Review 197-228 (1982) with D.J. Goundrey
- "Arctic Waters and Canadian Sovereignty" 38 International Journal 476-492 (1983)
- "The Gulf of Maine Case: The Written Proceedings" 21 Canadian Yearbook of International Law 266-283 (1983)
- "The GATT and Multilateral Treaty-Making: The Tokyo Round" 77 American Journal of International Law 51-83 (1983) with J.C. Thomas
- "Pollution of the Economic Zone: Non-Vessel Sources, Commentary" in Johnston and Letalik eds., *The Law of the Sea and Ocean Industry: New Opportunities and Restraints* (1984) 304-311
- "International Organizations In Marine Affairs: The New Oceans Regime, Implementing the Convention" 8 Marine Policy 83-94 (1984)
- "The Gulf of Maine Case" 22 Canadian Yearbook of International Law 267-290 (1984) with L.H. Legault
- "International Legal Scholarship in Canada", 23 Osgoode Hall Law Journal 477-493 (1985) with John Claydon
- "Law-Making through International Institutions" in *International Law: Critical Choices for Canada, 1985-2000* (1986) 1-28 with Philippe Kirsch
- "Management of Arctic Marine Transportation: A Canadian Perspective", 39 Arctic 349-359 (1986)
- "Canadian Arctic Waters Policy and International Law: The Negotiation of Article 234" in Griffiths ed. *Politics of the Northwest Passage* 98-114 (1987)
- "The Single Maritime Boundary: Problems in Theory and Practice", in Brown and Churchill eds. *The U.N. Convention on the Law of the Sea: Impact and Implementation* 225-233 (1987)
- "The International Law Commission: Codification and Progressive Development after Forty Years", XXV Canadian Yearbook of International Law 355-368 (1987)
- "The Development of the Most-Favoured-Nation Principle: Treaties of Friendship, Navigation, Commerce and the GATT", in Irish and Carasco eds *The Legal Framework of Canada-United States Trade*, 225-247 (1987), with J.C. Thomas
- "Recourse to the GATT for Resolving International Trade Disputes" in Saunders ed., *Trading Canada's Natural Resources* 168-188 (1987)
- Understanding the Free Trade Agreement*, edited with Debra Steger (1988)
- "Approaches to the Resolution of Atlantic and Pacific Ocean Problems", 16 Ecology Law Quarterly 227-244 (1989)
- Canadian Oceans Policy, National Strategies and the New Law of the Sea* (1989) 268 pp., edited with Gordon Munro
- "Canada and the Delimitation of Maritime Boundaries", in McRae-Munro eds, *Canadian Oceans Policy* 145-164 (1989)
- "Coastal State 'Rights' within the 200-mile Exclusive Economic Zone", in Neher, Arnason and Mollett ed. *Rights Based Fishing* 97-111 (1989), with Gordon Munro
- "The Implications of Europe 1992: A Canadian Perspective", with Rita Theil, in 33 *German Yearbook of International Law*, 166-183 (1990)
- "State Practice in Relation to Fisheries", in *Law of the Sea: Evolving National Policies*,



Proceedings of the American Society of International Law, 1990, pp. 283-287

"La frontière maritime unique: problèmes théoriques et problèmes pratiques", 1 Rev. Jur. Afr. 31-44 (1991)

Report on the Regime for High Seas Fisheries: Status and Prospects prepared for the United Nations Office for Ocean Affairs and the Law of the Sea, May 1991 (40 pp), subsequently issued as U.N. Document.

Report on the Complaints of the Innu of Labrador to the Canadian Human Rights Commission, 18 August 1993 (72 pp).

"The Gulf of Maine Case (1984)" "Delimitation Problems in Canada (Juan de Fuca, Dixon Entrance)" "Special Problems Relating to Fisheries in the EEZ: Canadian Perspective" and "The Pacific Salmon & Herring Case (1989)", Pharand & Leanza eds. - The Continental Shelf and the Exclusive Economic Zone (1993) 119-127, 159-169, 309-317, 375-378.

Law, Policy and International Justice: Essays in Honour of Maxwell Cohen, edited with William Kaplan (1993).

"International Dispute Settlement under the Canada-United States Free Trade Agreement", in Kaplan & McRae eds. Law, Policy and International Justice: Essays in Honour of Maxwell Cohen, (1993) 186-204.

"Arctic Sovereignty: Loss by Dereliction?" 22 Northern Perspectives 4-9 (1994-95)

"Justice for All? Dispute Settlement under NAFTA" in Hodges ed, The Impact of NAFTA: Economies in Transition (1995) (Proceedings of a Symposium held at the London School of Economics and Political Science, 28 September 1994) 9-27.

"The Globalism-Regionalism Debate and International Trade" Proceedings of the Canadian Council on International Law, 1995, pp. 73-79, reprinted in Le Bouthillier, McRae and Pharand, eds, Selected Papers in International Law: Contribution of the Canadian Council on International Law (1999).

"From Sovereignty to Jurisdiction: The Implications for States of the WTO," in Buchanan ed. WTO and Asia-Pacific 1996, 37-58.

"The Emerging Appellate Jurisdiction in International Trade Law" Proceedings of the Canadian Council on International Law, 1996, 23-36.

"The Contribution of International Trade Law to the Development of International Law" Recueil des Cours Vol. 260, 103-237 (1996).

"Electronic Technologies and Customary International Law", Proceedings of the 1997 Hague Joint Conference of the American Society of International Law and the Nederlandse Vereniging voor Internationaal Recht "Contemporary International Law Issues: New Forms, New Applications" 326-329 (1997).

"La Délimitation des Espaces Maritimes" 26 Annuaire de Droit Maritime et Océanique 259-276 (1998).

"The Emerging Appellate Jurisdiction in International Trade Law" in Cameron and Campbell eds Dispute Resolution in the WTO (1998) 98-110.

Compendium of the First 25 Years of the Canadian Council on International Law (1998) edited with Donat Pharand and Yves LeBouthillier.

"Crafting Mechanisms for the Settlement of International Trade Disputes: WTO and NAFTA as Models" in Schoenbaum, Nakagawa and Reif eds, Trilateral Perspectives on International Legal Issues: From Theory Into Practice, 331-346 (1998).

"Trade and the Environment: Development of WTO Law" 9 Otago Law Review 221-238

(1998)

“Geography, Biology and Politics: The Complexities of the Pacific Salmon Dispute” in Canada-U.S. Border Issues, Proceedings of the Reddin Symposium (1999), 10-19.

“The WTO in International Law: Tradition Continued or New Frontier?” 3 J. Int’l Econ. L. 27-41 (2000).

“GATT Article XX and the WTO Appellate Body” in Bronckers and Quick eds New Directions in International Economic Law: Essays in Honour of John H. Jackson (2000), 219-236.

“The Negotiation of the 1999 Pacific Salmon Agreement” 27 Canada-United States L.J. 267-278 (2001).

Report to the Canadian Human Rights Commission on the Treatment of the Innu of Labrador by the Government of Canada (26 March 2002) with Professor Constance Backhouse

“Trade and the Environment: The Issue of Transparency” in Markell and Knox, edited, Greening NAFTA: The North American Commission for Environmental Cooperation, 237-255 (2003).

Comment on Claus-Dieter Ehlermann’s Presentation on “The Role and Record of the Dispute Settlement Panels and the Appellate Body of the WTO” 6 J. Int’l Econ. L. 709-717 (2003)

“Trade and the Environment: Competition, Cooperation or Confusion?” 41 Alberta L.R. 745-760 (2003)

“What is the Future of WTO Dispute Settlement?” 7 J. Int’l Econ. L. 3-21 (2004)

“Treaties and Transition: Towards a Sustainable Fishery on Canada’s Pacific Coast” Report to the Governments of Canada and British Columbia (April 2004) (59pp) (with Peter Pearse)

“Fisheries: Fishers, Natives, Sportsmen, States and Provinces” 30 Canada-US L. J. 189-198 (2004)

“The Legal Regime of Maritime Boundary Agreements” in Colson and Smith eds International Maritime Boundaries Vol. V, 3281-3304 (2005).

“United States Unilateralism: Cause or Symptom? A Brief Response to Professor Zemanek” 8 Austrian Review of International and European Law 75-79 (2003) (published 2005)

“The Legal Ordering of International Trade: From GATT to the WTO” in Macdonald and Johnston eds, Towards World Constitutionalism 543-566 (2005)

“Developing Countries and ‘The Future of the WTO’” 8 Journal of International Economic Law 603-610 (2005)

“Treaty Interpretation and the Development of International Trade Law by the WTO Appellate Body” in Sacerdoti, Yanovich and Bohanes, eds, The WTO at 10: The Contribution of the Dispute Settlement System, 360-371 (2006).

Comments on “Trade, Investment and the Environment. Closed Boxes?” Proceedings of the 100<sup>th</sup> Annual Meeting of the American Society of International Law, 2006, 34-37.

“Approaches to the Interpretation of Treaties: The European Court of Human Rights and the WTO Appellate Body” in Liber Amicorum Luzius Wildhaber (2007), 1407-1422.

“Arctic Sovereignty. What is at Stake?”, Canadian Institute of International Affairs, Behind the Headlines, Vol. 64, No. 1, 23 pp (2007).

Background paper on "The MFN Clause", with Rohan Perera, ILC Document

A/CN.4/L.719, 20 July 2007.

"Reconciling the International and the Domestic: The Reasonable Period of Time under Article 21.3 of the DSU" in Janow, Donaldson and Yanovich eds, *The WTO: Governance, Dispute Settlement & Developing Countries*, 987-1008 (2008) with Robin Hansen, and Panel Discussion 1017-1021.

"Moving beyond Arctic sovereignty"

<http://www.theglobeandmail.com/servlet/story/RTGAM.20081118.wcoarctic19/BNStory/specialComment/home>

"An Arctic Agenda for Canada and the United States" in *From Correct to Inspired: A Blueprint for Canada-US Engagement*, Carleton University, January, 2009.

*The Oxford Handbook of International Trade Law* edited with Daniel Bethlehem, Rodney Neufeld and Isabelle Van Damme, 801pp (2009).

"The Place of the WTO in the International System" in *The Oxford Handbook of International Trade Law*, Bethlehem, McRae, Neufeld and Van Damme, eds, 54-75 (2009).

"International Law Commission" *Yearbook of International Environmental Law* 2008, Vol 19, 670-674 (2009) with Jena McGill.

"NAFTA Dispute Settlement: Success or Failure?" Arturo Oropeza García *América del Norte en el Siglo XXI* (2010) 363-388, with John Siwiec.

"The WTO Appellate Body: A Model for an ICSID Appeals Facility?" 1 *J. Int. Disp. Settlement* 371-387 (2010).

"The Pacific Salmon Commission" in Russell and VanderZwaag, eds *Recasting Transboundary Fisheries Management Agreements in Light of Sustainability Principles* (2010) 101-113.

"Treaty Interpretation by the WTO Appellate Body: The Conundrum of Article 17(6) of the WTO Antidumping Agreement" in Cannizaro ed. *The Law of Treaties Beyond the Vienna Convention*, 2011, 164-183.

"A Legal Regime for the Arctic" in Miha Pogacnik ed., *Challenges of Contemporary International Law and International Relations: Liber Amicorum in Honour of Ernst Petric*, 2011, 265-277.

"MFN in the GATT and the WTO" 7 *Asian Journal of WTO and International Health Law and Policy* 2-23 (2012)

"The Work of the International Law Commission, 2007-2011: Progress and Prospects" 106 *American Journal of International Law* 322-340 (2012)

"Hugh Kindred and the Teaching of International Law in Canada" 35 *Dalhousie Law Journal* 383-396 (2012)

"The Interrelationship of Codification and Progressive Development in the Work of the International Law Commission" 111 *The Journal of International Law and Diplomacy (Kokusaiho Gaiko Zasshi)* 75-94 (2013)

"International Economic Law and Public International Law: The Past and the Future" 17 *Journal of International Economic Law* 627-648 (2014)

"The World Trade Organization and International Investment Law: Converging Systems – Can the Case for Convergence be Made" 9 *Jerusalem Review of Legal Studies* 13-23 (2014)

Report of the Task Force on Misogyny, Sexism and Homophobia in Dalhousie University Faculty of Dentistry, 26 June 2015 (with Constance Backhouse and Nitya Iyer) 100pp.

“Countermeasures and Investment Arbitration” in Meg Kinnear et al eds, *Building International Investment Law: the first 50 Years of ICSID*, (2015), 495-503

In Memoriam – John H. Jackson (1932-2015) 110 *American Journal of International Law* 260-268 (2016)

Introduction to Symposium on Joost Pauwelyn, “The Rule of Law Without the Rule of Lawyers? Why Investment Arbitrators are from Mars, Trade Adjudicators are from Venus” (2017) *AJIL Unbound*, 109, 277-282

Introduction to Symposium on Simon Batifort and J. Benton Heath, “The New Debate on the Interpretation of MFN Clauses in Investment Treaties: Putting the Brakes on Multilateralization” (2018) *AJIL Unbound* 112, 38-43

“The Applicable Law: The Geneva Convention on the Continental Shelf, the LOSC, and Customary International Law”, in Oude Elferink et al. eds, *Maritime Boundary Delimitation: The Case Law*, (2018) 92-116.

“Compliance with Local Law Clauses and Original Intent: Keynote Address” (2019) 12 *Investment Treaty Arbitration and International Law* 1-12

“Evolutionary Interpretation: The Relevance of Context” in Abi-Saab *et. al.*, eds *Evolutionary Interpretation and International Law* 57-62 (2019)

“State-to-State Dispute Settlement in Megaregionals” in Kingsbury *et. al.*, *Megaregulation Contested: Global Economic Ordering After TPP* 537-550 (2019)

*The Relationship Between International Economic Law and Public International Law: The Role of Self-Contained Regimes* (2019) *XI Indian Journal of International Economic Law* 1-20.

Introduction to the Symposium on Global Plastic Pollution, (2020) 114 *AJIL Unbound* 192-194.

Follow-up Report to the Canadian Human Rights Commission on the Human Rights of the Innu of Labrador, with Celeste McKay, 2021.

General Agreement on Tariffs and Trade: Introductory Note, UN Audiovisual Library, Historic Archives, 2021, <https://legal.un.org/avl/ha/gatt/gatt.html>

State Responsibility and Compliance with Provisional Measures under ICSID, 37 *ICSID Review* 232-246 (2022)

### **Editorial**

General Editor, *Otago Law Review* 1965-68 (Vol. 1)

Assistant to the Editor-in-Chief, *Canadian Yearbook of International Law*, 1974-1992

Editor-in-Chief, *Canadian Yearbook of International Law*, 1992-2010 (Volumes 31-47).

Member, Editorial Board, *Cambridge Studies in International and Comparative Law*, (Cambridge University Press) 1994-

Member Editorial Board, *Journal of International Economic Law* (Oxford University Press) 1998-

Member Editorial Board, *Boletin Mexicano de Derecho Comparado* (Instituto de Investigaciones Juridicas, UNAM) 2000-

Member, Editorial Board, *American Journal of International Law*, 2011-2019

Member of the Advisory Board, *GNLU Journal on International Trade and Competition*, 2005

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