



Advocacy and Lobbying in Treaty Negotiations (LSUC1)

Chair: Geoffrey Kubrick, McMillan LLP

Speakers: Bruce Bergen, Office of the Commissioner of Lobbying; Howard Mann, International Institute for Sustainable Development; Francis Thompson, Framework Convention Alliance

* Note: Martin Moen from DFATD was not present, although originally scheduled to present on this panel.

Bruce Bergen - Office of the Commissioner of Lobbying

Mr. Bergen spoke about federal lobbying legislation in Canada; namely, the *Lobbyists Registration Act (LRA)* and the *Lobbyists' Code of Conduct (LCC)*. The *LRA* came into force in 1989 and the *LCC* was added in 1997. The Office of the Commissioner of Lobbying was created in 2008 and is a product of the *Lobbying Act*, which came into force in the same year.

Mr. Bergen discussed the definition of lobbying and the types of lobbyists. He explored the Registry of Lobbyists and its use as a tool for ensuring disclosure and transparency in lobbying. The presentation also touched on the powers of the Commissioner and its ability to investigate alleged breaches of the *Lobbying Act* and the *LCC*.

Francis Thompson - Framework Convention Alliance

Mr. Thompson discussed the work of the FCA concerning the negotiation and implementation of international legislation on tobacco controls. He gave specific examples concerning the negotiations on the WHO Framework Convention on Tobacco Control.

He imparted his wisdom on attendees interested in attending international negotiations. Specifically he discussed the fact that delegates often have some “wiggle room” to make decisions as they are not always given clear instructions from their capitals. Mr. Thompson ended his discussion by advising NGOs on how to approach negotiations.

Howard Mann: International Institute for Sustainable Development

Mr. Mann began his discussion by explaining that as a charitable organization, the International Institute for Sustainable Development (IISD) is not permitted to lobby. As its name describes, IISD works for the advancement of sustainable development on a global level.

Mr. Mann then gave advice to those who represent or work for NGOs on specific policy issues. He argued that knowledge of one's file is key as the issue areas are often highly competitive and without a good grasp of technical legal issues advocates won't be successful. He also advised attendees to know how individual issues relate to the global picture, to be transparent about their conduct and the source of their funding as well as to be creative in gaining access to negotiations.



Geoffrey Kubrick: McMillan LLP

Mr. Kubrick ended the presentation by discussing conflicts of interest. He pointed to the Law Society of Upper Canada's *Rules of Professional Conduct* and the guidance they provide to lawyers on avoiding conflicts of interest. He stressed the importance of signing retainer agreements with clients which clearly delineate the scope of the legal issues to be addressed. Mr. Kubrick also addressed the notion of implied consent and the criteria outlined by the Supreme Court of Canada on the issue.

Session 2B: Contributions of International Law to the World's Sustainable Development Goals

Chair: Marie-Claire Cordonier Segger, Centre for International Sustainable Development Law
Speakers: Katherine Lofts, Centre for International Sustainable Development Law; Chidi Oguamanam, University of Ottawa; Freedom Kai Phillips, Centre for International Sustainable Development Law

Marie-Claire Cordonier Segger, Centre for International Sustainable Development Law

Ms. Cordonier Segger introduced the panel by broadly discussing the Sustainable Development Goals agreed upon at the United Nations Sustainable Development Summit, in September 2015.

Katherine Lofts, Centre for International Sustainable Development Law

Ms. Lofts presented her research on behalf of the climate change project. She discussed the articles of the UN Framework Convention on Climate Change (UNFCCC) that correspond to the Sustainable Development Goals (SDG) and the targets established. In particular she focused on SDG13. She also stressed the importance of looking at the areas of convergence between the various types of international documents and treaties on such issues as the environment and human rights. She emphasized the importance of cooperation between members of the international community and stakeholders involved.

Chidi Oguamanam, University of Ottawa

Professor Oguamanam focused on SDG15, which discusses the sustainable use of territorial ecosystems, halting biodiversity loss and the importance of combatting desertification to name only a few of its goals. The presentation also emphasized the importance of integrating local and indigenous communities in sustainable policy making. He discussed the importance of focusing less on inequality between countries and more on the inequality within states, particularly as this inequality relates to indigenous peoples.

Freedom Kai Phillips, Centre for International Sustainable Development Law

Mr. Phillips' presentation focused on SDG6 and water. He discussed three conventions on the protection of water; namely, the Ramsar Convention on Wetlands of 1971, the New York Convention on the Law of Non-Navigable Uses of International Watercourses of 1997 and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes



(Water Convention) adopted in Helsinki in 1992 and entered into force in 1996. The presentation focused on the objectives of the three conventions, their scope and the obligations they impose on signatory states. Mr. Phillips' discussion concluded with an analysis of the obstacles and challenges to implementation of the conventions.

Marie-Claire Cordonier Segger, Centre for International Sustainable Development Law

Ms. Cordonier Segger concluded the panel by discussing general “takeaway messages.” She expressed the view that if international law was once in a time of chaos, today the international legal system has taken steps to design the regimes that may grow into a coherent and sustainable system of international law in the future.