

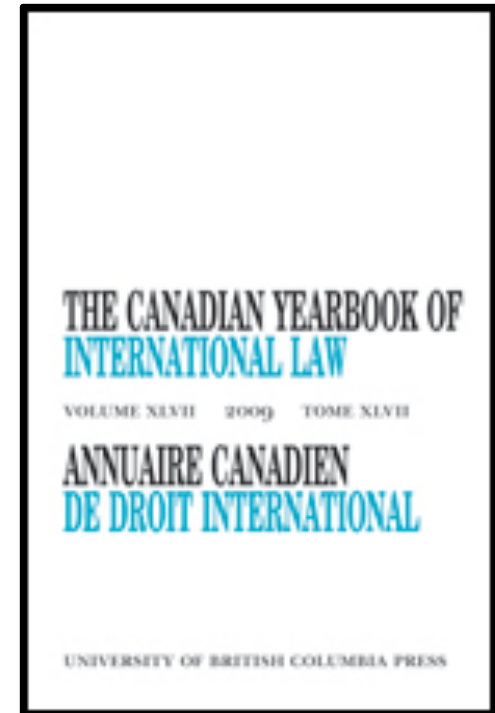
Celebrating 50 Years of the Canadian Yearbook of International Law

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50 Years of the CYIL / ACIDI

Founded in 1961-62, the first issue of the *Canadian Yearbook of International Law / Annuaire canadien de droit international* was published in 1963. The CYIL aimed to serve as a “yearbook on international law for Canada” rather than a yearbook about a specifically Canadian approach to international legal problems.



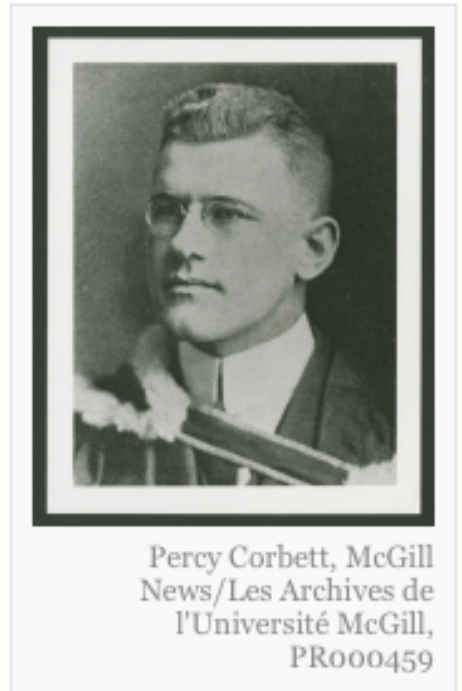
Establishing a Yearbook by Establishing a Society

The effort to establish a Canadian publication devoted to the discussion of international law dates back to the efforts of the 1930s and 1950s to create a Canadian society of international law.



The leaders of the cause in the 1930s were the two international law professors then active in Canada: Percy Corbett & N.A.M. MacKenzie

http://en.wikipedia.org/wiki/File:Norman_MacKenzie.jpg



<http://www.mcgill.ca/icl/history>

Mackenzie and Corbett secured support for the effort to create a Canadian society of international law from the American Society of International Law (ASIL) (est. 1906) and the Carnegie Endowment for International Peace (est. 1910).

The goal was to establish a new international law society or a law-focused committee of the Canadian Institute of International Affairs (CIIA) (est. 1928), which was affiliated with the British Institute of International Affairs (est. 1920) (later the Royal Institute of International Affairs and now known as Chatham House) and the Institute of Pacific Relations (est. 1925).

The International Law Association – Canadian Branch



Maxwell Cohen, Brian M. Smith/McGill University Archives, PR039217

After WWII, a Canadian branch of the ILA was established in Montreal in 1952 to address the Canadian lawyers’ “comparative isolationism in legal matters”. Sections were also established in Vancouver, Toronto, Halifax and Ottawa.

The first President of ILA-Canada was Professor (later Dean) Maxwell Cohen of McGill University, with UBC President NAM MacKenzie as the Honorary President.

<http://www.mcgill.ca/icl/history>

Professor C.B. Bourne, UBC Law

Served as head of the Vancouver section, then vice-president, and then President of the Canadian Branch of the ILA. Served as the first Editor-in-Chief of the CYIL from 1962-1992.

From the beginning, he made a commitment that “[t]he Yearbook will publish contributions in both English and French.” (1963) 1 CYIL 11 at 12



UBC Digital Collections:
<http://digitalcollections.library.ubc.ca>

Professor D.M. McRae, Assistant to the Editor, 1974-1992, Editor-in-Chief 1993-2009



UBC Digital Collections:
<http://digitalcollections.library.ubc.ca>



United Nations Audio Visual Library of International Law:
http://legal.un.org/avl/ls/McRae_IEL.html

By the 1970s, two Societies of International Law

In 1972, a second Canadian society of international law was established, namely the Canadian Council on International Law (CCIL-CCDI).

The CCIL annual meeting came to serve as an opportunity for the editorial board to meet and by 1992, the CYIL was to be co-published by the Canadian Branch of the ILA and the CCIL-CCDI.

Dean Ronald St. John Macdonald First President of CCIL



<http://www.clandonaldcanada.ca/?page=honourwinners>



Portrait by Brenda Bury, 1980

<http://www.dal.ca/faculty/law/about/history-of-schulich-school-of-law/deans-of-the-law-school.html>



Founders' Intentions

From the beginning, the CYIL had an academic home in Canada (at UBC from 1962-93, and then U Ottawa), with the backing of a supportive Canadian academic press.

These partnerships and their geographic locale have given the CYIL its “Canadian” credentials. Since the beginning, the CYIL has served as a publication devoted to the discussion of international law, both public and private, for scholars and practitioners in Canada. The CYIL has also served as a means to further a “national interest in international law”.

Comparisons with other National Journals

**“The creators of the *[American] Journal [of International Law]* were quintessentially American in their roots, loyalties, affiliations, and perspectives.”
Professor Lori Fisler Damrosch, (2006) 100:1 AJIL 2.**

The *British Yearbook of International Law* was founded in 1920 to promote the study and discussion of international law with “the war [having] left in the minds of many people the belief that international law is a thing of the past.” (1920-21) 1 Brit YB Int’l L iii.

Comparisons with other National Journals

BYIL also motivated by Professor Lassa Oppenheim's vision that "international law is actual law and not a law of nature or of diplomatic usage". The BYIL was never intended to be confined to British views, nor to British topics, nor British authors.

The *Australian Year Book of International Law* was founded in 1965 to serve as an "annual survey of current problems of public and private international law with a digest of Australian practice."

The Canadian Content

“[The] management of boundary and trans-boundary lakes and rivers; bilateral and multilateral conservation and exploration of the sea; sovereignty over the polar area; the techniques for management and sharing the economic and defence problems of a common continent with a great and powerful neighbour; and, finally, the administrative and legal consequences of inviting the world’s shipping to traverse a great inland seaway, itself shared by Canada and her neighbour.”

Maxwell Cohen, “Some Main Directions of International Law: A Canadian Perspective” (1963) 1 Can YB Int’l L 15 at 17

State Practice

One of the best source material for state practice are documents reflecting the deliberate output of states relevant to international law. A prime example is the *Digest of United States Practice in International Law*, available online at: <http://www.state.gov/s//c8183.htm>

This source is bolstered by the “Contemporary Practice of the United States relating to International Law” section included in each issue of the *American Journal of International Law*.

Yearbooks and State Practice

The best parallel tools for other jurisdictions tend to be the non-official yearbooks of international law for particular countries, of which the Canadian Yearbook of International Law is a part.

Other leading examples are: Australian Yearbook of International Law, British Yearbook of International Law, the Finnish Yearbook of International Law, Annuaire français de droit international, German Yearbook of International Law, Italian Yearbook of International Law, Netherlands Yearbook of International Law, Polish Yearbook of International Law, Swiss Yearbook of International Law, and the South African Yearbook of International Law.

Yearbooks and State Practice

There are also multi-jurisdictional examples, including the African Yearbook of International Law and the Asian Yearbook of International Law, as well as subject matter yearbooks. Yearbooks are also important in documenting the role of international organizations, such as the International Law Commission.

And some of these compilations or edited chronicles of state practice are being further disseminated via the internet. (e.g. the German Yearbook's section is here:

<http://www.mpil.de/en/pub/research/details/publications/institute/prax.cfm>)

Yearbooks and State Practice

The best yearbooks lead the reader (and researcher) to the primary source materials by citing the actual texts involved with the discussed practice.

In many of the above examples, the writing of these compilations and chronicles of state practice are done in concert with, or by members of, the country's Ministry of Foreign Affairs. In marking the past 50 years for the CYIL, a thank you is owed to the contributions made by the legal affairs bureau and the trade law bureau of Canada's Department of Foreign Affairs.

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Conclusion

We are Canadian in our scholarship in that we choose to write for a journal with “Canadian” in the title. Over time, these choices result in a collection of works that will serve as a resource for a future assessment of the “thinking of Canadians in the field of international law”.

Even a cursory review of the *CYIL/ACDI*'s more recent volumes indicates the widening pool of authors, with less reliance on multiple contributions from founding editorial board members, and greater representation of the current and next generation of international law teachers, scholars, and practitioners in Canada.

Future Directions ?

There is value in maintaining the connection to the practice of international law, with the use of online tools being a possibility for the future.

The CYIL provides an author with the opportunity to work with a journal with such depth of experience on its editorial board. As a sign of its coming of age, however, term limits for editorial board members may lead to greater turnover on the board and new means of outreach to newer scholars and practitioners.

Example of the AJIL and its “Call for Nominations”

“Nominations are based primarily on scholarship and creativity, as demonstrated in books, articles, and other written work appearing over a period of years, including, but not limited to, publications in the *Journal*. Other factors taken into account include areas of expertise or professional perspective or discipline.”



This presentation is based on a forthcoming article written for volume 50 of the Canadian Yearbook of International Law. The citation will be as follows:

Joanna Harrington, “Exploring the ‘Canadian’ in *The Canadian Yearbook of International Law*” [2012] 50 *Canadian Yearbook of International Law* 3-33.

Thanks are due to the current Editor-in-Chief of the CYIL, Professor John H. Currie of the University of Ottawa, for his editorial guidance and support.