



Panel: Law in the Domestic Courts of Other Nations

Honorable Justice Louis LeBel

Presentation Outline

The Relationship Between National Law and International Law: The Canadian Experience

I. Background: The Canadian Constitutional and Legal Environment

1. Canada as a federal and parliamentary state: the problems of the division of powers between the federal government and provinces.
2. Canada as a bijural state with common law and civil law legal systems.

II. The Incorporation of International Law Into Canadian Domestic Law

1. The federal treaty making power and the division of legislative powers between the federal Parliament and the provincial legislature.
2. Executive action and parliamentary consent.
3. The integration of customary international law and peremptory norms into the common law.

III. Indirect Incorporation and Influences of the Development of the Law

1. The use of international law principles and unimplemented treaties to inform the values and interpretation of Canadian constitutional law and statutory law.
2. The use of international law and foreign sources as comparative law or persuasive authority.

IV. Conclusion

Broad acceptance and use of international law in Canadian courts, but concerns about the impact of aspects of the incorporation process on parliamentary democracy.