

CCIL 29th ANNUAL CONFERENCE, 26-28 OCTOBER 2000, OTTAWA

REPORT ON PANEL ON INTERNATIONAL LEGAL THEORY – FEMINISM, ECOLOGY AND CRITICAL THEORY: NEW PERSPECTIVES INTERNATIONAL LAW IN THE 21st CENTURY

1. **SPEAKERS:** Michael M'Gonigle, University of Victoria - Moderator
Kerry Rittich, University of Toronto
Ed Morgan, University of Toronto
Douglas Johnston, University of Victoria – Commentator
2. **OVERVIEW:** This panel emphasized the unity of diversity. From an analysis of the relationship between Edgar Allan Poe's writings and comparative international legal critical theory to the application of the ecological political economic model to international development the underlying theme was that depending on the analytical approach selected quite different conclusions can be drawn from the same set of facts. Understanding the different international legal theories of not only academics but also politicians and diplomats can be critical in developing effective bilateral and international agreements.
3. **DISCUSSION:** The presentations themselves were diverse and must therefore be dealt with individually.

Feminism and International Law: This presentation highlighted both the different interests of feminist legal analysis and its different approach to international law. Starting with the 1991 Charlesworth article as a theoretical base, it went on to analyse women's participation in international environmental law decision making. The multilateral treaty making process was presented as unsympathetic to women's voices. Women in general were seen to be more active and effective participants in 'soft' rather than 'hard' international legal instruments. The challenges of being an active proponent of a feminist analytical approach while participating as a governmental representative in a delegation were discussed. The conclusion was that women generally, and women with a feminist analytical approach were active and effective in areas such as international environmental law particularly when treaties were designed to build community rather than simply resolve conflict. The reality however is that even with the progress over the past 20 years there still exists significant problems. Whatever theoretical approach you adopt the environmental condition of women has declined over that time. One project currently under consideration is measuring the impact of women's participation in negotiations and in policy making in delegations.

The Third Way: This presentation centred on a 'third way' approach. The issue raised was whether international conferences on the rights of women really reflected the constituency and concerns of the vast majority of the world's women. All women do not see the notion of gender equality in the same way. The