

Kirsch, Philippe

Canada nominee for election to the Advisory Committee on nominations of judges of the International Criminal Court.

Curriculum vitae

Philippe Kirsch, OC QC

Professional background

2009-2015

- Chair, *ad hoc* Appeal Board in the Appeal by Mr. Dominic Kennedy against an administrative decision by the Secretary-General of the Permanent Court of Arbitration, Mr. Hugo Siblesz of 14 July, 2015
- Chair, Advisory Committee on Nominations of Judges of the International Criminal Court, Assembly of States Parties, 2012-2015
- Chair, Working Group on the Rule of Law: The Right to an Effective Remedy for Victims of Human Rights Violations, Vienna+20: Advancing the Protection of Human Rights, International Expert Conference, 2013
- Member, Drafting Committee, Siracusa Guidelines for International, Regional and national fact-finding Bodies Conference of experts on Best Practices for International and National Commissions of inquiry, International Institute of Higher Studies in Criminal Sciences, Siracusa, 2013
- Member, Fact-Finding mission to Myanmar-Burma, International Bar Association's Human Rights Institute (IBAHRI), 2012-2013
- Member, Group of Professionals, Monitoring, Reporting, and Fact-finding: Program on Humanitarian Policy and Conflict Research, Harvard University, 2012-2014
- Judge *ad hoc* in the case *Questions relating to the Obligation to Prosecute or extradite (Belgium v. Senegal)* at the International Court of Justice, 2009-2012
- Chair, International Commission of Inquiry to investigate all alleged violations of international human rights law in Libya, UN Human Rights Council, 2011-2011
- Commissioner, Bahrain Independent Commission of Inquiry, 2011

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2003-2009: International Criminal Court

- President of the International Criminal Court, and a Judge on its Appeals Chamber

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1972-2003: Canadian Government

- Ambassador of Canada to the Kingdom of Sweden, 1999-2003
- Ambassador and Agent for Canada in the *Legality of Use of Force Case* before the International Court of Justice, 1999-2003
- Legal Adviser, Department of Foreign Affairs and International Trade, Ottawa, 1994-1999; Assistant Deputy Minister for Legal and Consular Affairs, Department of Foreign Affairs and International Trade, Ottawa, 1994-1996
- Ambassador and Agent for Canada in the *Fisheries Jurisdiction Case* before the International Court of Justice, 1995-1998
- Director General, Bureau of Legal Affairs, Department of Foreign Affairs and International Trade, Ottawa, 1992-1994
- Ambassador and Deputy Permanent Representative of Canada to the United Nations, New York, 1988-1992
- Director, Legal Operations Division, Department of External Affairs, Ottawa, 1983-1988;
- Ambassador and Agent for Canada in the Dispute concerning Filleting within the Gulf of St. Lawrence ("Bretagne" arbitration), 1985-1986

Assignments 1972-1981

- Legal Operations Division and United States Division, Department of External Affairs, Ottawa, 1972-1973, 1975-1977
- Permanent Mission of Canada to the United Nations, New York, 1977-1981
- Canadian Embassy to Peru, Lima, with accreditation to Bolivia, 1973-1975

Related experience (1972-2003)

International Criminal Law

- Chairman of the Preparatory Commission for the International Criminal Court, 1999-2002
- Chairman of the Committee of the Whole of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, 1998
- Chairman of the United Nations Ad Hoc Committee and the General Assembly's Sixth (Legal) Committee Working Group for the suppression of acts of terrorism, which adopted the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism, 1997-1999; Alternate representative of Canada to the Ad Hoc Committee on International Terrorism, 1979

- Chairman of the United Nations Ad Hoc Committee and the General Assembly's Sixth (Legal) Committee Working Group, which adopted the Convention on the Safety of United Nations and Associated Personnel, 1993-1994
- President of the International Conference on Air Law on the drafting of a Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; Head of the Canadian delegation to the 26th session of the Legal Committee of the International Civil Aviation Organization and Chairman of the Committee's Working Group, 1987-1988
- Chairman of the Committee of the Whole of the International Conference on the Suppression of Unlawful Acts against the Safety of Maritime Navigation; Chairman of the Preparatory Committee of the International Maritime Organization, 1987-1988
- Vice-Chairman of the Ad Hoc Committee on the drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 1981
- Head of the Canadian delegation to the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages, 1979

International Humanitarian Law

- Member of the Group of International Advisers to the International Committee of the Red Cross, 2000-2003
- Vice-President and Chairman of the Drafting Committee, of the 27th International Conference of the Red Cross and the Red Crescent, 1999
- Chairman of the Canadian National Committee on Humanitarian Law, 1998-1999
- Head of the Canadian delegation at the First Periodical Meeting of the States Parties to the Geneva Conventions, 1998
- Chairman of the Drafting Committee at the 26th International Conference of the Red Cross and the Red Crescent, 1995
- Chairman of the Drafting Committee of the International Conference on the Protection of War Victims, 1993; Chairman of the preparatory and subsequent intergovernmental working groups of government experts on the protection of war victims, 1993, 1995

Public International Law and International Organizations

- Member of the Permanent Court of Arbitration, 1995-1999
- Representative of Canada to the Ad Hoc Committee of Legal Advisers on Public International Law of the Council of Europe, 1993-1994; Representative of Canada to the Committee of Experts on Public International Law, Council of Europe, 1983-1985

- Head of the Canadian delegation before the Panel convened pursuant to chapter 18 of the Canada-United States Free Trade Agreement in the Matter of Puerto Rico Regulations on the Import, Distribution and Sale of U.H.T. Milk from Quebec, 1993
- Chairman of the United Nations General Assembly's Sixth (Legal) Committee and member of the General Committee of the United Nations General Assembly, 1982-1983; Vice-Chairman, 1980; Chairman-Rapporteur of the Sixth Committee's Working Group on Peaceful Settlement of Disputes, 1980; Representative of Canada to the Sixth Committee, 1988-1991, 1987, 1986, 1984, 1982, alternate representative, 1977-1980
- Representative of Canada to the United Nations General Assembly, its Special Political Committee and Fourth Committee (Decolonization), 1988-1991
- Vice-Chairman of the United Nations Special Committee on Peacekeeping Operations, 1980-1981, 1989-1992; Chairman of its Working Group, 1989-1992
- Deputy representative of Canada on the Security Council, 1989-1990; Vice-Chairman of the Committee on Sanctions Against Iraq, 1990; Chairman of the Sub-Committee on States confronted with Economic Problems as a Result of Sanctions, 1990
- Head of the Canadian delegation to the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea; Vice-Chairman of Special Commission 2 (Enterprise), 1984-1988; Adviser to the Canadian delegation to the Third United Nations Conference on the Law of the Sea, Caracas, 1974
- Chairman of the Working Group of Experts on the Protection of the Marine Environment against Marine Pollution from Land-based Sources, United Nations Environment Programme, 1983-1985
- Alternate chief delegate of Canada to the 25th session (extraordinary) of the Assembly of the International Civil Aviation Organization, 1984
- Alternate representative of Canada to the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts, 1983
- Chairman of the Committee on Application for Review of United Nations Administrative Tribunal Judgments, 1983, 1981
- Representative of Canada to the Intergovernmental Working Group on a Code of Conduct, United Nations Commission on Transnational Corporations, 1982
- Canadian observer to the Working Group on the New International Economic Order, United Nations Commission on International Trade Law, 1981
- Delegate to the Committee on the Peaceful Uses of Outer Space and to its Legal and Scientific and Technical subcommittees, 1979-1981
- Vice-Chairman of the United Nations Committee on Relations with the Host Country, 1977-1981

Professional associations

- Rotary International, District 1700, Club de Narbonne
- Group of Professionals for the Harvard Project on Monitoring, Reporting, and Fact-finding Missions, 2012-
- Board of Editors, Brill New International Criminal Law Series, 2012-
- ABA - ICC Project Board of Advisors, 2012-
- Executive Board of Disability Council International, 2012-
- Honorary Council of the Canadian Centre for International Justice, 2009-
- Institute of International Law, 2005-
- Board of Advisors, Parliamentarians for Global Action, 2002-
- Board of Advisors, Journal of International Criminal Justice 2002-
- Executive Committee, Canadian Council of International Law; 1994-1999
- American Society of International Law, 1994-1999
- Bar of the Province of Quebec (ret.), 1970-

Honors

- Commander of the Order of the Cross of Oak (Luxembourg), February 2010
- Officer of the Order of Canada, December 2009
- Grand Cross of the Order of the Crown (Belgium), September 2009

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Honorary Doctorate of Laws from

- The Academic Council of Odessa National Academy of Law, February 2007
- The National University of Ireland, June 2004
- The University of Ottawa, June 2004
- The University of Montreal, October 2003
- The University of Quebec in Montreal May 2003
- Medal of the Faculty of Law of the University of Montreal, 2003

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- Raphael Lemkin International Award, December 2013
- Creation of Philippe Kirsch Institute, 2013
- Namurois of the year (Namurois de l'extérieur), 2009
- International Humanitarian Award for Advancing Global Justice, Frederick K. Cox, International Law Center, Case Western Reserve University, November 2005
- World Peace Award from the World Federalist Movement – Canada, May 2004
- Distinguished Achievement Award for the Advancement of the Rule of Law and Civil Society, Faculty of Law, University of British Columbia, September 2003
- Medal of the Law Faculty of the University of Montreal, May 2003
- Canada Sweden Human Rights Awards, 2003
- Parliamentarians For Global Action Defender of Democracy Award, 2002
- William J. Butler Human Rights Medal Award, 2001
- Minister of Foreign Affairs' Award for Foreign Policy Excellence, 1999
- Robert S. Litvack Human Rights Memorial Award, 1999
- Queen's Counsel (Q.C), 1988

Publications and communications

- “Libya” (with Mohamed Helal) in “The United Nations Security Council in the Age of Human Rights”, edited by Jared Genser and Bruno Stagno Ugarte, Cambridge University Press, 2014
- *Prólogo*, in « *Intervención humanitaria: ¿derecho, deber o prohibición?* », by Éric Tardif, *Universidad nacional autónoma de México, México, 2012*
- “La Cour pénale internationale : de Rome à Kampala », in *Commentaire du Statut de Rome de la Cour pénale internationale*, Éditions A. Pedone 2012
- “La Cour pénale internationale: de Rome à Kampala », *Annuaire français des relations internationales* (2011), Vol. 12
- « The Work of the International Commission of Inquiry for Libya” in “New Challenges for the UN Human Rights Machinery” (What Future for the UN Treaty Body System and Human Rights Council Procedures?), Intersentia, December 2011
- “The International Criminal Court: from Rome to Kampala”, 43 *J. Marshall L. Rev.* Volume 43, spring 2010, Number 3
- « Vers une mise en dialogue des modèles de justice? » in *Trois défis pour la Justice du XXIe siècle Cahiers de la Justice* 5, Dalloz, 2010/1
- “The International Criminal Court: Building on the Principal Legal Systems of the World”, in *Multiculturalism and Contemporary International Law: Essays in Honor of Edward McWhinney*, edited by Sienho Yee and Jacques-Yves Morin, Brill Academic Publishers, 2009
- “ICC marks five years since entry into force of Rome Statute” in *The Emerging Practice of the International Criminal Court*, edited by Carsten Stahn et Göran Sluiter, Martinus Nuihof Publishers, Leiden - Boston 2009
- Introduction to *Commentary on the Rome Statute of the International Criminal Court: Observers’ Notes, Article by Article*, edited by Otto Triffterer, Second Edition, Hart Publishing, Oxford, 2008
- An introduction to *The ICC and Domestic Legal Order, Volume II: Constitutional Issues, Cooperation and Implementation*, edited par Bruce Broomhall and al., 2005
- Introduction to *Archbold: International Criminal Courts: Practice, Procedure and Evidence*, edited by Karim Khan & Rodney Dixon, 2005
- “The International Criminal Court and the Enforcement of International Justice”, Nineteenth Annual Blaine Sloan Lecture on International Law, *Pace International Law Review*, vol. XVII, No. 1, Spring 2005
- “The International Criminal Court: a New and Necessary Institution Meriting Continued International Support”, *Fordham International Law Journal*, vol. 28, No. 2, January 2005
- “The International Criminal Court and International Criminal Justice”, in *Developing a Culture of Conflict Prevention*, Anna Lindh Programme on Conflict Prevention, 2004

- “International Tribunals and Courts” published in *The Security Council in the Post-Cold War Era*”, edited by David Malone, Lynne Rienner Publisher, 2004
- Introduction to *Elements of War Crimes under the Rome Statute of the International Criminal Court – Sources and Commentary*, edited by Knut Dörmann, Cambridge University Press, 2003
- “The Highway to the International Criminal Court: all Roads lead to Rome”, Journées Maximilien-Caron, 1-2 May 2003, Canadian Institute for the Administration of Justice and Faculty of Law of the University of Montreal, 2003
- “International Humanitarian Law and the ICC Statute: Problems and Process”, in *International Criminal Court, A new dimension in international justice. Questions and Prospects for a new humanitarian order, Proceedings of the Santorini Colloquium*, edited by Professor S. Perrakis, 2002
- “La Cour pénale internationale face à la souveraineté des Etats » in *Crimes internationaux et juridictions internationales*, A. Cassese and M. Delmas-Marty (director), P.U.F., 2002
- "Reaching Agreement at the Rome Conference", "Referral by State Parties" and "Initiation of Proceedings by the Prosecutor" (with Darryl Robinson); "The Post-Rome Conference Preparatory Commission" (with Valerie Oosterveld), and "The Contribution of the Rome Statute to International Criminal Law" (with the Board of Editors), in *The Rome Statute of the International Criminal Court - A Commentary*, edited by Antonio Cassese, Paola Gaeta and John R.W.D. Jones, Oxford University Press, 2002
- "The Preparatory Commission for the International Criminal Court", *Fordham International Law Journal*, vol. 25, No.3, March 2002
- "Terrorisme, Crimes contre l'humanité et la Cour pénale internationale", in *Livre Noir*, edited by S.O.S. Attentats, February 2002
- Introduction to *Reflections on the International Criminal Court - Essays in Honour of Adriaan Bos*, edited by Herman A.M. Von Hebel, Johan G. Lammers and Jolien Schukking, Kluwer Academic Publishers, 2001
- "The International Criminal Court: Current Issues and Perspectives", and *Law and Contemporary Problems*, School of Law, Duke University, vol. 64, No.1, Winter 2001
- "The Work of the Preparatory Commission", in *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence*, edited by Roy S. Lee, Transnational Publishers, 2001
- "Negotiating an Institution for the Twenty-First Century: Multilateral Diplomacy and the International Criminal Court" (with Valerie Oosterveld), *McGill Law Journal*, vol. 46, No.4, August 2001
- "The International Criminal Court", *McGill Law Journal*, vol. 46, No.1, November 2000
- "The Preparatory Commission Today", in *Establishment of the International Criminal Court*, UM Publications of the Ministry of Foreign Affairs (Finland), February 2000

- "The International Criminal Court: Consensus and Debate on the International Adjudication of Genocide, Crimes Against Humanity, War Crimes, and Aggression", *Cornell International Law Journal*, vol. 32, Number 3, 1999
- Introduction to *Commentary on the Rome Statute of the International Criminal Court: Observers' Notes, Article by Article*, edited by Otto Triffterer, Nomos Verlagsgesellschaft, Baden-Baden, 1999
- "The Rome Conference on an International Criminal Court: The Negotiating Process" (with John T. Holmes), *The American Journal of International Law*, vol. 93, No.1, 1999
- "The Development of the Rome Statute", in *The International Criminal Court: The Making of the Rome Statute: Issues, Negotiations, Results*, edited by Roy S. Lee, Kluwer Law International, 1999
- "The Birth of the International Criminal Court: The 1998 Rome Conference" (with John T. Holmes), *The Canadian Yearbook of International Law*, Volume XXXVI, 1998
- "The Convention on the Safety of United Nations and Associated Personnel", *Conference "Les casques bleus: policiers ou combattants? / Blue Helmets: policemen or combatants?"*, Faculty of Law (Civil Law), University of Ottawa, 1995; Collection Bleue, Wilson & Lafleur ltée, Montreal, 1997
- "Legal Aspects of Peacekeeping", *Canadian Defence Quarterly*, vol. 23, No.1, Special No.2, September 1993
- "International Law and Arms Control in Outer Space: New Approaches for a New Era", in *Outer Space in the 1990's: The Role of Arms Control - Security, Technical and Legal Implications. Proceedings of the Symposium at McGill University*, Montreal, November 1992, McGill Institute of Air and Space Law Association Newsletter, Winter 1992-1993
- "Weaponry and Institutions", chapter 9 in Glen Plant, *Environmental Protection and the Law of War: a "fifth Geneva Convention" on the Protection of the Environment in Time of Armed Conflict*, Belhaven Press, London and New York, 1992
- "The Expanding Peacemaking Role of the United Nations", *Proceedings of the 86th Annual Meeting of the American Society of International Law*, Washington, D.C., 1992; *Moscow Journal of International Law*, No.3, 1992
- "L'impact des événements actuels sur le droit de la paix et de la sécurité internationales", *Revue québécoise de droit international*, vol. 7, No.2, 1991-1992
- "The Changing Role of the Security Council", *Occasional Papers Series*, No. II, The Ralph Bunche Institute on the United Nations, The City University of New York, New York, 1990
- "The 1988 ICAO and IMO Conferences: an International Consensus against Terrorism", *Dalhousie Law Journal*, vol. 12, No.1, April 1989
- "The Law of the Sea Preparatory Commission after Six Years" (with Douglas Fraser), *Canadian Yearbook of International Law*, vol. XXVI, 1988

- "Law-Making through International Institutions" (with Professor D .M. McRae) in *International Law: Critical Choices for Canada 1985 - 2000*, Queen's Law Journal, 1986
- Numerous speeches, lectures and interviews (television, radio and written media) on international Criminal justice, international humanitarian law and public international law

Personal information

Date of birth 1 April 1947

Languages French, English, Spanish

Education and Professional Training

- Academy of International Law, The Hague, 1979
- LL.M., University of Montreal, 1972
- Called and Admitted to Quebec Bar, 1970
- LL.L, University of Montreal, 1969
- Bachelor's degree, Stanislas College, Montreal, 1966