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## THESES SURVEY

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### RECENSION DES THÈSES

#### I. Doctoral Theses/Thèses de doctorat

**Roland-Yves Gagné, *Annex 18 to the Chicago Convention and the Safe Transport of Dangerous Goods by Air*, Institute of Air and Space law, McGill University**

This thesis is the analysis of Annex 18 to the Chicago Convention on the Safe Carriage by Air of Dangerous Goods.

Chapter one is a thorough analytical history of the international standards on the air carriage of dangerous goods, the influence of IATA and ICAO on their drafting and implementation.

Chapter two is on the regulations on the air carriage of dangerous goods in North America, in the United States and Canada, and the influence of Annex 18 thereon.

Chapter three treats the liability involved in the carriage of dangerous goods under common law, civil law, the Warsaw system, the Chicago Convention, the North American Regulations and conventions on nuclear materials, as well as on transfrontier movements of hazardous wastes, and the situation in other modes of transport.

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Cette thèse traite de l'Annexe 18 de la Convention de Chicago sur le transport des marchandises dangereuses par air.

Le premier chapitre est une analyse détaillée et historique des standards internationaux sur le transport des matières dangereuses, de l'influence de l'IATA et de l'OACI à ce sujet dans leur rédaction et leur mise en oeuvre.

Le deuxième chapitre parle de la réglementation sur les marchandises dangereuses en Amérique du Nord, aux États-Unis et au Canada, et de l'influence de l'Annexe 18 à ce sujet.

Le Chapitre trois traite de la responsabilité dans le transport des marchandises dangereuses en « common law », en droit civil, sous le système de Varsovie, la Convention de Chicago, la réglementation nord-américaine, les conventions sur les matières radioactives, sur les mouvements transfrontaliers des déchets dangereux, et de la situation dans les autres modes de transport.

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Marlène Maltais, *Institution et dogmaticité occidentale: la mythologie de la raison, jusque dans ses versions modernes*, Université Laval

*No abstract available / résumé non disponible*

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Louise Potvin, *La personne et la protection de son image: étude comparée des droits québécois, français et de la common law anglaise*, Institut de droit comparé, Université McGill

Cette thèse aborde les problèmes soulevés par la publication non autorisée de l'image humaine qui porte atteinte à la vie privée du sujet représenté ou encore qui dénature ou exploite sa personnalité. Nous avons étudié comment les droits québécois, français et anglais ont réagi à chacune de ces situations. Nous avons précisé le rôle des Conseils de Presse québécois et britannique et analysé les solutions apportées par ces « tribunaux d'honneur ».

La première partie de la thèse traite du fondement juridique de la protection de l'image humaine alors que la seconde porte sur l'étendue de la protection des personnes contre la publication de leur image.

La confrontation des solutions apportées par les droits en présence nous a permis de déterminer si l'un ou l'autre de ces droits se distinguait en protégeant plus adéquatement les personnes contre la diffusion non autorisée de leur image.

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This thesis looks at the problems arising out of the unauthorized publication of the likeness of an individual resulting in the infringement of the individual's privacy or misrepresentation or exploitation of his or her personality. We have studied how the law of Quebec, France and the United Kingdom have dealt with each of these situations. We have also described the role of press councils in Quebec and the United Kingdom and examined the solutions proposed by these councils.

The first part of the thesis deals with the basis in law for the protection of the human likeness, while the second part attempts to determine how effectively individuals are protected from the publication of their likeness.

A comparison of the various solutions provided under the laws being examined has enabled us to determine whether one of them best safeguards the individual from the unauthorized publication of his or her likeness.

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**Amnat Wongbandit, *Hydroelectric Development on an International River: The Lower Mekong Basin*, Osgoode Hall Law School**

The Mekong, one of the longest rivers in Asia, has great potential for hydroelectric development and other purposes. Envisaging this potential, States in its lower basin, Cambodia, Laos, Thailand and Vietnam, with the encouragement of the United Nations, created their international river commission, the Mekong Committee, in 1957 to study and regulate the utilization of the water of the basin. Due to drastic economic, political and social changes in the region in the last three decades, the current relevant legal regimes should be reconsidered in terms of their effectiveness. According to the normative, comparative and progressive study of regional and international river law in this thesis, certain provisions of the constituent document of the Mekong Committee and the agreement containing the rights and duties of the basin States should be modified if the use, development, management and conservation of the water resources of the basin are to be optimized effectively. At the same time, the basin States also need to have a legal mechanism for settling their future water disputes and an entity to implement the construction, operation and maintenance of water development projects on the Mekong mainstream.

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Le Mékong, l'un des plus longs fleuves d'Asie, renferme un grand potentiel pour les développements hydroélectrique et autre. Afin d'endiguer ce potentiel, les états du bassin inférieur, soit le Cambodge, le Laos, la Thaïlande et le Viêt-Nam, avec l'encouragement des Nations-Unies, ont créé, en 1957, une commission internationale pour étudier et régler l'utilisation des eaux du bassin.

Les changements économiques, politiques et sociaux qu'a connus la région au cours des trente dernières années rendent nécessaire une réévaluation de l'efficacité du régime juridique en place.

Cette thèse suggère que l'utilisation, le développement, l'administration et la conservation optimales des ressources hydrauliques du bassin requiert une révision de certaines dispositions du document constitutif du comité du Mekong et la modification de certains droits et obligations des états du bassin. Par ailleurs, ces états doivent maintenant instituer des mécanismes de résolution de dispute, ainsi qu'une entité juridique dont le mandat serait d'assurer la construction, l'opération et l'entretien des projets de développements hydrauliques sur le Mékong.

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**J. Barry Wright, *Law, State and Dissent in Upper Canada, 1804-1838*,  
Osgoode Hall Law School**

This thesis is concerned with aspects of the relationship between law and politics in Upper Canada from 1804 to 1838. The research focusses on criminal prosecutions of leading figures of dissent for sedition and treason. Other manifestations of the relationship between law and politics in the province are examined contextually.

The thesis advances the argument that the province's governing elite imperfectly dominated the legal system, resorting to it to resolve perceived social and political crises. Legal measures were regarded by authorities as more effective, and certainly more feasible, than direct physical coercion. On a continuing basis, the law facilitated the governing elite's immediate concerns by marginalizing leading opposition leaders. It also served a more fundamental function when social conflict became extreme. The law was used to assist in the shaping of popular thought in the attempt to legitimate the elite's authority and generate consent to it. However, the ruling elite's control over these processes was by no means complete and the law was a site of considerable struggle. Articulate concerns were raised about politicized legality, unequal treatment under the law, and more specifically, about the legal profession, prosecutorial authority, the jury, the judiciary and legislative processes.

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Cette thèse traite du lien existant entre le droit et la politique au Haut-Canada de 1804 à 1838, principalement par le biais d'un examen des poursuites criminelles pour trahison, à l'encontre de certains dissidents.

L'auteur suggère que l'élite provinciale dominait — de façon imparfaite — le système juridique, y ayant recours pour résoudre des crises politiques et sociales. Le droit remplissait deux rôles importants: celui de marginaliser les dissidents et celui de légitimer l'autorité de l'élite. Toutefois, l'autorité de l'élite sur le processus juridique n'était pas absolue. Des débats importants ont été soulevés au sujet de la politisation du droit, la discrimination dans l'application du droit, la profession juridique, le pouvoir de poursuite, le rôle du jury et les processus judiciaires et législatifs.

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## II. Master Theses/Mémoires de maîtrise

Erika Jane Abner, *The Merits of the Use of Constitutional Litigation to Unravel the Fabric of the Feminization of Poverty in Canada*, Osgoode Hall Law School

Douglas Adlard, *The Problems of Contract Modification in the Context of Long-Term Supply Contracts and Foreign Investment Contracts*, Queen's University

Mohammed S.M. Al-Ajaji, *The League of Arab States and the Promotion and Protection of Human Rights*, University of British Columbia

Eric Apps, *Managing Canadian-American Economic Relations After Free Trade: Reforming Dispute Resolution and Import Relief Measure*, University of Toronto

Germaine Banville, *Elus municipaux, contrats et conflits d'intérêts*, Université Laval

Kevin R. Bartlett, *Cape York International Spaceport, Australia: A Review of the Legal Issues*, Institute of Air and Space Law, McGill University

Michel Bélanger, *La reconnaissance d'un droit fondamental à un environnement de qualité*, Université de Montréal

Catherine Bell, *Metis Aboriginal Title*, University of British Columbia

Lise Bibeau, *Paramètres d'accès aux documents des organismes publics en vertu de la Loi sur l'accès et du droit au secret professionnel*, Université Laval

Kathleen Boehringer, *Reconciling the Irreconcilable: Broadcasting Law and Policy in Canada and Australia*, Dalhousie University

Jane Boulden, *Arms Control and Disarmament: Mechanisms for Ensuring Compliance*, Queen's University

Roger Breton, *L'opposition afin de distraire et des sûretés mobilières sans dépossession*, Université Laval

Elizabeth Brown, *Statutory Interpretation and Mens Rea in Non-Criminal Code Offences*, University of Ottawa

Johannes Bruski, *The Role of Banks in the Securities Markets of Canada and the Federal Republic of Germany*, Institute of Comparative Law, McGill University

Michael Burnett, *The Effect of Informational Technology on Civil Liberties*, University of Alberta

Sedfrey M. Candelaria, *State Responsibility and International Financial Obligations: A Case Study of the International Monetary Fund Stand-By*

*Arrangements with Developing Country Members*, University of British Columbia

Okezie Chukwumerije, *Sovereign Immunity And Transnational Arbitration*, University of British Columbia

James Cooke, *Co-Authorship: A Communitarian Interpretation of "Freedom of Association"*, University of Toronto

Terence Cooper, *Crown Privilege*, University of Toronto

Benilde Correia e Silva, *Some Legal Aspects of Flight Information Regions*, Institute of Air and Space Law, McGill University

Wouter Cortenraad, *Limited Liability in Economic Theories of the Corporation*, University of Toronto

Charles Côté, *Propriété industrielle, libre concurrence et arbitrage*, Université Laval

Michel Coutu, *Les libertés syndicales dans le secteur public*, Université de Montréal

Frederick C. DeCoste, *On Understanding Positivism: Law As An Interpretation and Estrangement*, Osgoode Hall Law School

Guy Dehisle, *La fonction d'administrateur en copropriété divisée (statut juridique, pouvoirs et obligations)*, Université Laval

France Dion, *Le phénomène de la sécularisation du mariage en droit québécois*, Université Laval

Fiona Donson, *Remedial Scope of s. 24(1) of the Charter as a Tool of Prison Reform*, Queen's University

François Dorion, *L'évaluation du loyer*, Université Laval

Maurice Drapeau, *Le régime juridique de protection contre le harcèlement sexuel en milieu de travail*, Université de Montréal

David Dzidzornu, *The Exclusive Economic Zone and Fisheries in West Africa: Perspectives on National and Regional Policy*, Queen's University

Constantin Economides, *Air transport law and policy in the Europe of the EEC and ECAC; now and beyond 1992*, Institute of Air and Space Law, McGill University

Denis J. Edwards, *Rights in Distinct Societies: A European Proposal for Charter Interpretation*, Osgoode Hall Law School

Elizabeth Foster, *La limitation des droits et l'article 1 de la Charte canadienne des droits et libertés*, Université Laval

Paul Frits, *Measures Affecting Domestic and Foreign Competition in the Canadian Computer-Telecommunications Sector*, Institute of Comparative Law, McGill University

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Arthur Grant, *Une théorie canadienne du contrôle judiciaire portant sur la définition des droits et libertés énoncés par la Charte canadienne des droits et libertés*, University of Ottawa

Hélène Guay, *Dépistage de l'information relative à la santé d'une personne en milieu de travail*, Université de Sherbrooke

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Lynne Laforest, *Les recours civils des créanciers lors de la faillite du débiteur*, Université Laval

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Gilles Vézina, *La convention d'arbitrage en droit corporatif canadien et québécois*, Université Laval

Burkhart Von Erlach, *Public Law Aspects of Lease, Charter and Interchange of Aircraft in International Operations*, Institute of Air and Space Law, McGill University

Ting Wang, *Convention on the Elimination of all Forms of discrimination Against Women, 1979*, Dalhousie University

Brian T. Wilkinson, *The Right to Strike and Irish Constitutional Law*, Osgoode Hall Law School

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Philemon Yang, *The Inviolability of Diplomatic and Consular Premises in International Law*, University of Ottawa

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