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## Introduction Session 2: Canada and U.S. Approaches to Trade Sanctions

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## SESSION 2: CANADA AND U.S. APPROACHES TO TRADE SANCTIONS.

### INTRODUCTION

*Selma M. Lussenberg*

Okay. Are we all set to go? It is not important whether you can hear me. It is important whether you can hear our speakers. So if I may start briefly with a short introduction in the interests of time, our title for the conference, as we know, was Understanding Each Other Across the Largest Undefended Border, and within that context today, we are looking at trade sanctions.

Trade sanctions, I think it is fair to say, can be an extremely emotional issue for Canadians, and I can say that as a Canadian and I suspect also for Americans. Our philosophical views and our business interests diverge significantly from time to time over the issue of trade sanctions.

Today we have two very good speakers to address this question from an American perspective and a Canadian perspective. We are very fortunate to have with us Richard Newcomb, who is to my right, to your left when you are looking at us. He has been for 18 years in the U.S. Government. He was the director of OFAC, the Office of Foreign Asset Controls. If you look in your pamphlet, this one that came – I think there may be – I know that there are two versions of that, but each one has a resume in it for each of Navin and Richard. So I would direct you to that.

I do want to draw to your attention, which is not in the bio on Richard, that he was awarded the Presidential Rank Emeritus Executive Award from President Regan, and the Presidential Rank Distinguished Executive Award from both President Bush and President Clinton. I guess it is fair to say that he had an even hand while at OFAC having received such distinction.

Richard practices firm at the law firm of Bearman, Caldwell & Berkowitz. I hope I pronounced that correctly.

MR. RICHARD NEWCOMB: It is Baker, Donelson, Bearman, Caldwell & Berkowitz.

MS. LUSSENBERG: Oh, I'm sorry. I went to the small print. My apologies. Baker, Donelson, Bearman, Caldwell & Berkowitz.

To my left and to your right, we have Navin Joneja.

MR. NAVIN JONEJA: That's very good, yeah.

MS. LUSSENBERG: Navin practices in the international trade law area at Blake, Cassels & Graydon in Canada. As some of you may know, Cliff

Sosnow was to have been here. Navin has stepped in at the last moment, and I think we owe him a big round of thanks to all of a sudden show up.

Now, he was working on the paper with Cliff. Interesting when I looked at the resumes of our two speakers, Richard went to Case Western at one point in his career, and Navin went to the University of Western Ontario, so they are very representative of the dialogue we have here today.

Richard is going to set some of the parameters around sanctions in the United States. I won't go into any great detail other than to say – and it was interesting for the speakers this morning on the first panel, is Richard will speak to the new flavor brought to sanctions post 9/11.

Navin will perhaps draw into the extraterritorially application of U.S. law debate, which we have all heard more than once, although he thinks he will be able to stay away from that and is planning to focus on Canadian practices of importing foreign policy considerations into the administration of the Canadian sanctions regime. And I believe that amongst Navin's thesis, that is neither transparent nor does it promote certainty in the business climate.

So without further discussion, Richard, if you could start, please.