

2024

## Proceedings of the Inaugural Wilson Canada-United States Legal Issues Symposium

Conference Speakers

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### Recommended Citation

Conference Speakers, *Proceedings of the Inaugural Wilson Canada-United States Legal Issues Symposium*, 48 Can.-U.S. L.J. 111 (2024)

Available at: <https://scholarlycommons.law.case.edu/cuslj/vol48/iss1/11>

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# PROCEEDINGS OF THE INAUGURAL WILSON CANADA-UNITED STATES LEGAL ISSUES SYMPOSIUM

## ECONOMIC SANCTIONS ENFORCEMENT AND COMPLIANCE IN CANADA AND THE U.S.

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### CONFERENCE SPEAKERS

#### **Stephen Alsace**

*Global Head of Economic Sanctions, Royal Bank of Canada*

Stephen Alsace has over 20 years' experience providing advice on financial crime, AML and sanctions issues. He recently assumed the role of Global Head of Sanctions at RBC. Prior to joining RBC, Stephen was a Director in the Global Investigations and Compliance practice of Guidehouse since 2018. While at Guidehouse, Stephen led projects relating to AML and sanctions gap assessments for global financial services and digital asset clients, and was embedded as a Senior Leader on the Compliance Team for a global payments service provider. Stephen also spent over 18 years at CIBC, starting in the Legal Department as the lead lawyer on AML and Sanctions, then as the Global Head of Sanctions and Terrorist Financing. Stephen has spoken at numerous conferences in Canada and the US on sanctions matters, provided sanctions and terrorist financing instruction to the RCMP, FBI and MI-5, and has testified as an industry expert on sanctions matters before a Canadian Parliamentary Subcommittee in 2017 and before a Canadian Senate Subcommittee in 2022.

**Hon. James Blanchard**

*Partner and Co-Chair, Government Affairs Practice Group, DLA Piper; Former U.S. Ambassador to Canada*

James Blanchard joined DLA Piper in April 1996 upon the conclusion of his duties as United States ambassador to Canada. Mr. Blanchard was named ambassador to Canada in May 1993, after serving two terms as governor of Michigan (1983-1991) and four terms as a member of the United States Congress (1975-1983). In 1992, he chaired President Bill Clinton's successful campaign in Michigan. Blanchard is also former chairman of the Democratic Governors Association and the National Democratic Platform Committee, as well as a former member of the National Governors Association's Executive Committee. Prior to his election to Congress, from 1969 to 1974 Governor Blanchard was assistant attorney general of Michigan. During his tenure as Ambassador, Mr. Blanchard managed a broad range of trade, natural resources, environmental and national security issues between the United States and Canada, providing support critical to the passage of both NAFTA and the Open Skies Agreement. In recognition of his outstanding performance as Ambassador, Secretary of State Warren Christopher presented Governor Blanchard with the Foreign Affairs Award for Public Service in a ceremony at the Department of State, making him one of only a handful of ambassadors to receive this prestigious award.

**Stephen Burridge**

*Director, Sanctions Policy and Operations Division, Global Affairs Canada*

Stephen Burridge is the Director of the Sanctions Policy and Operations Division at Global Affairs Canada. Over the course of his career, Mr. Burridge has numerous diplomatic roles, including as Deputy Director of the G7 Foreign Ministers' Meeting and as Chief of Staff to the Assistant Deputy Minister of International Security and Political Affairs.

**Michael Cass-Anthony**

*Senior Advisor and Team Lead, Sanctions Policy and Implementation, U.S. Department of State*

Mike Cass-Anthony is a Policy Advisor in the U.S. Department of Treasury's national security policy office – the Office of Terrorist Financing and Financial Crimes (TFFC). He is a member of the Europe and Russia Team where he provides strategic advice on a variety of national security topics, including economic and financial measures in response to Russia's invasion of Ukraine, and guidance to countries in the region on anti-money laundering and combatting the financing of terrorism (AML/CFT) standards. Previously, Mike worked in the private sector advising governments on AML/CFT matters and developing strategies to aid government agencies in adapting to emerging technologies.

**Ambassador Mark A. Green**

*President & CEO, Wilson Center*

Ambassador Mark Green (ret.) serves as the President, Director, and CEO of the Wilson Center. Green is also the author of the “Stubborn Things” blog. From 2017 to 2020, Green served as Administrator of the U.S. Agency for International Development. He has also served as President of the International Republican Institute, Executive Director of the McCain Institute, President of the Initiative for Global Development, and senior director at the U.S. Global Leadership Coalition. Green served as the U.S. Ambassador to Tanzania from mid-2007 to early 2009, as well as four terms in the U.S. House of Representatives representing Wisconsin’s 8th District. Green served on the Board of Directors of the Millennium Challenge Corporation during both the Obama and Trump Administrations and has served on the Bush Institute’s Human Freedom Advisory Council and the Board of the Consensus for Development Reform. He holds a law degree from the University of Wisconsin Law School and a bachelor’s degree from the University of Wisconsin–Eau Claire. In 2012, he was awarded an honorary Doctor of Science from Georgetown University’s School of Nursing and Health Studies. He has received special honors from President Jakaya Kikwete of Tanzania and President Ivan Duque of Colombia.

**Jessica B. Horowitz**

*Partner, International Trade and Investment, Bennett Jones LLP*

Jessica Horowitz is an advocate and business advisor for Canadian and international clients on complex and high-stakes matters relating to international trade, customs, import and export regulation and economic sanctions. Ms. Horowitz appears regularly before the Canadian International Trade Tribunal (CITT) and the Federal Courts in customs appeals and trade remedy proceedings, and represents clients in trade verifications and enforcement matters involving the Canada Border Services Agency (CBSA), Global Affairs Canada, the Canadian Food Inspection Agency, the Royal Canadian Mounted Police, and other domestic and foreign regulatory and law enforcement agencies. She helps businesses to design and implement effective trade compliance programs and internal controls, and to conduct risk assessments, reviews and investigations related to trade, sanctions and anti-corruption compliance.

**Rachel Fredman Lyngaas**

*Chief Sanctions Economist, U.S. Department of Treasury*

Rachel Fredman Lyngaas is the Chief Sanctions Economist for the U.S. Department of the Treasury, leading the U.S. economic response to state actors and international organizations. She previously served as an economist at the International Monetary Fund (IMF) where she advised on matters surrounding African economic cooperation and development and supported the U.S. Executive

Director. Ms. Fredman Lyngaas has held numerous progressively senior roles at the U.S. Department of Treasury, and has was a Presidential Management Fellow at the U.S. Department of State.

**Michael Milne**

*Partner and Certified Customs Specialist, Cassidy Levy Kent*

Michael Milne is a Partner and a Certified Customs Specialist in Cassidy Levy Kent's Ottawa office. Mr. Milne has also worked in Cassidy Levy Kent's Washington, D.C. office. Mr. Milne represents domestic producers, importers, foreign exporters and governments before the Canadian International Trade Tribunal, Canadian Federal Courts, and the U.S. International Trade Commission as well as before the Canada Border Services Agency and the U.S. Department of Commerce. He has also appeared before the Ontario Superior Court of Justice and the Court of Appeal for Ontario.

**Richard Newcomb**

*Partner, DLA Piper; Former Director, Office of Foreign Assets Control, U.S. Treasury Department*

From 1987 to 2004, Richard served as director of the Office of Foreign Assets Control (OFAC) of the United States Treasury Department. Throughout his tenure, Richard oversaw the administration and enforcement of 39 economic sanctions programs in furtherance of U.S. foreign policy and national security goals. His leadership guided the agency through many of the major foreign policy challenges the nation has experienced in the past two decades, from the advent of multilateral sanctions against Iraq in 1990—coupled with a protective blocking of U.S. \$50 billion in Kuwaiti assets—to the transformation of the agency after the attacks of September 11, 2001, to track and disrupt terrorist organizations and their financing networks. Prior to his assignment with OFAC, Richard held a number of other positions in the Treasury Department, including director of the Office of Trade and Tariff Affairs and deputy to the assistant secretary (Regulatory, Trade and Tariff Affairs), where he was the principal advisor to the assistant secretary for enforcement on customs, international trade, commercial and regulatory matters.

## INTRODUCTORY REMARKS

CHRISTOPHER SANDS: Good morning, ladies and gentlemen, very good to see you here today. My name is Christopher Sands, and I am the Director of the Canada Institute at the Woodrow Wilson International Center for Scholars. I want to extend a warm welcome to the people in the room, the people who are watching us live streamed, and who will watch the recording later on.

This is the first Wilson Kennedy Canada-U.S. legal issue symposium. It would not be possible without our partners, the Canada-United States Law Institute. You'll hear about both of those organizations. Without further ado I want to introduce Mark Green. Mark Green is a former congressman, a former U.S. Ambassador to Tanzania, a former USAID Administrator—that's the U.S. Agency for International Development. He's also the President and the CEO of the Woodrow Wilson International Center for Scholars. But appropriately today, I can also introduce him as a proud Law School graduate of the University Wisconsin. Over to you, Mark.

AMBASSADOR MARK GREEN: Thanks, Chris, and welcome everyone, physically and virtually to the Wilson Center. As many of you know, we're truly a unique institution in foreign policy. We are congressionally chartered, scholarship driven, and fiercely nonpartisan and independent. That special status, I think, brings with it certain obligations: not to duplicate what others are doing, but instead to prioritize the most important issues and opportunities, and to do so in ways where we can add value and make a difference.

In 1919, as the world record reckoned with the horrors of World War I, Woodrow Wilson emerged as the leading advocate for economic sanctions as a nonviolent alternative to war. Speaking in Indianapolis, he said that "A nation boycotted is a nation that is in sight of surrender. Apply this economic peaceful, silent, and deadly remedy, and there will be no need for force." One hundred years on from that speech, sanctions have become a mainstream policy tool used to target not only adversarial governments but also foreign organizations, institutions, and entities. In modern times, the widespread adoption and implementation of Magnitsky legislation has made sanctions even more powerful, enabling nations to target foreign individuals and their assets. But as the use of economic sanctions has become more widespread, questions on their utility and effectiveness have become more pointed. Sanctions have not eliminated war, as we know all too well. In fact, in spite of global sanctions regimes, communities in Eastern Europe, the Middle East, the Caribbean, and beyond are suffering some of the worst conflict that we have seen in decades.

Questions have also been raised about the humanitarian impact of sanctions, a topic I know our experts will turn to this morning. We are bearing witness to a sea change in the global order. Amidst this transformation, it's imperative—really, really important—that those nations which share our democratic values and respect for a rules-based international system closely coordinate foreign policy strategies and tools. Canada and the U.S., longstanding security partners with one

of the most robust bilateral trade relationships in the world, can and should be a model for the cooperative implementation of sanctions in pursuit of a better world.

Achieving alignment, as we know, is not a simple task. It will involve working through two different systems against the backdrop of increasing global instability. Lawyers, many of whom are in this room, and as Chris noted, I'm a recovering attorney myself, will be called on to lead critical debates on the refinement, implementation, and interpretation of economic sanctions legislation. I'm hoping today's presentations and the discussions which ensue can serve as a first step towards that noble purpose. I would like to specifically thank the Canada-United States Law Institute, Western University Faculty of Law, and Case Western University School of Law, for joining us today. In short, these discussions truly matter. Back to you, Chris.

CHRISTOPHER SANDS: Thank you very much, Mark. It's now my honor to introduce the Dean of the Case Western University Law School, Michael Scharf.

DEAN MICHAEL SCHARF: Just a very brief welcome. Case Western Reserve University School of Law, for the past forty-seven years, has partnered with the University of Western Ontario Faculty of Law in hosting the Canada-U.S. Law Institute. With the help of Chris Sands and so many others, we've been able to do these amazing programs, both in Cleveland and in Toronto, at Western Ontario, and lately in Washington, DC. We're very excited to be partnering with this symposium. Thank you all for being here.