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Employment

Academic

University of Georgia School of Law, Fall 2002 - present
Woodruff Chair of International Law; Associate Dean for Faculty Development (2006-present). Courses in International Law, International Trade Law, Foreign Relations Law, International Environmental Law, Perspectives on the Legal Process.

University of Washington School of Law, Fall 1989 - Spring 2002 (leave of absence, August 1999-August 2001)
Assistant Professor (1989-1994), Professor of Law (1994-2002). Adjunct Professor, School of Marine Affairs.

George Washington School of Law, Spring 2000
Adjunct Professor. Course taught: International Organizations.

Georgetown University Law Center, 1988-1989
Adjunct Professor. Graduate course in International Human Rights Law.

Other

U.S. Department of State, August 1999-June 2001
Climate Change Coordinator. Senior adviser and negotiator at Fifth and Sixth Conferences of the Parties to the UN Framework Convention on Climate Change (1999, 2000); Head of US Delegation to the Intergovernmental Panel on Climate Change Working Group III plenary (2001).

Office of the Legal Adviser, U.S. Department of State, 1985-1989
Attorney-Adviser. Office of Human Rights and Refugees (1985-1988); Office of Oceans, International Environmental and Scientific Affairs (1988-1989).

Judge Irving Goldberg, U.S. Court of Appeals for the Fifth Circuit, 1984-1985
Law Clerk

Education

Yale Law School, 1981-1984
J.D., 1984. Member, *Yale Law Journal*.

Cambridge University, 1979-1981
M.Phil., History and Philosophy of Science, 1981. National Science Foundation Graduate Fellowship. Thesis: "Theory Change in Nineteenth Century Evolutionary Thought."

Harvard University, 1974-1979
A.B. *magna cum laude* in Social Studies, 1979. Phi Beta Kappa. John Harvard Prize. Detur Prize.

Awards and Fellowships

Jean Monnet Fellowship, European University Institute, Florence, Italy, April-August, 1998.

Council on Foreign Relations International Affairs Fellowship, 1991-1992 (studied the negotiation of the UN Framework Convention on Climate Change).

Pew Faculty Fellowship in International Affairs, 1991-92.

Publications

Books

The Art and Craft of International Environmental Law (Harvard University Press, forthcoming November 2009)

[Chapter 1: What Is International Environmental Law?](#)

Oxford Handbook of International Environmental Law (co-edited with Jutta Brunnée and Ellen Hey) (Oxford University Press 2007)

Legal Regulation of the Effects of Military Activity on the Environment (Erich Schmidt Verlag 2003)

Scholarly Articles and Book Chapters

["Is There an International Environmental Constitution?"](#) *Indiana Journal of Global Legal Studies*, vol. 16, pp. 565-584 (2009)

"Trade and Environment" (co-authored with Jessica Lawrence) in *Oxford Handbook of International Trade Law* (Daniel Bethlehem et al., eds., Oxford: Oxford University Press, 2009)

["The 'OSPAR' Arbitration: Its Contribution to International Law,"](#) in *The OSPAR Arbitration* (Belinda McMahon, ed., Asser Institute Press, 2009)

[“The Concept of Legitimacy in International Law,”](#) in *Legitimacy in International Law* (R. Wolfrum & V. Roben eds., Springer, 2008)

[“Targets and Timetables: Good Policy But Bad Politics?”](#) in *Architectures for Agreement: Addressing Global Climate Change in the Post-Kyoto World* (Joseph Aldy & Robert Stavins, eds., Cambridge University Press 2007)

“Introduction” (co-authored with Jutta Brunnee and Ellen Hey) and [“Legitimacy,”](#) in *Oxford Handbook of International Environmental Law* (Daniel Bodansky, Jutta Brunnee & Ellen Hey, eds., Oxford Univ. Press 2007)

[“International Law in Black and White,”](#) *Georgia Journal of International & Comparative Law*, vol. 34, pp. 285-304 (2006)

“The International Climate Change Regime,” in *Perspectives on Climate Change: Science, Economics, Politics, Ethics* (Walter Sinnott-Armstrong & Richard B. Howarth, eds., Elsevier 2005)

“Non-Treaty Lawmaking,” in *Developments of International Law in Treaty Making* (Max Planck Institute 2005)

[“Deconstructing the Precautionary Principle,”](#) in *Bringing New Law to Ocean Waters* (David D. Caron & Harry N. Scheiber, eds., Martinus Nijhoff 2004)

“Transatlantic Environmental Relations” in *Europe, America and Bush*, pp. 58-68 (John Peterson & Mark Pollack, eds., Routledge 2003)

“Symposium on the ILC’S State Responsibility Articles: Introduction and Overview,” *American Journal of International Law*, vol. 96, pp. 773-91 (October 2002) (with John Crook)

[“What’s So Bad about Unilateral Action to Protect the Environment?”](#) *European Journal of International Law*, vol. 11, pp. 339-47 (2000)
Excerpted in Anthony D’Amato & Jennifer Abbasi,
International Law Today (Thomson West 2006)

“The Role of Reporting in International Environmental Treaties: Lessons for Human Rights Supervision,” in *The Future of the U.N. Human Rights Treaty System*, pp. 361-80 (Philip Alston & James Crawford, eds., Cambridge University Press 2000)

[“Non Liqueur and the Incompleteness of International Law,”](#) in *International Law, the International Court of Justice and Nuclear Weapons*, pp. 153-70 (Laurence Boisson de Chazournes & Philippe Sands, eds., Cambridge University Press 1999)

“The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?,” *American Journal of International Law*, vol. 93, pp. 596-624 (July 1999)

Excerpted in:

Oona Hathaway & Harold Koh, eds., *Foundations of International Law* (Foundation Press 2004)

Anthony D’Amato & Jennifer Abbassi, *International Law Today* (Thomson West 2006)

“The Role of National Courts in the Field of International Environmental Law” (co-authored with Jutta Brunnée), and “International Environmental Law in United States Courts,” *Review of European Community and International Environmental Law*, vol. 7, pp. 11-20, 57-62 (1998)

Reprinted in: Michael Anderson and Paolo Galizzi, *International Environmental Law in National Courts* (British Institute of International and Comparative Law 2002)

“May We Engineer the Climate?” *Climatic Change*, vol. 33, pp. 309-21 (1996)

“Customary (and Not So Customary) International Environmental Law,” *Indiana Journal of Global Legal Studies*, vol. 3, pp. 105-19 (1995)

Excerpted in:

Hunter et al., *International Environmental Law and Policy* (Foundation Press 2d ed. 2002)

Paula M. Pevato, ed., *International Environmental Law* (Library of Essays in International Law) (Ashgate 2003)

“International Law and the Protection of Biological Diversity,” *Vanderbilt Journal of Transnational Law*, vol. 28, pp. 623-34 (1995)

Excerpted in Reisman et al, *International Law in Contemporary Perspective* (Foundation Press 2004)

"The Emerging Climate Change Regime," *Annual Review of Energy and Environment*, vol. 20, pp. 425-61 (1995)

"The Precautionary Principle in U.S. Environmental Law," in *Interpreting*

the Precautionary Principle, pp. 203-28 (T. O'Riordan & James Cameron, eds., Cameron & May 1994)

"Prologue to the Climate Change Convention," in *Negotiating Climate Change: The Inside Story of the Rio Convention*, pp. 45-74 (Irving Mintzer & J.A. Leonard, eds., Cambridge University Press 1994)

"Managing Climate Change," *Yearbook of International Environmental Law - 1992*, vol. 3, pp. 60-74 (Gunther Handl ed., Oxford University Press 1993)

"The U.N. Framework Convention on Climate Change: A Commentary," *Yale Journal of International Law*, vol. 18, pp. 451-558 (1993)
Commemorated as one of the 10 most-cited articles in the first 25 years of the *Yale Journal of International Law*, vol. 25, pp. 315-21, with commentary by Daniel C. Esty
Excerpted in *Greening International Law* (Philippe Sands, ed., New Press, 1994)

"Protecting the Marine Environment from Vessel Source Pollution: UNCLOS III and Beyond," *Ecology Law Quarterly*, vol. 18, pp. 719-77 (1991)

Excerpted in Hunter et al., *International Environmental Law and Policy* (Foundation Press 2d ed. 2002)

"Scientific Uncertainty and the Precautionary Principle," *Environment*, vol. 33, pp. 4-5, 43-44 (Sept. 1991) (see also exchange of letters, *Environment*, vol. 34, pp. 2-4 (April 1992))

Excerpted in Hunter et al., *International Environmental Law and Policy* (Foundation Press 2d ed. 2002)

"Human Rights and Universal Jurisdiction," in *World Justice? U.S. Courts and International Human Rights*, pp. 1-22 (Mark Gibney, ed., Westview 1991)

***Policy Pieces on
Climate Change***

[*White Paper: Legal Form of a New Climate Agreement: Avenues and Options*](#) (Washington: Pew Center on Global Climate Change, April 2009)

[*Measurement, Reporting and Verification in a Post-2012 Climate Agreement*](#) (co-authored with Clare Breidenich) (Washington: Pew Center on Global Climate Change, April 2009)

[Climate Change: Top 10 Precepts for US Foreign Policy](#), RFF Issue Brief #09-01 (Washington: Resources for the Future, January 2009) (excerpted in [Resources](#), Winter/Spring 2009)

[Towards An Integrated Multi-Track Climate Framework](#) (Washington: Pew Center on Global Climate Change, December 2007) (with Elliot Diringer)

[International Sectoral Agreements in a Post-2012 Climate Framework](#) (Washington: Pew Center on Global Climate Change, 2007)

[International Climate Efforts beyond 2012: A Survey of Approaches](#) (Pew Center on Global Climate Change, 2004) (with contributions from Sophie Chou and Christie Jorge)

["Climate Commitments: Assessing the Options"](#) in *Beyond Kyoto: Advancing the International Effort against Climate Change* (Pew Center on Global Climate Change, 2003)

[US Climate Policy after Kyoto: Elements for Success](#), Carnegie Endowment for International Peace Policy Brief (April 2002)

"Bonn Voyage: Kyoto's Uncertain Revival," *The National Interest*, pp. 45-55 (Fall 2001)

Excerpted in Robert J. Art & Robert Jervis, *International Politics: Enduring Concepts and Contemporary Issues* (6th ed. 2003)

[Linking US and International Climate Change Policies](#), Pew Center on Global Climate Change Policy, White Paper (April 2002)

[Implications for U.S. Companies of Kyoto's Entry into Force without the United States](#), Pew Center on Global Climate Change, White Paper (January 2002)

[The Framework Convention/Protocol Approach](#), World Health Organization, Framework Convention on Tobacco Control Technical Briefing Services, WHO/NCD/TFI/99.1 (1999)

[What Makes International Agreements Effective? Some Pointers for the WHO Framework Convention on Tobacco Control](#), World Health Organization, Framework Convention on Tobacco Control Technical

Briefing Services, WHO/NCD/TFI/99.4 (1999)

Book Reviews

Eyal Benvenisti, *Sharing Transboundary Resources* (2002), in *American Journal of International Law*, vol. 99, pp. 280-84 (2005)

Joyeeta Gupta, *The Climate Change Convention and Developing Countries: From Conflict to Consensus?* (1997), in *American Journal of International Law*, vol. 92, pp. 172-74 (1998)

Karol Wolfke, *Custom in Present International Law*, in *Michigan Journal of International Law* (1993), vol. 16, pp. 667-79 (1995)

Alan Boyle & Patricia Birnie, *International Law and the Environment* (1992), in *American Journal of International Law*, vol. 88, pp. 408-11 (1994)

Gerard Mangone, *Marine Policy for America* (1988), in *International Journal of Estuarine and Coastal Law*, vol. 6, pp. 79-81 (1991)

Other Publications

"Non Liquef," in *Encyclopedia of Public International Law* (forthcoming Oxford University Press)

"The Uses of International Sources in Constitutional Interpretation," *Georgia J. Int'l & Comp. L.* 421 (2004)

"Framework Convention on Climate Change" and "Precautionary Principle," in *Encyclopedia of Global Change* (Andrew Goudie, ed., Oxford University Press, 2001)

"Draft Convention on Climate Change," *Environmental Policy and Law*, vol. 22, pp. 5-15 (1992).

"Regional Seas," *Yearbook of International Environmental Law - 1991*, vol. 2, pp. 125-31 (G. Handl ed. 1992).

"UN Convention on Climate: More than Just Hot Air," *Christian Science Monitor*, op-ed page, June 10, 1992.

"Regional Seas," *Yearbook of International Environmental Law - 1990*, vol. 1, pp. 111-15 (G. Handl ed. 1991).

"New Focus Needed for 'Earth Summit' Meeting Next June," *Seattle Times*, op-ed page, Nov. 21, 1991.

**Papers and
Addresses**

“Constitutionalism and Legitimacy in International Environmental Governance,” Smith School of Enterprise and Environment, University of Oxford, February 2009

“International Climate Policy: Top 10 Precepts for US Foreign Policy,” Wrigley Lecture, Arizona State University, November 2008; International Climate Change Conference, Washington University, October 2008

“The International Climate Negotiations and the Bali Road Map,” British Institute of International and Comparative Law Annual Conference,” London, October 2008

“The Role of Sectoral Approaches in an International Climate Framework Post-2012,” International Symposium on Climate Change, Tokyo, September 2008

“A Post-Kyoto Framework for Climate Change,” George Washington University International Law Colloquium, September 2008

Panel Chair, “Beyond Kyoto: Dilemmas of Climate Regulation and Equity,” American Society of Law, Annual Meeting, March 2008

“Is There an International Environmental Law Constitution?” Workshop on Global Constitutionalism, Kandersteg, Switzerland, January 2008

“Negotiating a Post-2012 Climate Regime,” International Law Weekend, New York, October 2007

“The International Climate Framework Post-2012: The Role of Sectoral Approaches,” Global Industrial and Social Progress Research Institute (GISPRI), Tokyo, October 2007

“The International Climate Regime Post-2012: An Integrated Multi-Track Framework,” University of Toronto Faculty of Law, September 2007

“Non-Treaty Norms in International Environmental Law,” Duke University School of Law, March 2007

“Social Norms and Customary International Law,” Arizona State University School of Law, February 2007

“Dimensions of Future International Climate Negotiations,” XXV MIT

Global Change Forum, Vienna, Austria, October 2006

“Normativity and Legitimacy,” Symposium on Legitimacy in International Law, Max Planck Institute, June 2006

“Targets and Timetables: Good Policy but Bad Politics?” Workshop on Architectures for Agreement, Environmental Economics Program, John F. Kennedy School of Government, Harvard University, May 2006

“Does One Need to Be an International Lawyer to Be an International Environmental Lawyer?” American Society of International Law, Annual Meeting, March 2006 (100 *Proc. Am. Soc. Int’l L.* 303-07)

“Closing Commentary,” Conference on Global Warming: Looking Beyond Kyoto, Yale Center for the Study of Globalization, October 2005

“Combatting Climate Change: Where Do We Go From Here?” Michigan Law School, March 2005

“Science, Tourism and the Antarctic Environment,” Antarctic Institute of Chile, Punta Arenas, Chile, December 2004

“Rules vs. Standards in International Environmental Law,” American Society of International Law, Annual Meeting, April 2004 (98 *Proc. Am. Soc. Int’l L.* 275)

“A Taxonomy of Non-Treaty Lawmaking,” Max Planck Institute for Comparative Public Law and International Law, Heidelberg, November 2003

“The Rise (and Fall?) of the Kyoto Protocol,” Roger S. Aaron Lecture, Dartmouth College, May 2003

“The United States and Global Warming,” Baker Peace Conference, Ohio University, April 2003

“Rules and Standards in International Law,” New York University Law School, March 2003

“How to Make Progress on Climate Change Post-Kyoto: Lessons from the Past,” IFRI-RFF Workshop on Climate Change, Paris, March 2003

“The Position of the USA on Kyoto and on Climate Change

Management,” Conference on the Kyoto Protocol without America, European University Institute, Florence, June 2002

“Transatlantic Environmental Relations: The Growing Rift between U.S. and European Climate Change Policies,” University of Wisconsin, Madison, April 2002

“The Precautionary Principle,” Boalt Hall, University of California at Berkeley, April 2002

“Transatlantic Environmental Relations,” European University Institute, Florence, February 2002

“The Bonn and Marrakech Climate Change Accords,” American Association of Law Schools Annual Meeting, New Orleans, January 2002

“September 11: International Law and Its Limits,” Fletcher School of Law and Diplomacy, November 2001

“The Climate Change Regime after Marrakech: Winners and Losers,” Carbon Finance Conference, New York, November 2001

“Emerging Climate Change Proposals,” Climate Policy Conference, Venice, Italy, September 2001

"W[h]ither Climate Change Policy," Resources for the Future, August 2001

“The Legitimacy of International Environmental Law: Is There a Democratic Deficit,” Berkeley, November 1998; UCLA, January 1999; Johns Hopkins School of Advanced International Studies (SAIS), February 2000, University of California, Berkeley, April 2001

“The Role of Unilateralism in International Environmental Law,” Joint US-European Symposium, University of Michigan Law School, September 1999

Panel Chair, First International Conference on Addressing the Environmental Consequences of War, Smithsonian Institution, June 10-12, 1998

“The Antarctic Treaty System and the Problem of Legitimacy,” Conference on Antarctica, Graduate Institute for Advanced International

Studies, Geneva, June 15-16, 1997

Co-Chair, Workshop on International Environmental Law in National Courts, American Society of International Law, Annual Meeting, Washington D.C., April 1997. Also presented paper on "International Environmental Law in U.S. Courts"

"International Environmental Reporting: Lessons for Human Rights," Conference on the Future of the U.N. Human Rights Treaty System, Research Center for International Law, Cambridge, England, March 1997

Commentator, Panel on Pollution Control, AALS/ASIL Workshop on International Law, Washington, D.C., June 1996

"Climate Engineering," Aspen Global Change Institute Summer Session on Improving the Effectiveness of the Climate Convention, Aspen, Colorado, Aug. 9, 1995

"The Antarctic Environment Protocol," Antarctic Environment Management Workshop, National Science Foundation, Santa Fe, New Mexico, March 14-17, 1995

"The Cult of Customary International Environmental Law," Indiana Journal of Global Legal Studies Annual Symposium, International Environmental Laws and Agencies: The Next Generation, Indiana University School of Law, March 8, 1995

"International Law and Biological Diversity," Vanderbilt University School of Law, Symposium on Biodiversity: Opportunities and Obligations, January 20, 1995

"May We Engineer the Climate," American Association for the Advancement of Science, Annual Meeting, San Francisco, February 20, 1994

"The Value-Added of International Environmental Agreements," American Society of International Law, Annual Meeting, Washington, D.C., April 2, 1993 (87 *Proc. Am. Soc'y Int'l L.*)

"International Trade Implications of Environmental Standards," ROC/US Environmental Law and Management Conference, National Sun Yat-sen University, Kaohsiung, Taiwan, March 23, 1993

"Global Warming: The Role of International Law," University of California at Berkeley, November 13, 1992

"UN Climate Change Negotiations," The Association of the Bar of the City of New York, New York, May 4, 1992

Discussant, Panel on Climate Change: Lessons from Institutional and Legal Analyses, International Studies Association, Annual Meeting, Atlanta, April 4, 1992

Chair, Panel on Jurisprudence of International Law, American Society of International Law, Annual Meeting, Washington, D.C., April 1, 1992

"The Precautionary Principle: Scientific Uncertainty and International Environmental Law," American Society of International Law, Annual Meeting, Washington, D.C., April 19, 1991 (85 *Proc. Am. Soc'y Int'l L.* 413-17)

"New Directions for the Law of the Marine Environment," *Panel on the Law of Ocean Uses*, New York, April 1990

"Encouraging Compliance with High Seas Rules," *Resources or Freedoms on the High Seas: Policing the Ocean Commons*, Council on Ocean Law, Washington, D.C., February 1990

"Domestic Procedures to Enforce International Human Rights Norms," International Institute of Human Rights, 19th Study Session, Strasbourg, France, July 1988

"International Law Issues of the Alien Tort Statute," American Society of International Law, Annual Meeting, Washington, D.C., April 22, 1988 (82 *Proc. Am. Soc'y Int'l L.* 470-74)

Consulting

Pew Center on Global Climate Change, Fall 2001-present
Consultant and senior adviser on "Beyond Kyoto" and "Pocantico Dialogue" projects.

Marine Mammal Commission, June-December 2003
Prepared opinion concerning US authority under international law to regulate ship strikes of right whales.

German Environment Agency, 2002-2003

Prepared report concerning legal regulation of the effects of military activity on the environment.

United Nations

Consultant to the World Health Organization (1998-1998), the UN Climate Change Secretariat (1996, 2002), the UNEP Information Unit for Conventions (1993-1994) and the UN Conference on Trade and Development (1992) (to assist the Secretariat of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change).

**Professional
Activities**

Visiting Fellow, Smith School of Enterprise and Environment, University of Oxford, January-July 2009

Member, Organizing Committee, World Forum on Enterprise and Environment, July 2009

Board of Editors, *American Journal of International Law*, 2001-present. Editor, of "International Decisions" section, 2005-2008. Co-edited October 2002 symposium issue on the International Law Commission Articles on State Responsibility.

Co-Editor-in-Chief, International Environmental Law and Policy Series, Kluwer Law International, 1997-2006.

Member, Council on Foreign Relations (elected, January 2004)

Executive Council, American Society of International Law, 1996-1998, 2003-2006.

U.S.-nominated arbitrator under the Antarctic Environment Protocol, 1998-present.

Visiting Scholar, Resources for the Future, June-August 2001.

Member, IUCN Commission on Environmental Law, 1997-1999.

Editorial Board, *Review of European Community and International Environmental Law* (Basil Blackwell Publishers Ltd.), 1992-1999.

Editorial Board, *Journal of Environment and Development*, 1995-1999 (peer-reviewed journal published by Sage).

Chair, International Environmental Law Interest Group, American Society of International Law, 1992-1998.

Yearbook of International Environmental Law (Graham & Trotman / Oxford University Press), Associate Editor, 1991-1994, 1997; Advisory Board, 1997-present.

Member, Public International Law and Policy Group, Carnegie Endowment for International Peace, 1996-1998.

Member, Committee on Coastal State Jurisdiction over Marine Pollution, International Law Association, 1992-1997.

Member, Committee on Antarctic Policy and Science, National Academy of Sciences, Dec. 1992 - May 1993.

Adviser to the Secretariat for the U.N. Framework Convention for Climate Change, 1992, 1996.

Vice-Chair, International Environmental Law Committee, Section of Natural Resources, Energy, and Environmental Law, American Bar Association, 1993-1994, 1997.

Member: American Society of International Law.

Personal

Born: Seattle, Washington, July 7, 1956

Married to Anne Herbert with 2 daughters, Sarah and Maria Bodansky.