

“International Law and the Periphery”

Over the last few years, increasing attention has been focused on the historical relation between the center and the periphery in the development of international law, including Antony Anghie’s book on the centrality of the colonial encounter to the creation of international law at the center as well as the series of special issues by the *Leiden Journal of International Law* focusing on the impact of international legal thinkers at the periphery. This panel will engage the question of the relationship of international legal thinkers at the periphery and the project of international law. With the panel’s acknowledgment of the very problem of defining a center and a periphery, it will begin with Arnulf Lorca Becker’s effort to define the role of a semi-periphery in forging the universalism of international law. James Thuo Gathii will investigate the attempt of Taslim Olawale Elias, the Nigerian scholar and President of the International Court of Justice, to reframe the history of international law to account for the African contribution. And Carl Landauer will analyze the images that the Indian scholar who followed Elias as President of the ICJ, Nagendra Singh, created of both India and international law in *India and International Law*.

Panel

Chair: TBD

Arnulf Becker Lorca, King’s College London, “International Law in the Periphery 1850-1900: The Internalization of the Standard of Civilization and the Appropriation of the European Legal Tradition”

James Thuo Gathii, Albany Law School “Elias T. Olawale’s Project of Re-Writing International Legal History to Acknowledge Africa’s Contribution”

Carl Landauer, “Imaging India and International Law in Nagendra Singh’s *India and International Law*.”

Comment: Mark Toufayan, Osgoode Hall Law School

Abstracts:

Arnulf Becker Lorca, King’s College, University of London, “International Law in the Periphery 1850-1900: The Internalization of the Standard of Civilization and the Appropriation of the European Legal Tradition”

There is one international law, a single set of legal rules, principles and institutions governing interstate behavior on a global scale. International law, however, became a global legal order only during the course of the nineteenth century. Before that, according to the prevalent view, international law’s range of validity was circumscribed to the

interaction between European states, for international law – both as an idea and as a concrete legal order – was born and developed in seventeenth-century Europe. In consequence, most international lawyers understand that the process through which international law became global involved the expansion of European international law.

This paper suggests that what brought about international law's universality was not the expansion of European international law through inclusion or imposition, but its appropriation during the course of the second half of the nineteenth century by a generation of non-European international lawyers situated in the semi-periphery. I will explore the work, life, and professional trajectory of this generation of semi-peripheral lawyers who visited or moved to Europe during the second half of the nineteenth century, including the following sample of lawyers from various nations: Carlos Calvo (Argentinean, 1822-1906); Etienne Carathéodory (Turk {ethnic Greek} 1836-1907); Nicolas Saripolos (Greek, 1817-1880); Tsurutaro Senga (Japanese, 1857-?).

I will suggest that to justify the inclusion of their respective states into the society of “civilized nations,” these lawyers devised similar strategies to internalize classical international law. These appropriations of the European international legal tradition, by way of reinterpreting absolute sovereignty, positivism and the standard of civilization, gave rise to a common semi-peripheral legal consciousness.

James Thuo Gathii, “Elias T. Olawale’s Project of Re-Writing International Legal History to Acknowledge Africa’s Contribution”

Taslim Olawale Elias was the most eminent African international legal jurist of the newly independent African countries from the 1960's to the 1970's. He rose not only to become President of the International Court of Justice, but also to become a leading proponent of re-writing international legal history. For Elias, prior accounts of the history of international law had overlooked the fact Africa had always been a direct participant in the international community. He used diplomatic and trade links between Africa and the rest of the world in the last several centuries to argue that these interactions showed that Africa had contributed to the growth and development of international law.

In making this argument, Elias de-emphasized the period of colonization as the move from a people without history to global incorporation and consciousness. Having debunked the exclusion of Africa in the making of international law, Elias argued in favor of reforming the rules of international law so that they could serve the interests of the then newly independent States. This paper will compare and contrast Elias' approach to international legal historiography with other scholars of his generation who foregrounded the coercive origins of international law in colonialism and who therefore expressed a deep ambivalence on whether or not international law could indeed be reformed to serve the best interests of these newly independent countries.

Carl Landauer, “Imaging India and International Law in Nagendra Singh’s *India and International Law*”

Much like T.O. Elias, Nagendra Singh had a tremendously active governmental and judicial career crowned by appointment to the International court of Justice and becoming its president in 1985-1988. In 1969 Singh published a slim book entitled *India and International Law* in which he forcefully made the case for the Indian contribution to the development of international law and specifically contrasts the long-held universalism of the Indian tradition as opposed to the development of international legal systems that applied only within Christianity and Islam. He makes the case that certain now-standard formulations of international law, such as *pacta sunt servanda* (treaties must be observed), *rebus sic stantibus* (treaties lose their force due to a fundamental change in conditions), the right of asylum, and the like, all can be found within ancient and “mediaeval” Indian texts.

What is particularly striking is that he imagines an India that is never quite defined and his book seems untouched by the vastly changes regimes in the subcontinent – in essence, there is no geography and no periodization. Significantly, Singh draws by far the largest number of citations from Kautilya’s *Arthashastra*, 4th-century B.C. Sanskrit text that was only recovered in 1904, despite the fact that the *Arthashastra* is often described as quite Machiavellian (a reference Singh also makes at one point). In addition, Singh repeatedly adopts for his comparisons to modern international legal doctrine perhaps the central text within the Anglo-American conceptualization of international law, Lassa Oppenheim’s two-volume *International Law*, specifically, a later edition edited by the eminent British international lawyer Hersch Lauterpacht. Then in the final pages of his book, Singh clearly articulates the Indian commitment (since Nehru) to non-alignment in the context of a long-held tradition of peaceful coexistence. In this paper I plan to analyze Singh’s images of both India and international law and how his elisions and narrative moves help create those images, and then place those images in a broader context.

CVs of Panel Members:

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Education

Harvard Law School, Cambridge, MA, SJD, December 2008.

Dissertation: 'Mestizo International Law: a global history of our contemporary international legal order'.

Harvard Law School, Cambridge, MA, LLM (earned but waived for tuition purposes), June 2003.

Universidad de Chile, Instituto de Estudios Internacionales, Santiago, Chile, Master in International Studies, June 2001.

Concentration: International law, International Relations, Latin American Foreign Policy.

Honors: graduated with distinction.

Universidad Gabriela Mistral, Santiago, Chile, Licenciado en Ciencias Jurídicas (J.D.), December, 1994

Honors: graduated with distinction.

Publications

'Book Review Essay: Latin American International law' (American Journal of International law, forthcoming 2009)

'Alejandro Alvarez Situated: Subaltern Modernities and Modernisms that Subvert' (19 Leiden Journal of International Law, vol 4, 2006).

'International Law in Latin America or Latin American International Law? Rise, Fall and Retrieval of a Tradition of Legal Thinking and Political Imagination' (47 Harvard Journal of International Law, Winter 2006).

'Deportation, Forcible Transfer and Assigned Residence in the Occupied Palestinian Territory' Policy Brief, International Humanitarian Law Research Initiative, Harvard School of Public Health, 2004 (<http://www.ihlresearch.org/opt/portalhome.php>).

'Derecho internacional en Chile: explorando las secuelas del conflicto político en las inercias de una práctica profesional' [International law in Chile: exploring the traces of political conflict in the inertias of a professional practice] ILSA Award, 2003 Bogotá, Colombia, forthcoming, 2009, Santiago, Chile.

Teaching Experience

Lecturer in Public International law, King's College London, Fall 2007-present.
Faculty member at the Center for Transnational Legal Studies London (coordinated by Georgetown University Law Center).

International Training Center of the International Labor Organization, Turin, Master Degree in the Management of Development, Lecturer, The role of international institutions in development, April 2007, April 2008.

Brandeis University, Lecturer, International Law & Development, Fall 2006.

New England School of Law, Adjunct Professor, EU Law, Spring. 2006, Spring 2007.

Organization of the American States, Inter-American Juridical Committee, Rio de Janeiro, Brazil. Lecturer. Annual Course of International Law, August 2005.

Instituto de Ciencia Política, Universidad Católica de Chile, Santiago, Chile, Assistant Professor, 2000-2001.

Experience

Harvard Law School, European Law Research Center, research fellow 2005-2006, 2006-2007 and organizer reading group on comparative law and international legal theory;
Byse Teaching Fellow (workshop on 'The Globalization of Law') Spring 2007;
Organizer conference on 'Global law in comparative perspective', HLS, June 2007; organizer conference on 'Legal convergence and divergence in comparative perspective' (sponsored by the Library of the Congress of Chile and the ELRC) Santiago, Chile, January 2006; co-organizer conference 'Thinking on law in/and Latin America', HLS, March 2005;
LLM Writing Workshop fellow, 2004-2005. LLM adviser, 2003-2004.

Foreign Language and Areas Studies fellowship (Portuguese and Latin American studies) US Department of Education. 2004-2005, 2005-2006.

David Rockefeller Center for Latin American Studies, Harvard University, Graduate Student Fellow, 2004-2005.

Universita degli Studi di Torino, Faculta di Gurisprudenza, Turin, Italy, Researcher in Comparative and European Law, Turin, Italy, May- July 2004.

Human Rights Department, Chilean Ministry of Foreign Relations, Santiago, Chile, March 2001 -June 2002

Legal Adviser: Assisted in preparing the Chilean Report to the UN Human Rights Committee

InfoEra, Telefonica de Chile, Santiago, Chile, March 1996- December 2000

Legal counsel: provided advice on corporate governance, intellectual property and Internet regulation

Teaching and Research Interests

Public international law, history and theories of international law, laws of war, law and development, comparative law, law in Latin America

Conference Presentations

'Universal International Law: histories of imposition, circulation and appropriation. 1850s-1900s' Paper presented at the Watson Institute for International Studies, Brown University, June 2008; and the international law seminar organized by the British branch of the International Law Association and University College London. October, 2008

International law roundtable at Vanderbilt Law School. Commentator, January 2008.

'Vernacular Cosmopolitans: Alejandro Alvarez, Cemil Bilisel, Vi Kyuin Wellington Koo, Nicolas Politis, Dionisio Anzilotti, Al Sanhuri and Sakutaro Tachi' Paper presented at the Third World and International Law Conference, Albany Law School, April 2007.

Book Trouble, a discussion on Fernando Henrique Cardoso and Enzo Faletto's *Dependency and Development in Latin America*, Harvard Law School, April 2007.

'International lawyers at ease with multi-level governance, transnational regimes or a fragmented international legal order? Revisiting vernacular cosmopolitanisms in the history of modern international law' Paper accepted at the New International Law Conference, Oslo, March 2007.

'From Cannon law, to Civil law, to Family Law in post-colonial Latin America: a story of confrontations and compromises.' Paper presented at Up Against Family Law Exceptionalism, A Conference' Program on Law and Social Thought and the European Law Research Center, February 2-3, 2007, Harvard Law School

'Comparative international law: the cosmopolitan foundations of modern international law' presented at American University, Washington College of Law. After the Age of Three Worlds: Comparative and Historical Perspectives, September, 2006.

'The Formation of a Latin American Regional Identity in the Discourse of Public International Law', Law and Society Association, Annual Meeting, Baltimore, June 2006.

'Mestizo Modernism in Art and Law' Museum of Fine Arts, Boston, SMFA Colloquium on Latin American Art, April 10, 2006.

'Legal Critique in Latin-America' LatCrit South-North Exchange, San Juan, Puerto Rico, May 2005.

'International law in Latin America', presented at Comparative Visions of Global Public Order, a Symposium, Harvard Law School, March 2005.

'Thinking of law in/and Latin America', David Rockefeller Center for Latin-American Studies & European Law Research Center, Harvard, March 2005

‘Staring at the Positivist Tradition from the Latin American Periphery’, presented at the 2004 Public International Law Series: International Legal Positivism: Images from a Tradition, British Institute of International and Comparative Law, London, December 2004.

‘Snapshots of Latin-American Legal Distinctiveness from the Interstices of Comparative Law and Human Rights’, American Society of Comparative Law, 2004 Annual Meeting: University of Michigan, October 2004.

Bar membership

Licensed to practice law in Chile, December, 1995.

Languages

Native Spanish; fluent English; fluent German; advanced Portuguese; basic French.

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EDUCATION:

HARVARD LAW SCHOOL

S.J.D., June 1999

Samuel Morse Lane Fellowship; MacArthur Predoctoral Fellowship;
Senior Fellowship; Teaching Fellowship; Graduate Student Affiliate, Harvard
Center for International Affairs

LL.M., June 1995

Thomas Jefferson Fellowship; Editor, *Harvard Human Rights Law Journal*

Special Editor, *Harvard International Law Journal* Special Issue and Symposium
Director on International Law and the Developing World, Summer 1999 - Spring
2000

Diploma in Legal Practice, KENYA SCHOOL OF LAW, (Advocate High
Court of Kenya)

UNIVERSITY OF NAIROBI, FACULTY OF LAW

LL.B. With Honors, March, 1992

Danish Fellowship; Editor, *University of Nairobi Law Journal*; Student Intern,
Legal Aid Center

TEACHING EXPERIENCE:

Albany Law School, Albany NY

Associate Dean for Research and Scholarship, July 2008

George E. Pataki Professor of International Commercial Law, July 2006
Professor of Law, July 2006-Present

Associate Professor, July 2004-June 2006

Assistant Professor, Fall 2001 to 2004

Teaches Comparative Constitutional Law; Human Rights; Business
Organizations; International Trade and International Law;
International Organizations and International Business Transactions

University of Illinois Law School

Visiting Professor of Law, Short Course, Fall 2007

School of Law, University of Nairobi

Visiting Professor of Law, 2007-8

Rutgers University, Graduate School of Management, Newark, NJ

Assistant Professor, Fall 1998 to Spring 2001

Taught Bus. Assoc.'s, International Trade, Intell. Prop., Human Rights

Capital University Law School, Columbus, OH

Visiting Professor Summer Abroad At Home Program, Summer 1998

Taught International Environmental Law

University of Oklahoma, College of Law, Norman, OK

Crowe and Dunvely Visiting International Law Professor, Fall 1997

Taught International Trade Law and International Human Rights Law

Harvard Law School, Cambridge, MA

Senior Fellow, Graduate Program, 1996-97

Advised graduate students on course selection and thesis proposals; organized conference on new approaches to third world legal studies

Harvard Center for International Affairs, Cambridge, MA

MacArthur Fellow, 1996-97; Graduate Affiliate, 1995-96

co-coordinated the Harvard - MIT Transnational Security Seminar on the response of the international community to civil wars

PROFESSIONAL EXPERIENCE:

Consultant, Kenya National Commission on Human Rights on Investigative Report on Post Election Violence Following the 2007 General Elections in Kenya

Consultant, United Nations High Commission for Human Right High Level Panel on the Right to Development, 2007-8

Consultant, UNDP Project on Access to Justice, 2005-6

Consultant, Trade Policy Training Center in Africa, September 2007

Member, Advisory Board, Journal of Human Rights and International Legal Discourse, since 2006

Member, Advisory Board, Human Rights and the Global Economy an SSRN Electronic Journal, since 2006

Director, Nairobi International Law Institute, Summer 2006 and 2007

Constitution of Kenya Review Commission, Summer 2002, Nairobi, Kenya
Research Consultant

International Monetary Fund, Summer 1996, Washington DC

Legal Intern, wrote a report entitled "A Comparative Study of the Approaches of Selected International Institutions to Good Governance."

International Development Research Center, 1994-1996, Nairobi, Kenya

Research Consultant on the Environmental law and policy system in Kenya

International Human Rights Law Group, Summer 1995, Washington DC

Legal Intern, Lobbied United Nations and State Department policy on sub Saharan Africa

Waruhiu and Muite Advocates, 1993-1994, Nairobi, Kenya

Legal Assistant, Commercial, Constitutional law and Human Rights litigation and research

Legal Advice Center, 1990-1994, Nairobi, Kenya

Legal Intern, Prepared briefs for public interest and policy cases; participated in public outreach on legal rights awareness

National Council of Churches of Kenya, 1990-1994, Nairobi, Kenya

Legal Consultant, program on Education For Participatory Democracy, a civic and voter education campaign

Kenya Human Rights Commission, 1990-1994, Nairobi, Kenya

Research Consultant on repressive laws, public security and the independence of the judiciary

Institute for Education in Democracy, 1990-1994, Nairobi, Kenya

Monitored elections and prepared by-election and national election reports

PUBLICATIONS:

Forthcoming Publications

FORTHCOMING BOOKS

War, Commerce and International Law, Oxford University Press, (2009)

Kenyan Company Law, East African Publishers, (2009)

FORTHCOMING ARTICLES

“Irregulars and the Use of Force Under the UN Charter,” forthcoming Mary O’Connell (ed.) *The Meaning of Armed Conflict in International Law*, (2009)

“Judicial and Anti-Corruption Reform in Africa: Between Market Efficiency and Access to Justice for the Poor” forthcoming in Ayesha Dias (ed.), *Access to Justice*, 2007 (OUP, New Dehli)

“The Promise of the African Economic Union,” in Yusuf Abdulqawi (ed.) *The African Union: Its Constitutive Act, Protocols and Charters – A Manual on the New Pan African Organization* (2007)

Published Work

“Introduction: Tsunamis, Hurricanes, Earthquakes, and Asteroids: Are We Ready for the Next 100 Years,” Proceedings of the 101st Annual Meeting of the American Society of International Law, 113 (2008)

“Elections and Multiparty Democracy,” In *The New Oxford Companion to Law*, (ed. Peter Cane and Joanne Conaghan) 2008, 367-368

“A Critical Appraisal of the International Legal Tradition of Taslim Olawale Elias,” 21 *Leiden Journal of International Law*, 317 (2008)

“Third World Approaches to International Economic Governance,” Richard Falk, Balakrishnan Rajagopal and Jacquelin Stevens, *International Law and the Third World: Reshaping Justice*, 255, 2008

Popular Authorship and Constitution Making: Comparing and Contrasting the DRC and Kenya,” 49 *William and Mary Law Review*, 1109 (2008)

“Introduction: The Third World and International Law,” 9 *International Community Law Review*, 331 (2007)

CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE CONGO (Democratic Republic of the Congo v. Uganda), (International Decision), 101 *American Journal of International Law* 142 (2007)

“Exporting Culture Wars,” 13 *University of California Davis Journal of International Law*, 67 (2006)

Cost-Benefit Analysis Versus the Precautionary Principle: Beyond Cass Sunstein's Laws of Fear,” *University of Illinois Law Review* 1037 (2006) (with G. Mandel)

“Imperialism, Colonialism and International Law,” 54 *Buffalo Law Review*, 1013 (2006)

“The High Stakes of WTO Reform,” 104 *Michigan Law Review*, 1361 (2006) (book review)

“Approaches to Accessing Essential Medicines and the TRIPS Agreement,” Peter Yu (ed.) *Intellectual Property and Information Wealth: Issues and Practice in the Digital Age/International Intellectual Property Law and Policy Vol. IV*, 393 (2006)

“Historical Dispossession Through International Law: Iraq in a Historical and Comparative Context,” forthcoming in Branwen Gruffydd Jones, (ed.) *Decolonizing International Relations*, (Rowman and Littlefield), 131 (2006)

“The American Origins of Liberal and Illiberal Regimes of International Economic Governance in the Marshall Court,” 54 *Buffalo Law Review*, 765 (2006)

“Commerce, Conquest and Wartime Confiscation,” 31 *Brooklyn Journal of International Law* 709 (2006)

“Necessity Precludes State Responsibility for Compulsory Licensing Under the TRIPS Agreement,” 31 North Carolina Journal of International Commercial Law and Regulation, 943 (2006)

“The Sanctity of Sovereign Loan Contracts and Its Origins in Enforcement Litigation,” 38 George Washington International Law Review 251 (2006)

“Minority Rights in Corporate Law: A Reply to Chander,” 19 National Black Law Journal (Columbia Edition), 57 (2006)

“Foreign Precedents in the Federal Judiciary: The Case of the World Trade Organization’s DSB Decisions,” 34 Georgia Journal International and Comparative Law, 1 (2005).

“International Justice and the Trading Regime,” 19 Emory International Law Review, 1407 (2005)

“How American Support for Freedom of Commerce Legitimized King Leopold’s Territorial Ambitions in the Congo,” in Trade as the Guarantor of Peace, Liberty and Security? Critical, Historical and Empirical Perspectives (ASIL Studies in Transnational Legal Policy), 97, Padideh Alai, Tomer Broude & Colin B. Picker, (eds.) (2006)

“Comparative Constitutionalism and Good Governance in the Commonwealth: An Eastern and Southern African Perspective” International Journal of Constitutional Law 172 (2006) (Book Review)

“Third World Perspectives on Global Pharmaceutical Access,” in Michael Santoro and Thomas Gorrie, (eds.) Ethics and the Pharmaceutical Industry, 336 (2005) (Cambridge University Press)

“Assessing Claims of a New Doctrine of Pre-emptive War Under Customary International Law,” 43 Osgoode Hall Law Journal, 67 (2005)

“Humanizing the Pax-Americana Global Empire: A Review Essay,” 4 Washington University Global Studies Law Review, 121 (2005)

“Balancing Sovereign Creditor and Debtor Rights Under New York Law,” 9 New York Business Law Journal, 20 (2005)

“Foreword: Wartime Security and Constitutional Liberty,” 68 Albany Law Review, 1113 (2005)

“Process and Substance in WTO Reform,” 56 Rutgers Law Review, 885 (2004)

“Torture, Extra-Territoriality, Terrorism and International Law,” 67 Albany Law Review, 335 (2003-2004).

“Globalization and Comparative Family Law: A Discussion of Pluralism, Universality and Markets,” Symposium Foreword, (Co-author), 67 Albany Law Review, 545 (2003- 2004).

“Foreign and *Other* Economic Rights Upon Conquest and Under Occupation: Iraq in Comparative and Historical Context,” 25 University of Pennsylvania Journal of International Economic Law, 491 (2004) (Volume II lead article)

“Insulating Domestic Policy Through International Legal Minimalism: A Re-Characterization of The Foreign Affairs Trade Doctrine,” 25 University of Pennsylvania Journal of International Economic Law, 1 (2004) (Volume I lead article)

“A Critical Appraisal of the NEPAD Agenda in Light of Africa’s Place in the World Trade Regime in an Era of Market Centered Development,” 13 Transnational Law and Contemporary Problems, 179 (2003).

“The Structural Power of Strong Pharmaceutical Patent Protection in U.S. Foreign Policy,” 7 Iowa Journal of Gender, Race and Justice, 267 (2003).

“Balancing Patent Rights and Affordability of Prescription Drugs in Addressing Bio-Terrorism: An Analysis of *In Re Ciprofloxacin Hydrochloride Antitrust Litigation*,” 13 Albany Law Journal of Science and Technology, 651 (2003)

“Fairness as Fidelity to Making the WTO Fully Responsive to All Its Members,” 96 AM. SOC’Y INT’L L PROC., 157 (2003).

“Geographical Hegelianism in Territorial Disputes Involving Non-European Land Relations: An Analysis of the Case Concerning Kasikili/Sedudu Island (Botswana/Namibia),” 15 Leiden Journal of International Law 581-622 (2002). Also selected and re-published in Antony Anghie et al, *The Third World and International Order: Law, Politics and Globalization*, 75, 2003.

“The Legal Status of the Doha Declaration on TRIPS and Public Health Under the Vienna Convention of the Law of Treaties,” 15 Harvard Journal of Law and Technology 291 (2002).

“Rights, Patents, Markets and the Global AIDS Pandemic,” 14 Florida Journal of International Law, 261-352 (2002).

“Re-characterizing the Social in the Constitutionalization of the WTO,” 7 WID. Sym. L. J. 137, 2001.

“Construing Intellectual Property Rights Consistently with Facilitating Access to Affordable Aids Drugs to Low-End Consumers,” 53 Florida L. Rev., Spring 727, 2001.

“Alternative and Critical: The Contribution of Research and Scholarship on Developing Countries to International Legal Theory,” Foreword, 41 HARV. INT. L. J., 263 2000.

“Neo-Liberalism, Colonialism and International Governance: De-Centering the International Law of Governmental Legitimacy,” 98 MICH. L. REV., 1996 (2000) (In the Annual Book Review Issue).

“Rejoinder: Twailing International Law,” 98 Mich. L. Rev., 2066 (2000)

“Retelling Good Governance Narratives About Africa's Economic and Political Predicaments: Continuities and Discontinuities in Legal Outcomes Between Markets and States,” 45 VILL. L. REV., 971 (2000).

“Human Rights, the World Bank and the Washington Consensus: 1949-1999,” 94 ASIL PROC., 144 (2000)

“Towards Reform in the Laws of Rape and Related Sexual Offenses in Kenya,” in Kivutha Kibwana and Lawrence Mute, *Law and the Quest for Gender Equality in Kenya*, 52 (2000) (Co-author with Celestine Nyamu)

“Good Governance as a Counter-Insurgency to Oppositional and Transformative Social Agenda to Oppositional and Transformative Social Projects in International Law,” 5 *BUFF. HUMAN RIGHTS L. REV.*, 107 (1999).

“The Limits of the New International Rule of Law,” in *OBIORA & QUASHIGAH, LEGITIMATE GOVERNANCE IN SUB-SAHARAN AFRICA*, (Kluwer Publishers), 1999.

“Corruption and Donor Reforms: Expanding the Promises and Possibilities of the Rule of Law as an Anti-Corruption Strategy in Kenya,” 14 (2) *CONN. J. INT. L.*, Fall, 407 (1999).

“Representations of Africa in Good Governance Discourse: Policing and Containing Dissidence to Neo-Liberalism,” *THIRD WORLD LEGAL STUD.* 65 (1999).

“International Law and Eurocentricity,” 9 *EUR. J. INT'L L.* 184 (1998).

“Reflections on U.S.- Based Human Rights NGOs' Work on Africa,” 9 *HARV. HUMAN RIGHTS J.*, 285 Spring (1996) (Co-author with Celestine Nyamu).

THE DREAM OF JUDICIAL SECURITY OF TENURE AND THE REALITY OF EXECUTIVE INVOLVEMENT IN KENYA'S JUDICIAL PROCESS, Kenya Human Rights Commission, December, 1994.

“Kenya's Legislative Culture and the Evolution of the Kenya Constitution,” *YASH VYAS, KIVUTHA KIBWANA, OKECH OWITI & SMOKIN WANJALA (eds), LAW & DEVELOPMENT IN THE THIRD WORLD*, Faculty of Law, University of Nairobi, Nairobi, 74 (1994).

“Wanyiri Kihoro vs. Attorney General: New Insights on the Protection of Fundamental Rights and Freedoms in Kenya,” 1 *UNIVERSITY OF NAIROBI LAW JOURNAL*, 140 (1994).

Short Articles and Newspaper Editorial/Opinion Pieces

“Developing Countries Are Afraid of ‘Rigged Commerce’ Not Free Trade” *Business Daily Africa*, November 16, 2007

“Competition Analysis Crucial in Mergers,” *Business Daily Africa*, December 3, 2007

“Red Herrings Over Sovereign Bond,” *Business Daily Africa*, December 12, 2007

“Demerits of the EU Trade Agreements,” *Business Daily Africa*, December 19, 2007

“Should Failing Companies Be Rescue?,” *Business Daily Africa*, January 3, 2008

“A 3-Point Mediation Plan to Help Kibaki and Raila Reclaim Our

Democracy,” Business Daily Africa, January 4, 2007

“Use Unrest to Diagnose What Ails Kenya,” Business Daily Africa, January 16, 2007

“How Kenya Can Deal With Displacements,” Business Daily Africa, January 30, 2008

“Spat With Dar Over Trade Unnecessary,” Business Daily Africa, February 8, 2008

“Put Anti-Graft Agenda Back on Course,” February 13, 2008

“Bailing Out Brokers Kills Investor Trust,” Business Daily Africa, February 20, 2008

“Fate of Private Sector Reforms Still Unknown,” Business Daily Africa, February 27, 2008

“What the Coalition Should Seek From Donors,” Business Daily Africa, March 5, 2008

“The CBK’s Role in Foreign Exchange,” Business Daily Africa, March 14, 2008

“False Solutions to Hawker Problem Will Fail,” Business Daily Africa, March 19, 2008

“Were Local CEOs Not Good Enough to Fix KPLC?” Business Daily Africa, March 26, 2008

“What Safaricom Failed to Disclose in Its Prospectus,” Business Daily Africa, April 4, 2008

“An Agenda for the New Trade Minister,” Business Daily Africa, April 9, 2008

“Brokers Must Build Their Trade on Trust and Honour,” Business Daily Africa, April 17, 2008

“Deal With Hurdles to Livestock Farming, Trade,” Business Daily Africa, April 30, 2008

“What Does Corporate Social Responsibility Mean?” Business Daily Africa, May 7, 2008

“Why EAC States Should Allow Free Flow of Services,” Business Daily Africa, May 14, 2008

“Impunity Equals Economic Sabotage,” Business Daily Africa, May 21, 2008

“Endless Safeguards Hurt Free Trade,” Business Daily Africa, May 28, 2008

“Entrenching the Rule of Law in Land Matters,” Business Daily Africa, June 4, 2008

“Protection of Shareholder Interests Should Drive Companies Act Reforms,” Business Daily Africa, June 12, 2008

“African, Kimunya Should Seek Monetary Policies That Serve Local Interests,” Business Daily Africa, June 18, 2008.

“Regulator Must Oversee Trade Competition,” Business Daily Africa, June 25, 2008

“Why I am Inviting Monopolies Boss to Public Debate,” Business Daily Africa, July 2, 2008

“Introduce Law to Screen Public Asset Sales,” Business Daily Africa, July 9, 2008

“The Case for An Independent Counsel Office,” Business Daily Africa, July 16, 2008

“Kibaki and Raila Must Help Kenya to Achieve Accord Goals,” Business Daily Africa, August 6, 2008

“Amnesty Flies in the Face of War on Graft,” Business Daily Africa, August 27, 2008

“What is the Future of Legal Training and Practice,” Business Daily Africa, September 5, 2008

“Implementation of Trade Agreements in Kenya,” prepared for Institute of Economic Affairs, Nairobi, 2007.

“Beyond Market-Based Conceptions of Rights: Social and Economic Rights in Context,” lead article in a Section titled ‘Global Trade and the Global South,’ in a Chapter entitled ‘Human Development and Human Rights,’ forthcoming in Jeanne Woods, Ibrahim Gassama and Hope Lewis, Economic, Social and Cultural Rights, (TransAction), 2004.

“Economic and Social Rights Under NEPAD,” Africa Legal Aid Quarterly, April-June 2003 at 32-33

“The Silence of Race and Identity in Private International Law (i.e. Trade, Economic and Commercial Law),” in MIT Program on Human Rights and Justice, Reparations: A Dialogue Between Human Rights Academics and Activists, 2004 at 40-46.

“Arrests Were Repugnant to Freedom of the Press!,” East African Standard, Sunday, October 5, 2003.

“Balancing Consumer and Pharmaceutical Interests in Addressing Bio-Terrorism: An Analysis of re Ciprofloxacin Hydrochloride Litigation,” Vol. 4 No. 1 Government Law and Policy Journal, of the state of New York Bar Association, 46-49 (2002)

“WTO Spin Unconvincing,” African Business, at 5 (01/01/2002) (Letter to the Editor)

“Kenya Needs Political and Fiscal Reforms,” East African Standard, Sunday, September 5, 1999 at 11 (Viewpoint Editorial: First in a three part Sunday series)

“Wealth, Poverty and Inequality,” East African Standard, Sunday, September 12, 1999 at 8 (Viewpoint Editorial: Second in a three part Sunday series)

“Democracy Promotion as a New Era in Global Domination,” East African Standard, Sunday, September 19, 1999 at 14-15 (Viewpoint Editorial: Last in Sunday series. Appeared as center-spread)

“Courts, Criticism and Expression,” Daily Nation, Saturday, April 10, 1993 at 17 (Appeared in the Weekly Forum)

“Moral and Legal Queries Arise From Sex Education,” Special Report, Daily Nation, January, 14, 1993 at 6.

“Human Rights, Justice and Peace Reports of the ICJ (Kenya Chapter) Seminar,”¹ University of Nairobi Law Journal, 1993 at 50.

“Containing the Police: The Wanyiri Kihoro Case,” 49 The Nairobi Law Monthly, July 1993 at 30.

“The Diminution of Judicial Competence in Kenya in the 1990’s,” 3 No. 2 The Kenya Jurist, (June/August), 1993 at 31.

“Where the Law Errs in Inheritance,” Daily Nation, at 18, (appeared as lead piece in the Weekly Forum), October 30, 1993.

“A Convention can be held under Kenyan Law,” The People, June 13-19, 1993 at 6.

“The Constitutional Amendment Bill of June 1992 Spells Doom for the Opposition,” Vol.1 No.3 The Kenya Jurist, June 1992 at 34.

“Power Transfer Poses Major Legal Questions,” Special Report, Sunday Nation, December 27, 1992 at 6 (This report was published in place of a regular report by a lead-editor of the leading newspaper in Kenya).

Research Reports

“Anti-Corruption Reforms, Human Rights and International Financial Institutions: Conceptual and Practical Challenges in the Kenyan Context,” Report Prepared in connection with a grant by the Ford Foundation, October, 2008.

“Strengthening the Legal and Institutional Structure for International Trade Negotiations in Kenya: The Policy, Legal and Institutional Imperatives,” Study Prepared for ActionAid International-Kenya with David Ouma Ochieng, 2008.

“A Right to Development Perspective of the Cotonou Partnership Agreement,” Report prepared for the United Nation’s Human Rights Council’s, High Level Task Force on the Implementation of the Right to Development, A/HRC/8/WG.2/TF/CR, 21st December 2007 available at <http://www2.ohchr.org/english/issues/development/docs/A-HRC-8-WG.2-TF-CRP6.doc>

The External Interest in Kenya’s Impending Change,” Report Prepared for the Center for Law and Research International’s Legal Political Transition Project, September, 2002.

A Thematic Summary of the Constitution of Kenya, Prepared for the Constitution of Kenya Review Commission, August, 2001.

A Comparative Study of the Mandates and Practices of Selected International Financial Institutions on Governance,” Report Submitted to the International Monetary Fund, Legal Department, August, 1996

Book

THE CITIZEN AND THE CONSTITUTION, Claripress, 1995 (Co-author).

Contributor, The Article 19's, FREEDOM OF EXPRESSION MANUAL, INTERNATIONAL & COMPARATIVE LAW, STANDARDS & PROCEDURES, London, August 1993.

Unpublished Works

“Empowering the Poor While Protecting the Powerful: A Critique of Good Governance Ideas,” S.J.D. THESIS, Harvard Law School, 1999 Supervisor: Prof. David Kennedy.

“Freedom of Expression Without A Free Press: An Inquiry into a Kenyan Paradox,” LL.M. THESIS, Harvard Law School, April, 1995.

“African Approaches to International Law: A Review of African Scholarship in the Last Four Decades,” MANUSCRIPT, 1996.

“Constitutional Change and the Crisis of Democracy in Kenya and Malawi: Reflections on Past, Present and Future,” MANUSCRIPT, 1995.

“Reflections on Different Notions of Third World Development,” Independent Research Paper Submitted to Harvard Law School, April, 1995.

Recent Conference Paper Presentations:

Presented lecture titled “Testing the Laws Against Genocide: The Case of Darfur,” at the Congregation Gates of Heaven, Schenectady, NY sponsored by the Interfaith Community of Schenectady and the Community Relations Council of United Jewish Federation of Northeastern NY, December 8, 2008

Moderated a Panel in the Defining Race Symposium, Albany Law School, November 14, 2008

Presented a lecture titled, “Kenya: Another Failed African State?” at an Albany Law School Amnesty International Chapter/International Law Students Association event, at Albany Law School, November 19, 2008

Presented a talk at the 2008 Election Symposium, Albany Law School, October 30, 2008.

Presented lectures on International Trade Law at the Trade Policy Training Centre in Africa, Arusha, Tanzania, October 20-23, 2008.

Presented a paper titled “Slippages of the Public/Private in Resource Wars,” at the Washington and Lee University School of Law, October 6, 2008

Presented a paper titled “Slippages of the Public/Private in Resource Wars,” at the Harvard Law School’s International Law Workshop, Harvard Law School, September 10, 2008

Presented a paper on “The Relationship Between Human Rights and Development,” at the United Nations High Commissioner for Human Rights Workshop on Financing for Development and Human Rights in Light of Doha: Reviewing the Progress of the Monterrey Consensus, Geneva, Switzerland, September 16, 2008.

Presented a paper on “The Free Movement of Services in the East African Common Market,” at the National Retreat for Members and Key Stakeholders of the East African Common Market High Level Task Force, Utali Hotel, Nairobi 12th May, 2008.

Presented a paper on “The Rights of Establishment and Residence: Some Brief Reflections on the Proposed East African Common Market, at the at the National Retreat for Members and Key Stakeholders of the East African Common Market High Level Task Force, Utali Hotel, Nairobi 13th May, 2008.

Presented paper on “Corruption and Human Rights,” at a conference on Realizing Social and Economic Rights in Africa, Osgoode Hall Law School, October 27, 2007

Presented a lecture titled “War, Commerce and International Law,” at Putting Theory to Practice Workshop at the Osgoode Hall Law School, October 25, 2007.

Presented a paper titled “Slippages of the Public/Private in Resource Wars,” at the University of Illinois, October 24, 2007.

Presented a paper titled “Implementation of Trade Agreements in Kenya,” at the Forum for Trade Lawyers, organized by the Institute for Economic Affairs, Norfolk Hotel, Nairobi October 9, 2007

Presented a paper on “Challenges of Developing Countries in the Doha Round,” at the 15th Commonwealth Law Conference, September 11, 2007, Nairobi, Kenya

Presented a paper titled “The Promise of an African Economic Community,” at a conference on Developing Countries in the WTO Legal System, University of Minnesota Law School, May, 2007

Organized a major conference on The Third World and International Law with over 70 speakers from around the World, Albany Law School, April, 2007

Chaired and Spoke on a panel on Tsunamis, Earthquakes and Asteriods: Are We Ready for the Next 100 Years? at the ASIL Annual Conference, Washington DC, March, 2007.

Presented paper titled, “Popular Authorship and Constitution Making: Comparing and Contrasting the DRC and Kenya,” William and Mary Law School, February, 2007

Presented paper titled, “The High Stakes of WTO Reform,” at the Globalization Workshop, University of Toronto Law School, November 1, 2006.

Presented paper titled, “The Last Frontier: Intellectual Property Rights and Least Developed Countries,” at the 2006 International Law Weekend of the American Branch of the International Law Association, October 27, 2006, New York City.

Presented a talk on “The History and Politics of Constitutional Reform in Kenya,” at the Kennesaw State University Year of Kenya Lecture Series, September 21, 2006

Presented a paper titled, “The ICJ’s Decision in Congo v Uganda,” at the ICRC Roundtable for International Humanitarian Law Lecturers in East Africa, Nairobi, Kenya, July, 2006.

Presented a paper titled “Multinational Corporations and Human Rights: A Transactional Approach,” at the 100th American Society of International Law Conference on the theme A Just World Under Law, Washington DC, March 30th, 2006

Made a presentation on Third Approaches to International Law at a Harvard Law School conference on Teaching From the Left, March 12, 2006.

Presented a paper titled "Exporting Culture Wars," at the University of California Davis conference on Family Planning and Aids Policies in the International Community, March 3, 2006

Presented a paper titled: “State Responsibility for Breaking Patent Rights on Human Rights Grounds,” at the University of North Carolina conference on Saving Profits, Saving Lives: A Comprehensive Discussion of the Social, Legal and Economic Implications of Reverse Engineering and Parallel Importing on the Pharmaceutical Industry, February 25, 2006

Chaired Panel on Private Law, in the Albany Law Review Symposium, Outsourcing Authority, October 27, 2005

Chaired Panel on “What is War?”, in the New York International Law Weekend Annual Conference, International Norms in the Twenty First Century and Compliance Revisited, October 21, 2005.

Presented paper titled “Commerce, Conquest and Wartime Confiscation,” at a conference on War and Commerce at Brooklyn Law School, September 23, 2005

Presented a talk titled “The Stakes of WTO Reform,” presented at a Faculty Workshop, Faculty of Law University of Nairobi, July 27, 2005.

Presented a paper titled “Preemption, the United Nations Charter and the Secretary General’s Report,” to the United Nations Training Institute Summer Institute, New York, June 6, 2005.

Presented a paper titled, “Commerce, Conquest and Colonialism,” at the International Economic Law Group of the American Society of International Law Conference, February 25, 2005.

Presented a paper titled, “Law as an Unqualified Good: Some Preliminary Thoughts on Legal Education and Law Teaching in Kenya,” at a workshop on the Relationship Between National Legal Educational Practices and Modes of Legal Reasoning, Harvard Law School, December 10, 2004.

Presented a paper titled, “The Sanctity of Sovereign Loan Contracts and Its Origins in Enforcement Litigation,” Faculty Workshop at the Loyola Law School Los Angeles, November 11, 2004.

Presented a paper titled, “Torture, Territoriality, Commerce and the Conflict of Laws,” at Cornell Law School, (Berger International Program, Clarke Middle East Fund and Leo Nevas Human Rights Fund Speaker Series), November 4, 2004

Organized and Chaired a panel on *Wartime Security and Constitutional Liberty* in honor of Justice Robert H. Jackson featuring Profs. Erwin Chemerinsky, Sarah Cleveland, Amb. Of War Crimes Pierre Richard Prosper and Paul L. Hoffman at the 2004 International Law Weekend of the American Branch of the International Law Association, October 15, 2004, New York City.

Presented a paper titled, "Extra-Territorial Commercial and Non-Commercial Torts and the Conflict of Laws," at the Second National People of Color Conference at the George Washington University Law School, October 16, 2004.

Presented a paper titled "Imperialism, Colonialism and International Law," at a Feminist Legal Theory Workshop on Across-Legal Cultures-Post-Colonialism, Emory Law School, September 10, 2004

Presented a paper titled "Law and Politics in Africa: Lessons From Commonwealth Africa and the Recent Transition in Kenya," on a panel on Law and Politics in Africa at the Annual Meeting of the Law and Society Association, May 28 2004.

Presented an opening address titled "Imperialism, Colonialism and International Law," at the Birkbeck Law School, University of London, on Imperialism and International Law, May 9, 2004.

Gave a talk titled "The Law of Belligerent Occupation and Human Rights with Reference to Iraq," at the School of Oriental and African Studies, University of London, 13 May, 2004.

Presented a paper titled "Reforming the WTO" on a panel on Open Democratic Participation Scheme for the World Trade Organization, at the Rutgers Law Review - Symposium, 2004, March 5, 2004.

Gave a talk titled: "Law, Trade and Third World Development," to the Syracuse College of Law International Law Student Society, March 23, 2004.

Made a presentation titled "The Obligations of An Occupying Power Under International Law," as one of the panelists in The Robert H. Jackson Memorial Lecture: Current Perspectives on Iraq, Albany Law School, November 19, 2003.

Made a presentation in a workshop discussion titled "Seeking a Global Perspective, Confronting Unilateralism: Why We Need the UN Today," at an event on Confronting the Politics of Fear: A People's Assembly, Albany High School, November 15, 2003.

Delivered the Fall 2003 Prudential Lecture at Rutgers Business School titled "Ethics as Fairness: Towards a Level Playing Field in Global Agricultural Business," Rutgers University, Newark, November 13, 2003.

Made a presentation titled "Social and Economic Rights in Context," on a panel on Social and Economic Rights and Wrongs, at a conference on Rethinking Ideology and Strategy: Progressive Lawyering, Globalization and Markets, Northeastern Law University School, November 7, 2003

Presented a paper titled: "Torture, Territoriality, Terrorism and International Law," at the 2003 Albany Law Review Symposium on Torture,: Paradigms, Practices, and Policies, October 15, 2003, Albany NY.

Made a panel presentation on Juridifying Global Governance at a conference on Rethinking Globalism, organized by the European Law Research Center, at Harvard Law School, October 4, 2003, Cambridge, MA.

Made a presentation on Patents and Access to Essential Drugs in Sub-Saharan Africa, at a conference on AIDS in Africa organized by the Center for African Studies, October 10, 2003, SUNY, Albany.

Presented a paper titled, "Social and Economic Rights Under the New Economic Partnership for African Development (NEPAD)," at a high level seminar on "The AU-NEPAD and Changing Relations between Africa and Northern Countries," organized by Africa Legal Aid, in Maastricht, Netherlands between 24-25 of August 2003.

Presented a paper titled "Harnessing Knowledge For Market Access and Competitiveness of African Products and Produce," at the inaugural NEPAD Workshop, Safari Park Hotel Nairobi, Kenya, July 13, 2003

Made a presentation titled "Bio-Diversity Conservation and Intellectual Property Rights: An Unusual Revisiting of the Debate on Access to Affordable HIV/AIDS Drugs," in the Special Topic Seminar of the Institute for African Development, Cornell University, May 1, 2003, Ithaca, NY.

Presented a paper titled "The Impact of International Financial Institutions on the Scope for National Development Policy," at the Harvard Law School's European Law Research Center's Spring Conference on the theme "Law and Economic Development: Critiques and Beyond," Harvard Law School, April 12-13, 2003.

Made a presentation titled "The Stakes of Patent Protection and Access to Essential Drugs," at the Albany Law School's Journal of Science and Technology Symposium on the theme "Medical Paternalism: The FDA and Government Control Over Americans," April, 10, 2003, Albany, NY.

Presented a paper titled "Asymmetrical Liberalism in the International Trading Regime," in a panel on the question "Is the International Trading Regime Fair to Developing Countries?" at the 97th Annual Meeting of the American Society of International Law on the theme "Conflict and Coordination Across International Regimes," 2-5 April 2003, Washington DC.

Presented a paper titled, "Is There an Emerging Emergency Exception to the Patent Monopoly of the TRIPS Agreement?" at the Law, Technology and Development Workshop organized by the Baldy Center for Law and Social Policy at the University at Buffalo Law School, March 29, 2003, Buffalo, NY.

"Constitutionalism in Kenya: Past, Present and Future," at a symposium on "Constitutionalism, Human Rights and Transitional Justice in Kenya's New Political Dispensation," organized by the Harvard Human Rights Program and the Harvard African Law Students Association, Harvard Law School, Cambridge MA, March 10, 2003.

"The War on Terrorism Through the Eyes of an International Lawyer," presentation made to the Torch Club of Albany, March 3 2003, Albany, NY.

Made a presentation titled "Operating Globally, Acting Locally: Challenges of the New African Union's Economic Program (NEPAD)," at the African Union and the New Pan-Africanism Conference, co-sponsored by the American Society of International Law and the Thurgood Marshall School of Law, February 21-22, 2003, Houston, TX.

“Engaging (in) TRIPS Agreement Formalism Over Access to Essential Drugs,” paper presented at the Cardozo School of Law Symposium on Patent Law, Social Policy and Public Interest: The Search for a Balanced Global System, Nov. 7th 2002, New York City.

“The Poverty of the Poverty Nexus in the Debate on Access to HIV/AIDS Drugs in U.S. Foreign Policy,” paper presented at the University of Iowa's Journal of Gender, Race and Justice Conference on American Presence Abroad: U.S. Foreign Policy and Its Implications for Gender, Race and Justice, October 25, 2002, Cedar Rapids, Iowa.

“The Global HIV/AIDS Pandemic: Why Should the World Care,?” presentation made at the Annual American Branch of the International Law Association's New York International Law Weekend panel on International Law and the Global HIV/AIDS Crisis, October 26, 2002, New York City.

“International Institutional Segregation, Poverty and Development,” presentation made at the Annual American Branch of the International Law Association's New York International Law Weekend panel on and the International Trade Law and Development, October 26, 2002.

“Re-Appraising the International Debt Crisis: An Analysis of Debt-Out Jurisprudence,” paper presented at the American Society of International Law, International Economic Law Group Annual Conference on Interrelationships: International Economic Law and Developing Countries, October 4-6, 2002, Washington DC.

“Patents and Access to Drugs,” talk delivered at the Panel on Access to Drugs During Public Health Crisis put together by the ABA's Special Committee on Bioethics and the Law, at the 125 Annual ABA Meeting, Washington, DC, Friday, August 9, 2002.

“The War on Terrorism from an International Lawyer's Perspective,” speech delivered at the annual World Federalist and United Nations Spring Dinner on April 29, 2002, Schenectady Community College.

Presented paper titled, “Policy Oriented Legal Reasoning in Adjudications of the Refinancing of Third World Debt,” at the Harvard Law School's European Law Research Center's Conference on Globalization of Modern Legal Thought, 1859-2000, Cambridge MA, April 13, 2002.

Gave a talk on “The Laws of War,” to the Union College Academy of Life Long Learning, Schenectady, NY, 2nd April 2002.

Luncheon Speaker at the National Black Law Students Association's Frederick Douglas Moot Court Competition Law Professors' Luncheon, Cat Skills, NY, 9th February, 2002

Presented a paper titled “Uncovering the Role of Race in International Commercial Law,” at the Conference on Racism, Colonialism and Reparations: A Post-Durban Dialogue Between Human Rights Activists and Academics, organized by the MIT Program on Human Rights and Justice, March 2002.

Participated in a Panel, “The Emergency Exception: Pharmaceutical Patents in a Time of Crisis,” at Harvard Law School, December 2001.

Presented a paper titled "Does the Sources Doctrine Erase Pre-Colonial Claims to Non-European Sovereignty? An Analysis of the ICJ's Namibia/Botswana Case," at The Third World and the International Order: Law, Politics and Globalization Conference, Osgoode Hall Law School, October 2001

Taught two-day course to development country lawyers at the International Development Law Institute, Rome, Italy, May 2001

Presented a paper titled, "The Presence of the U.S. at the 1885 Berlin Conference," at Seminar on Law, Colonialism and Markets, organized by the Columbia Human Rights Program, New York, May 2001

Presented paper titled, "The Poverty of Human Rights," at the Seminar on Globalization, Human Rights and Poverty sponsored by the Erik Castren Institute of International Law and Human Rights, Helsinki, Finland, April 2001

Presented paper titled, "A Market Based Approach to Construing Articles 7 and 8 of TRIPS in the Context of AIDS Drugs," at a Symposium on Intellectual Property, Development and Human Rights at the University of Florida, Levin College of Law, Gainesville, FL, March 2001

Presented a paper, "The Silence of Race and Identity in Corporate Law Reform in Sub-Saharan Africa," at a Plenary Session on Business Law and Race at the North East People of Color Conference, CUNY, Flushing NY, March 2001.

Taught two-day course to developing country lawyers at the International Development Law Institute, Rome, Italy, *May*, 2000.

Presented a paper titled, "Human Rights, the World Bank and the Washington Consensus: 1949-1999," American Society of International Law Annual Meeting, Washington DC, *April* 2000.

Presented a paper titled, "Structural Bias and International Law as it Relates to Developing Countries," at Harvard Law School Conference on Structural Bias and the Law: Examples From International and Comparative Law, Cambridge MA, *April* 2000.

Panel Speaker/Organizer, First Rutgers Business School Conference on Corruption and Human Rights: Practical Solutions For Multinational Companies, Newark, NJ *March* 2000.

Presented a paper titled "Regarding the Private/Public Distinction in the Liberal Democratic Order of Good Governance," Center for African Studies, Rutgers University, New Brunswick, NJ *March* 2000.

Symposium Director, International Law and the Developing World: A Millennial Analysis, Harvard Law School, Cambridge MA, *February*, 2000.

"Empowering the Weak While Protecting the Powerful: Some Implications of Bringing Human Rights at the World Bank's Doorstep," Dighton Writers Workshop, organized by the European Law Research Center, of the Harvard Law School, Dighton, MA, February 1999.

Panel Speaker, "The Year in Review," 93rd Annual Meeting of the American Society of International Law, On Violence, Money, Power and Culture: Reviewing the International Legacy, 1999, Washington DC, March 1999.

Presented a paper titled "Africa at the Intersection of Critical Race Theory and Public International Law," 34th Annual Villanova Law Review Symposium on Critical Race Theory and International Law: Convergence and Divergence, Villanova, PA, *October 1999*.

Presented a paper at a panel titled: The Cutting Edge: Round-Table Discussion of Current Research by Harvard Law School Doctoral Students at Harvard Law School, International Law Plus or Minus Fifty Years: A Colloquium On The Occasion Of Abram Chayes' Fiftieth Law School Reunion, Cambridge MA, *April 1999*.

Presented a paper at the conference on "Anti-formalism About Law and the Legal Profession: Comparative and Historical Perspectives," in a panel titled "Formalism and Domination: The International Law of Colonialism," Harvard Law School, *April 1999*.

Presented a paper titled "From Basic Needs to Good Governance: The Implications of Shifting Development Policy for International Human Rights Advocacy," Rutgers Law School Faculty Colloquium, Newark, NJ, *April 1999*.

PROFESSIONAL ASSOCIATION MEMBERSHIPS

American Society of International Law

International Law Association (American Branch)

American Bar Association

CARL LANDAUER

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Education:

- 1991 J.D., Harvard Law School
- 1984 Ph.D., Yale University, History
- 1977 A.B., Stanford University, History

Legal Experience:

- 1996 to 2009 Vice President and Associate General Counsel: Charles Schwab & Co., Inc.
Experience: Legal advice for U.S. broker-dealer and its foreign affiliates, including advice on brokerage, mutual fund, e-commerce, privacy, and corporate law for affiliates in multiple jurisdictions; merger & acquisitions work for buying and disposing of foreign subsidiaries as well as entering into joint ventures; government relations with international regulatory and other governmental bodies emphasizing Internet brokerage, e-commerce issues, as well as the general renovation of regulatory schemes (included comment letters for and meetings about legislative and regulatory proposals in the UK, Canada, Hong Kong, Australia, US, Taiwan, and the European Community); advised the launch of several foreign affiliates and the launch of Schwab's online marketplace for US mutual funds; advised Schwab on anti-money laundering law and Office of Foreign Assets Control sanctions compliance; advised Schwab's business providing administration of and brokerage for stock option plans and other equity compensation plans for public companies (Vice President and Senior Corporate Counsel, Apr. 1996 – Sept. 1999).
- 1995-96 Associate: Farella, Braun & Martel (San Francisco).
Experience: general corporate and securities work, including mergers and acquisitions, public offering work, and a "going private" transaction.
- 1991-95 Associate: Heller, Ehrman, White & McAuliffe (San Francisco).
Experience: worked in major West Coast practice group (now at Paul Hastings) in investment management law, counseling mutual fund families, investment advisors, and broker-dealers; engaged in general corporate and securities law practice, including public offering and mergers & acquisitions; revised firm's back-up memorandum for opinions on California secured transactions law.

Academic Positions:

- 2005 Lecturer, University of California, Berkeley School of Law: taught seminar, "International Legal Theory."

- 1987-88 Visiting Scholar, Department of History, University of California, Berkeley.
- 1986-87 Visiting Assistant Professor, McGill University: taught two year-long courses in German history, "A Survey of German History" and "Germany in the Twentieth Century."
- 1984-86 Lecturer, Stanford University: taught sections of Western Culture and seminar on "Culture and Politics in the Weimar Republic."
- 1983-84 Acting Instructor, Yale University: taught two seminars, "Culture and Intellect in Nineteenth-Century Europe" and "Culture and Intellect in Twentieth-Century Europe," and directed ten senior essays in European and American cultural and intellectual history.
- Fall 1982 Acting Instructor, Yale University: taught seminar, "The Intellectual and the Left in Europe and America, 1917-1939."

Academic Fellowships, Awards and Honors:

- 1987-88 National Endowment for the Humanities, Fellowship for University Teachers.
- 1987-88 American Council of Learned Societies, Research Fellowship for Recent Recipients of the Ph.D. (declined in favor of N.E.H. fellowship).
- 1980-81 Alexander von Humboldt Foundation's Klaus Epstein Memorial Fellowship (award to a U.S. or Canadian scholar writing on modern German history).
- 1980-81 German Academic Exchange (DAAD) Dissertation Research Fellowship (declined in favor of Alexander von Humboldt fellowship).
- 1977 Phi Beta Kappa (Stanford University).

Related Experience:

- 2007-present Board of International Legal Theory Interest Group of American Society of International Law
- 2006 Nominated for election to board of the American Society for Legal History (not elected); serve on membership committee.
- 1995-present Editorial Advisory Board, *Yale Journal of Law & the Humanities*.
- 2003-present Member, International Institute for Strategic Studies (elective membership).
- 2001-present Member, Pacific Council on International Policy (elective membership).
- 1999-2008 Member, International Committee, Securities Industry Association.
- 1997-1999 Member, International Trade and Investment Policy Committee, Investment Company Institute.

- 1992 Central and East European Law Initiative, Working Group for Albania.
- 1990-91 Editor-in-Chief, *Harvard International Law Journal*.

Papers and Publications

Articles (Law):

“Regionalism, Geography, and the International Legal Imagination,” to appear in conference proceedings edited by Mortimer Sellers (Cambridge U. Press).

“Things Fall Together: The Past and Future Africas of T.O. Elias’s *Africa and the Development of International Law*,” 21 *Leiden J. Int’l L.* 351-375 (2008).

“The Ambivalences of Power: Launching the *American Journal of International Law* in an Era of Empire and Globalization,” 20 *Leiden J. Int’l L.* 325-358 (2007).

“A Latin American in Paris: Alejandro Álvarez’s *Le droit international américain*,” 19 *Leiden J. Int’l L.* 957-981 (2006).

“Henry Sumner Maine’s Grand Tour: Roman Law in *Ancient Law*,” Michael Lobban & Andrew Lewis, eds., *Law and History*, 135-157 (Oxford U. Press, 2004).

“Antinomies of the United Nations: Hans Kelsen and Alf Ross on the Charter,” 14 *Eur. J. Int’l L.* 767-799 (2003).

“From Status to Treaty: Henry Sumner Maine’s *International Law*,” 15 *Canadian J.L. & Jurisprudence* 219-254 (2002) (special issue on international legal theory).

“Deliberating Speed: Totalitarian Anxieties in Post-War Legal Thought,” 12 *Yale J.L. & Humanities* 171-248 (2000).

“Social Science on a Lawyer’s Bookshelf: Willard Hurst’s *Law and the Conditions of Freedom in the Nineteenth-Century United States*,” 18 *L. & Hist. Rev.* 59-96 (2000) (special issue on Willard Hurst).

“Kantorowicz’s Constitutional Narratives,” in Robert L. Benson & Johannes Fried, eds., *Ernst Kantorowicz* 211-223 (1997).

“J.L. Brierly and the Modernization of International Law,” 25 *Vand. J. Transnat’l L.* 881-917 (1993).

“Scholar, Craftsman, and Priest: Learned Hand’s Self-Imaging,” 3 *Yale J.L. & Humanities* 231-62 (1991).

Published Conference Papers and Conference Outlines (Law):

“An Effort at Hellenization: Alfred Zimmern’s Classical Internationalism,” 2000 *Hague Y.B. Int’l L.* 21-25 (2000).

“Cross-Border Regulation of Securities Transactions on the Internet,” in Alan L. Beller & Michael D. Mann, eds., *International Securities Markets*, 427-37 (Practicing Law Institute 1998).

Co-authored outline with Julie Allecta, “Trustee Responsibilities in Monitoring Foreign Investments,” Annual Mutual Fund Trustees & Directors Forum (Investment Company Institute, Jan. 1995).

Book Reviews (Law):

Review of Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, 24 *L. & Hist. Rev.* 673-4 (2006)

Review of Wilhelm Grewe, *The Epochs of International Law*, 16 *Leiden J. Int’l Law* 191-201 (2003).

Review of Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and Reform* and William E. Leuchtenburg, *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt*, 16 *L. & Hist. Rev.* 201 (1998).

“Beyond the Law and Economics Style: Advancing Corporate Law in an Era of Downsizing and Corporate Reengineering” (review of Lawrence E. Mitchell, ed., *Progressive Corporate Law* and Mark J. Roe, *Strong Managers, Weak Owners*), 84 *Cal. L. Rev.* 1693-1718 (1996).

“French Art and Its Revolutions” (review of Jonathan P. Ribner, *Broken Tablets: The Cult of Law in French Art from David to Delacroix*), 7 *Yale J.L. & Humanities* 433-44 (1995).

“The Debut of the Palais de Justice: Official Architecture and Its Representations” (review of Katherine Fischer Taylor, *In the Theater of Criminal Justice: The Palais de Justice in Second Empire France*), 6 *Yale J.L. & Humanities* 181-93 (1994).

Review of Thomas M. Franck, *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?*, 87 *Am. J. Int’l L.* 465-67 (1993).

Review of Hedley Bull, Benedict Kingsbury, and Adam Roberts, *Hugo Grotius and International Relations*, 33 *Harv. Int’l L.J.* 327-33 (1992).

Review of Lung-Chu Chen, *An Introduction to Contemporary International Law: A Policy-Oriented Perspective*, 31 *Harv. Int’l L.J.* 397-402 (1990).

Review of David Kennedy, *International Legal Studies*, 30 *Harv. Int’l L.J.* 287-91 (1989).

Conference Papers and Public Lectures (Law):

“Regionalism, Geography, and the International Legal Imagination,” School of Oriental and African Studies of University of London (Feb. 2009).

Panelist, “OFAC Screening,” OFAC Compliance Symposium, Securities Industry & Financial Markets Association (New York, Nov. 2008).

“Regionalism, Geography, and the International Legal Imagination,” International Legal Theory Interest Group Workshop of European Society of International Law Conference (Heidelberg, Sept. 2008).

“Regionalism, Geography, and Cultural Space in International Law,” American Society for International Law Legal Theory Symposium 2007: Parochialism and Difference in International Law (Washington, D.C., Nov. 2007).

Chair, “The Rule of Law: Ancient and Modern,” American Society for Legal History (Tempe, Arizona, Oct. 2007).

Panelist, “OFAC Screening,” OFAC Compliance Symposium, Securities Industry & Financial Markets Association (New York, Oct. 2007).

“Genteel Civilizer: Declension Narratives in International Law,” Third Workshop on Critical Approaches to International Law: The Force of International Law (Birkbeck College, London, May 2006).

“The Ambivalences of Power: Launching the *American Journal of International Law* in an Era of Empire and Globalization” American Society of International Law Regional Centennial Event (Berkeley, Nov. 2005).

“Hersch Lauterpacht between Sovereignty and Technique,” Inaugural Conference of the European Society of International Law (Florence, May 2005).

Talk for panel on “Evolving Risk Profile” for International Organization of Securities Commissions – Internet Project Team, Americas Roundtable (Toronto, Apr. 2002).

“An Effort at Romanisation: Henry Sumner Maine’s *Ancient Law*,” Colloquium on Law and History (University College London Faculty of Law, July 1-2, 2002).

“Kelsen, Ross, the UN Charter, and the Disappearing Act of International Law,” (“Globalization of Modern Legal Thought: Production and Reception 1850-2000,” Harvard Law School, April 14-15, 2002).

“Update on the International Regulation of Electronic Investing: IOSCO Report on Securities Activity on the Internet II,” Fifth National Institute of Securities Trading on the Internet (American Conference Institute, Sept. 10, 2001).

Keynote speaker and day-two chair, “Online Securities Trading: A Legal and Regulatory Forum” (Euroforum, London, Dec. 8, 2000).

Panelist, European Law Research Center Colloquium on “Structural Bias and Identity: Examples from International and Comparative Law Legal Regimes” (Harvard Law School, Apr. 14, 2000).

Keynote speaker and day-two chair, “Online Securities Trading: A Legal and Regulatory Forum” (Euroforum, London, Apr. 11, 2000).

“Legal Narrative as Future Narrative,” Working Group for Law, Culture and the Humanities (Georgetown Law Center, Mar. 10, 2000).

“The Foreign Corrupt Practices Act and Entering New Markets” (American Corporate Counsel Association, San Francisco, Jan. 26, 2000).

Panelist, “The Electronic Age – Electronic Prospectus Delivery; Advertising and Trading Securities on the Internet,” International Securities Market (Practicing Law Institute, Oct. 9, 1998).

Panelist, “How Technology and the Internet are Changing the Global Fund Industry,” Global Distribution of Mutual Funds Conference (IBC, Sept. 25, 1998).

Panelist, “Internet Distribution of Mutual Funds,” Globalisation of Mutual Funds Conference (Investment Company Institute & International Bar Association, May 1998).

“Deliberating Speed: Totalitarian Anxieties and Post-War Legal Thought,” Working Group for Law, Culture and the Humanities (Georgetown Law Center, Apr. 1998).

“Securities on the Internet: The U.S. Regulatory Environment,” conference on “Mergers, Markets, and Microchips” (McGill University, Nov. 1997).

Chair, session on comparative and international law, New Approaches to Comparative Law Conference (University of Utah, Oct. 1996); presented paper, “Hersch Lauterpacht and the Family Romance of International Law.”

Panelist, session on history of international law, New Approaches to International Law Conference (University of Wisconsin, May 1996).

“Kantorowicz’s Constitutional Narratives,” at centennial celebration of Ernst Kantorowicz’s birth (Institute for Advanced Study, Nov. 1994).

Dissertation (History):

“The Survival of Antiquity: The German Years of the Warburg Institute.” A group study of the scholars associated with the Renaissance-studies research institute in Hamburg during the Weimar Republic, with emphasis on Aby Warburg, Ernst Cassirer, Erwin Panofsky, and Fritz Saxl (Yale Univ., advisor: Professor Peter Gay).

Articles and Essays (Humanities and Social Science):

“Auerbach’s Performance and the American Academy, or How New Haven Stole the Idea of *Mimesis*,” Seth Lerer, ed., *Literary History and the Challenge of Philology: The Legacy of Erich Auerbach 179-94, 286-90* (Stanford U. Press, 1996).

“Ernst Robert Curtius and the Topos of the Literary Critic,” R. Howard Bloch and Stephen G. Nichols, eds., *Medievalism and the Modernist Temper* 334-54 (Johns Hopkins U. Press, 1996).

“Ernst Kantorowicz and the Sacralization of the Past,” *27 Central Eur. Hist.* 11-25 (1994).

“Erwin Panofsky and the Renaissance of the Renaissance,” *47 Renaissance Q.* 255-81 (1994).

“*Mimesis* and Erich Auerbach’s Self-Mythologizing,” *11 German Stud. Rev.* 83-96 (1988).

Selected Book Reviews (Humanities and Social Science):

“Warburgiana” (review of Sylvia Ferretti, *Cassirer, Panofsky, and Warburg: Symbol, Art, and History*), 61 *Am. Scholar* 456-60 (1992).

“Imminent Victorians” (review of Norman Cantor, *Twentieth-Century Culture*), 90-91 *Salmagundi* 254-62 (1991).

“Ortega y Gasset and the Commitment of Ambivalence” (review of Rockwell Gray, *The Imperative of Modernity: An Intellectual Biography of Jose Ortega y Gasset*), 84 *Salmagundi* 272-78 (1989).

Review of David Sorkin, *The Transformation of German Jewry: 1780-1840*, 18 *Theory & Soc’y* 423-27 (1989).

“The Style of Stylistics” (review of Leo Spitzer, *Representative Essays*, A Forcione, H. Lindenberger & M. Sutherland, eds.), 58 *Am. Scholar* 618-22 (1989).

Review of Dominick LaCapra, *History, Politics, and the Novel*, 13 *Phil. & Literature* 200-201 (1989).

Review of Michael Fried, *Realism, Writing, Disfiguration: On Thomas Eakins and Stephen Crane*, 28 *Brit. J. Aesthetics* 187-89 (1988).

Review of Michael Jennings, *Dialectical Images: Walter Benjamin’s Theory of Literary Criticism*, 11 *German Stud. Rev.* 324-25 (1988).

Review of Alexander Nehamas, *Nietzsche: Life as Literature*, 9 *Hist. Eur. Ideas* 98-100 (1988).

Review of John Michael Krois, *Cassirer: Symbolic Forms and History*, 10 *German Stud. Rev.* 606 (1987).

“Das Nachleben Aby Warburgs,” review essay, 9 *Kritische Berichte* 67-71 (1981).

Selected Conference Papers and Public Lectures (Humanities and Social Science):

“Tradition and Progress in Panofsky’s *Early Netherlandish Painting*,” presented at the College Art Assoc. Conference (Feb. 1994).

Member of panel discussion on Erich Auerbach, “The Legacies of Erich Auerbach” for “Literary History & the Challenge of Philology: The Legacy of Erich Auerbach,” Stanford University (Oct. 1992).

“Friedrich Gundolf and the Development of Literaturwissenschaft,” presented at the Conference of German Studies Assoc. (Oct. 1987).

“The Jew as German in Pre-Nazi Germany,” public lecture at the Montreal Holocaust Centre (Mar. 1987).

“Gentility Outside the Genteel Tradition: Erich Auerbach and Lionel Trilling,” presented at Am. Historical Assoc. Convention (Dec. 1986).

“The Institution of New Humanism: Is Professionalization the Right Model for the Humanities in Germany?” paper given at the Conference of the German Studies Assoc. (Sept. 1986).

Chair for session, “Generational and Legal Conflicts in Modern German Education,” Conference of the German Studies Assoc. (Sept. 1986).

“Representative Fictions: Erich Auerbach and *Mimesis*,” paper given at the American Comparative Literature Assoc. Triennial (Mar. 1986).

“Das Goethejahr: 1932 and Appropriation in German Culture,” paper given at the Conference of the German Studies Assoc. (Oct. 1985).

MARK TOUFAYAN

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European Law Research Center, Harvard Law School, Griswold 5 South, Cambridge, MA 02138
E-mail: mtoufayan@law.harvard.edu ; mtoufayan@hotmail.com;
Tel.: (617) 955-2095; Fax: (617) 495-4299

EDUCATION

Osgoode Hall Law School, Ph.D. Candidate 2005-Present

- Honors: Cumulative GPA: 4.2/4.3 (A+; Top 1%; Coursework completed)
- Dissertation: **Vernacularizing the Third World in Human Rights Discourse: An Inquiry into Intersectionality, Hibridity and Law's Cultural Construction of Identity**
- Fields Read: Critical Legal Theory (Critical Legal Studies, Feminist legal theory); Social and Political Theory; Cultural Studies; Comparative Law; Globalization and the Law (Supervisor: Prof. Peer Zumbansen) International Human Rights; Literary Theory (Field Advisor: Prof. Craig Scott) International Law of South-North Relations; International Legal History; International Legal Theory; Critical Race Theory; Post-Colonial Theory (Field Advisor: Prof. Obiora Okafor)

Harvard Law School, Visiting Scholar 2008-2009

- Project: The Globalization of Rights Consciousness: Making and Unmaking Third World Spaces and Geographies of Resistance
- Fields Read: Law and Development (Supervisor: Prof. David Kennedy)
The Globalization of Law in Historical Perspective (Co-Supervisor: Prof. Duncan Kennedy)
Globalization of American Feminist Legal Reform (Prof. Janet Halley)
Legal History: American Legal History, 1870-1960 (Prof. Morton Horwitz)
The Postcolonial Classic; Literary Theory in the Life of Literature (Prof. Homi K. Bhabha)

2006-2007 **European University Institute (EUI), Visiting Fellow in Comparative European and International Law**

2007 **Academy of European Law, EUI, Summer course in Human Rights Law**

The Hague Academy of International Law, Certificate of Center

for Study and Research in International Law and International Relations

2004 **New York University School of Law, LL.M. in International Legal Studies** (Distinction)

- Dissertation: The Judicial Interpretation of Human Rights Treaties: A Postmodernist/Pragmatist Turn (Supervisor: Prof. Mattias Kumm)
- Fields Read: International Human Rights (Supervisor: Prof. Philip Alston)
Indigenous Peoples in International Law (Supervisor: Prof. Benedict Kingsbury)
History and Theory of International Law (Supervisor: Prof. Benedict Kingsbury)
Jurisprudence and Legal Philosophy (Supervisor: Prof. Stephen Perry)

2003 **Law Society of Upper Canada, Barrister & Solicitor**

2001 **McGill University, Faculty of Law, B.C.L., LL.B.** (Distinction)

2000 **ICRC, Diploma in International Humanitarian law**

1997 **Collège de Bois-de-Boulogne, D.E.C. in Science, Literature and Arts** (First in Program)

HONORS AND AWARDS

Major Graduate Scholarships and Distinctions

- Joseph-Armand Bombardier (formerly Social Sciences and Humanities Research Council) Canada Graduate Scholarship (CGS) for Doctoral Studies (2006-2009)

- Travel Grant, Graduate Development Fund, Osgoode Hall Law School (2008)
- Research Grant, Department of Law, European University Institute (2007)
- Government of Italy, Ministry of Foreign Affairs Scholarship (2006)
- Jack and Mae Nathanson Graduate Fellowship, Osgoode Hall Law School (2006)
(declined since awarded a CGS; substituted with an honorarium)
(Awarded to the best graduate students whose research has the potential to substantially contribute to general knowledge (or ‘pure theory’) in the field of human rights, crime and security, informed by transnational perspectives)
- Harley D. Hallett Graduate Scholarship, Osgoode Hall Law School (2005)
(Entrance scholarships among the most prestigious at Canadian law schools; Hallett Scholars are selected on the basis of academic background and performance taking into account financial need)
- York University Scholarship, Osgoode Hall Law School (2005)
(Awarded to incoming students with unequivocal “A” standing in their previous two years of study and who demonstrate potential for excellence in graduate studies)
- Graduate Teaching Assistantship, Osgoode Hall Law School (2005)
(Best conduit for LL.B. teaching)
- Graduate Assistantship, Osgoode Hall Law School Law (2005)
(Personal research grant for doctoral work)
- The Hague Academy of International Law Scholarship (2005)
(Awarded to young international lawyers of a high standard to undertake original research on a common theme determined each year by the Academy; one of twenty-two young scholars chosen worldwide from over 200 applications)
- Max Stern Recruitment Fellowship, McGill University (declined) (2005)
(Awarded by the Graduate & Postdoctoral Studies Office to an outstanding student registered in a Thesis Graduate Program in the Faculty of Law)
- Finalist for clerkship positions at the Supreme Court of Canada (2005)
- Public Interest Law Center Fellowship, NYU School of Law (2003)
(Prestigious fully-funded fellowship awarded by the NYU Public Interest Law Centre combining academic training with practical experience with an international body or human rights organization in the fields of international law and human rights)

Law School and Undergraduate Program Awards

- William MacDonald Traveling Scholarship (Distinction in legal studies) (2002)
(Awarded to a student of the graduating class proceeding to the Bar, who has obtained First or High Second Class honors in the final examination. Preference is given to a candidate intending to proceed to a university career in law in Canada and who would be unable without such financial help to spend a year abroad)
- Prizes for Best Team; 5th best memorials, 4th best oralist (international finals), Best memorials, 2nd best oralist (nationals) (Charles Rousseau Moot Competition) (2000)
- Mr. Justice Harry Batshaw Prize (Top Student in Legal Theory and History) (1998)
- Academic Excellence Prize (Highest Aggregate Average in Program) (1998)
- Merit Scholarship (Overall Excellence in Program of Studies) (1998)
- Dean’s Honor List (Top 3% of All CÉGEP Students) (1998)

SELECT PUBLICATIONS

Books

Précis de Droit international public: Doctrines, Structures et Méthodes (with Stéphane Beaulac) (forthcoming with LEXIS/NEXIS Butterworths) (2010) (working title)

Book chapters

“Reframing Resistance: Tales of Barbarism, Indigenous Neo-Modernism and Post-Colonial Sovereignty under the Panoptic Gaze of Investment Treaty Arbitration”, in E.-U. Petersmann, (ed.) *Human Rights, Dispute Resolution and Dispute Prevention in International Investment Law* (Oxford Monographs in International Economic Law) (Oxford: Oxford University Press, 2009) (18 pages) (forthcoming)

“Direitos Humanos, Especialização em Interpretação, e a Estética de Violência: Um vista do Esquerda Radical”, in G.R. Bandeira Galindo (ed.), *Democracia e Direitos Humanos* (Belo Horizonte: Del Rey, 2009)) (34 pages)

“Human Rights Treaty Interpretation: A Postmodern Account of its Claim to ‘Speciality’”, in K. Padmaja (ed.), *Judicial Interpretation: Contemporary Issues* (Andhra Pradesh, India: ICFAI University Press, 2008) (24 pages)

“Droit International”, entry in A. Macleod, E. Dufault & G. Dufour (eds.), *Relations internationales. Théories et concepts*, 2^{ème} édition revue et augmentée (Montréal: Athéna, 2004) 49-53 (with Matina Karvellas)

Refereed law review articles

“Human Rights, “Speciality” in Interpretation, and the Aesthetics of Violence: A View from the Left” (forthcoming in *Unbound: The Harvard Journal of the Legal Left*) (36 pages)

“When British Justice (in African Colonies) Points Two Ways: On Dualism, Hybridity and the Genealogy of Juridical Negritude in Taslim Olawale Elias”, (2008) 21(2) *Leiden Journal of International Law* (Special issue: “International Law and the Periphery Series: Taslim Olawale Elias”) 377-410

“Identity, Effectiveness and Newness in Transjudicialism’s Coming of Age” (forthcoming in 20:3 (2009) *European Journal of International Law*) (32 pages)

“Du Schisme à la Confusion, ou les Conventions comme Fétiches: Avatars de l’Ordre Juridique de l’Organisation Internationale du Travail” (forthcoming in the *Quebec Journal of International Law*) (52 pages)

“Massive Civilian Looting in Iraq: Pathologies of Legalism and the Structure of Public/Private Internationalist Policy Consciousness” (submitted for publication in the *Finnish Yearbook of International Law*) (56 pages)

“The World Court’s Distress When Facing Genocide: A Critical Commentary on the *Application of the Genocide Convention Case (Bosnia-Herzegovina v. Serbia and Montenegro)*” (2005) 40:2 *Texas International Law Journal* 233-261

“A Return to *Communitarianism*?: Reacting to ‘Serious Breaches of Obligations Arising Under Peremptory Norms of General International Law’ under the Law of State Responsibility and United Nations Law” (2004) 42 *Canadian Yearbook of International Law* 197-251

“Deployment of Troops to Prevent Impending Genocide: A Contemporary Assessment of the UN Security Council’s Powers” (2002) 40 *Canadian Yearbook of International Law* 195-247

Book reviews

“Re-scripting “Suffering” as Human Rights’ “Other”? Challenges to Baxi’s Critical Subaltern Historiography” (Review essay of U. Baxi, *The Future of Human Rights* (2nd ed., New Delhi: Oxford University Press, 2006), submitted for publication in the *Harvard Human Rights Journal* (16 pages)

“The Paradox of Peremptoriness and the Cosmopolitan Gift. Book Review of A. Orakhelashvili, *Peremptory Norms in International Law* (Oxford: Oxford University Press, 2006)” (forthcoming in (2009) 20:2 *European Journal of International Law*) (5 pages)

Published conference papers

“Between Solipsism and Empire (Through Law): International Organizations and the Politics of Formalized Mimetism”, in *Responsibility of Individuals, States and Organizations. Proceedings of the 35th Annual Conference of the Canadian Council on International Law* (The Hague: Kluwer, 2006) 182-210 (lead article)

Syllabi and course materials

International Law, the United Nations and Human Rights (Part II): Human Rights in Third World societies (Department of Peace and Conflict Studies, University for Peace, Costa Rica, December 10-19, 2008) (syllabus and reader)

Droit international du travail à l'épreuve de la mondialisation (Civil Law Section: University of Ottawa, 2008) (syllabus)

Droit international public (course pack includes *Supplément I: Textes et Méthodologies; Suppléments II et III: Instruments et Arrêts*) (Civil Law Section: University of Ottawa, 2008) (syllabus and typed manuscript) (218 pages)

Resolution of International Disputes (with Stephen Toope), volumes I & II, Course texts and materials (McGill University, Faculty of Law: Eastman Publishers, 2000) (745 pages)

Technical reports

“Rapport préliminaire sur les questions de politique juridique relatives à la problématique des amendements aux conventions internationales du travail” (International Labour Organization, Geneva) (Background Paper for discussion at the First meeting of the High-Level Tripartite Working Group on labour standards in the maritime sector established by the Governing Body of the ILO, Office of the Legal Adviser, 2001) (55 pages)

Other

“The Judicial Interpretation of Human Rights Treaties: A Postmodernist/Pragmatist Turn” (LL.M. Thesis, NYU School of Law, May 2004) (Highest Grade) (108 pages)

Works in progress

« L'expressivisme de Charles Taylor saisi par le droit (international): Assises d'un déphasement culturel théorique pour énoncer l'indicible » (article project with Julien Cantegreil, agrégé de philosophie, Mireille Delmas-Marty Chair; Université de Paris I-Sorbonne)

“Cultural Relativism’ *Colonial Style*: Minority Imageries, Inter-War Pragmatism, and Representation as Renewal in Supranational Human Rights Adjudicatory Institutions” (Chapter of Doctoral Dissertation)

“On the Banality of (Naming) Evil, the Colonial Cultural Fingerprint, and Other Chinks into the Armour: Armenia’s Iconography and Fetishism” (with Armen Mazmanyán)

“La coutume atrophiee entre « interprétation » et « pratique »: Genèse d’un concept galvaudé dans la pensée de Hart et Dworkin” (completed for the French periodical *Archives de philosophie du droit*)

TEACHING APPOINTMENTS AND GUEST LECTURES

International Law, the United Nations, and Human Rights (Part II): *Human Rights in Third World societies* (MA Program in International Peace Studies) (co-teaching with Professor Liliana Obregón,

Universidad de Los Andes), Visiting Professor, United Nations University for Peace, Costa Rica (10-19 December, 2008)

Droit international public/Public International Law, Adjunct Professor, Civil Law Section, University of Ottawa (Winter 2008) (Lecturing in a foundational course of my own design in the history, theory, norms and argumentative structures and processes of public international law and policy)

Enseignement appliqué III – séminaire d'exposé juridique : *Droit international du travail à l'épreuve de la mondialisation/Globalization and the Challenge to International Labour Law*, Adjunct Professor, Civil Law Section, University of Ottawa (Winter 2008) (Seminar teaching and supervised research work of 12 students in 3rd year in law)

Legal Research and Writing Instructor, Osgoode Hall Law School (Prof. Shelley Kierstead) (2005-2006) (Taught two-hour weekly small group seminars and led weekly discussion sections; Responsible for students' understanding of the application of core legal concepts and issues of legal professional ethics taught in lectures to concrete situation; Evaluation of students' skills development through the marking of required course assignments and provision of feedback for each assignment)

Comparative Law, Visiting Professor, Department of Law, American University in Armenia, Yerevan (Affiliated with the University of California at Berkeley, Boalt Hall Law School) (Summer 2009)

Human Rights Norm-Internalization and Latin-American Resistance: Elements of A Compliance Theory of Judicial Socio-Discursive Interactionism, Guest Lecturer, Universidade de Brasilia (in the framework of the course *Direito internacional público* (Prof. George Rodrigo Bandeira Galindo) (Spring 2009)

Discours interprétatifs et fables de progrès dans l'histoire du droit international: Esquisse d'une relecture systémale, Guest Lecturer, Faculty of Law, University of Montreal (in the framework of the course *Droit international public général* (Prof. Stéphane Beaulac)) (21 February, 2008)

Multiculturalism Encounters the Human Rights Corpus: Antinomies of Post-colonial and Post-communist Translation, Guest Lecturer, American University in Armenia, Yerevan (28 August, 2007)

MAJOR CONFERENCE PRESENTATIONS

**On invitation; **Selected abstract*

***“Human Rights as Métissage”**, Harvard Human Rights Program Fellows Colloquium, Harvard Law School (Spring 2009)

***“Third World Approaches’ to Human Rights? Mapping the Antinomies and Agonism of Alternative and Critical Scholarship”**, Conference “After Empire: Global Governance Today”, Panel on *Theorizing Diverse Legal Traditions*, Watson Institute of International Affairs, Brown University, Providence, US. (13 June, 2008)

***“Bourdieu et les représentations culturelles du Tiers Monde en droit international des droits de la personne”**, Conference « Law and Social Justice », Gordon Henderson Chair, Human Rights Research and Education Centre, Faculty of Law, University of Ottawa (Spring 2009)

***“Reframing the Sexed Subject of Politics in “Citizenship” Terms within Law’s Imperial Frame”**, Book discussion with Professor Brenda Cossman, author of *Sexual Citizens: The Legal and Cultural Regulation of Sex and Belonging* (2007), “The Radical Readers” seminar series, Faculty of Law, University of Ottawa (25 February, 2008)

***“British Justice (in African Colonies) Pointing Two Ways? On Dualism, Formalism, Mimicry and the Vocabulary of Progress in International Law”**, “Mapping Emergent Terrains, Contesting Rigidified Traditions: The First Annual Graduate Student Conference of the Toronto Group for the Study of International, Transnational, and Comparative Law”, Panel on *Text and Context*, Faculty of Law, University of Toronto (13 January, 2008)

***“What Role for Indigenous Peoples’ Rights in Investment Arbitration? Tales of “Barbarism”, “Indigenous Neo-Modernism” and Post-Colonial “Sovereignty” Under the Neo-liberalist Spectre of the Ogoni Struggle in Nigeria”**, Conference “Is there a Role for Human Rights in International Investment Law and Dispute Settlement?”, Department of Law, European University Institute, Florence (13 June, 2007)

***“Exporting the Pursuit of Happiness? Law and Development and the Dubious Deformed Progeny of the Rule of Law: A Response to Martin Krygier on “The Rule of Law: Legality, Teleology, Sociology””**, Conference “Relocating the ‘Rule of Law’”, Panel on *The State of the Rule of Law State*, Department of Law, European University Institute, Florence (invited discussant) (8 June, 2007)

***“Core Labour Rights and Second-Generational Incorporation of the ‘Social’: Reinventing the Trade Apparatus, or Is it the Other Way Around?”**, Department of Law, Graduate seminar on “Human Rights, Constitutionalism and International Economic Law” (guest speaker) (13 February, 2007)

***“Whither Treaty Interpretation? Critical Distortions through the Lens of Humanitarianism”**, Graduate Seminar on “The Influence of Human Rights on the Development of International Law”, Department of Law, European University Institute, Florence (guest speaker) (16 November, 2006)

***“Between Solipsism and Empire (Through Law): International Organizations and the Politics of Formalized Mimeticism”**, 35th Annual Conference of the Canadian Council on International Law 2006: “Responsibility of Individuals, States and Organizations”, Panel on *The Responsibility of International Organizations: Does One Size Fit All?*, Faculty of Law, University of Ottawa, Ottawa (28 October, 2006)

***“Three Tropes in Measuring the Effectiveness of Human Rights Regimes: Identity, Networks and Cross-Fertilization in the “New” Liberal Internationalism”**, Osgoode Hall Law School Graduate Law Students’ Association Conference 2006: “Scholars & Advocates: Driving the Changing Face(s) of the Law”, Panel on *Exploring the Boundaries of International Law*, Osgoode Professional Development Centre, Toronto (6 May, 2006)

***“International Human Rights Law in an Age of Terrorism and Empire: Losing the Battle on Three Different Fronts: An Epistolary Exchange”**, Canadian International Law Students’ Conference 2006: “Contested Boundaries. International Law vs. National Reality”, Toronto (Moderator and sole discussant on panel on *Human Rights and Global Terrorism*) (4 February, 2006)

****“Return to *Communitarianism*?: Implications of the Duty to Prevent Genocide for States and the United Nations”**, Center for Human Rights and Global Justice, Inaugural Emerging Human Rights Scholarship Conference, NYU School of Law, New York City (31 October, 2003)

FIELDS OF INTEREST IN RESEARCH, TEACHING AND SUPERVISION

Framework questions in public international law and policy; history and theory of international law; international relations theory; law and praxis of international human rights; economic, social and cultural rights; comparative constitutional law and theory; all aspects of general public law; administrative and labour law in national, international, comparative and transnational perspectives; comparative law; social theory; political philosophy; legal theory (general jurisprudence and critical legal theories, particularly those influenced by American Legal Realism, Feminism, Critical Race Theory, LAT-CRIT, New Approaches to International Law, Third World Approaches to International Law, post-colonialism and post-structuralism); law and development; law and literature; law and culture; violence and imperialism in philology; critical geography (core-periphery dynamics); theories of translation and interpretation; identity critique of law; sociological and historiographical approaches to law; history of legal thought; cultural and legal anthropology; critical legal pluralism

DIRECTED RESEARCH WORK

2007-2008 (University of Ottawa)

- 1) The commodification of sex work in globalized economies (with particular reference to India and South-East Asia) (Jorge Da Silva)
- 2) « Bonne gouvernance » et protection des droits des travailleurs indigènes dans les pays en voie de développement : Regards croisés sur les rôles du Fond Monétaire International, de la Banque Mondiale et de l’OIT (Émilie De Bellefeuille)
- 3) Global governance, legal pluralism and de-centering of the State’s social regulatory power: What prospects for national and international labour laws? (Stéphanie Deraîche)
- 4) Le règlement des « nouveaux » différends en matière de normes internationales du travail : perspectives alternatives à la rigidité du système de contrôle de l’OIT? (Geoffroy Gravel-Chalifour)
- 5) La condition des femmes pauvres et réglementation internationale du travail précaire (Francis Hinse)
- 6) “Migrant Child Labour”? The enduring paradox of children’s right to a private family life (Claire Houkayem)
- 7) La politique des droits internationaux du travail aux États-Unis depuis l’affaire *Lochner* : Convergences ou Conflits ? (Stéphane Hutt)
- 8) Responsabilité sociale de l’entreprise: menace ou opportunité pour réinventer le droit international du travail? (Annie-Claude Lafond)
- 9) Droits de la personne, équité en matière d’emploi et accords de libre échange commercial: quels liens ? Critique institutionnaliste de l’Accord Nord Américain sur le Commerce et le Travail (Patrick Plante)
- 10) Femmes, famille, inégalités et travail à domicile : Repenser les bases idéologiques du droit (Stéphanie Simard)
- 11) Le droit à la sécurité sociale au Canada et en Afrique du Sud à la lumière de la jurisprudence de l’OIT et du Comité du Pacte sur les droits économiques, sociaux et culturels des Nations Unies : étude comparative sur l’émergence d’un « universalisme » des droits sociaux (Ashley Trainor)

- 12) L'essor du trafic humain des travailleurs féminins migrants dans une économie mondialisée (avec emphase sur le rôle de résistance des mouvements sociaux féministes tiers-mondistes) (Mélodie Verreault-Nantel)

OTHER ACADEMIC EXPERIENCE

Associate Researcher, Faculty of Social Sciences, University of Ottawa (July 2009-)

Co-Chair (with Christian Joerges and Armen Mazmanyan), EUI Conference (May 2007)

“Genocidal Myopia, Democidal Dystopia? The Armenian Genocide and its Modern Implications for Justice, Rights and Europe”

<http://www.iue.it/LAW/Events/WorkshopOnTheArmenianGenocide.shtml>

(venues are currently being sought for follow-up and publication of papers)

Researcher, Centre for Study and Research, Hague Academy of International Law (August-Sept. 2005)

Member of the Study Group on “The Cultural Heritage of Humankind”

Research Associate, Prof. Philip G. Alston, New York University School of Law

“Core Labour Standards in a Reinvigorated International Labour Law Regime” (Sept. 2003-Jan. 2004)

Graduate Editor, New York University Journal of International Law and Politics (2003-2004)

Research Intern, Office of the Legal Adviser, International Labour Organization (July-August 2001)

Research Assistant, Prof. Stephen J. Toope, Faculty of Law, McGill University

“Interactional International Law: Shaping International Society” (Summer 2000)

Editor-in-Chief and Book Reviews Editor, Quebec Journal of International Law (1999-2000)

LEGAL WORK EXPERIENCE

Consultancy:

Project supervisor (2008-2009)

- Supervision of two instructors in Masters Curriculum Development for teaching human rights courses in Iraq (University of Dohuk) and Egypt (Institute of Peace Studies, Alexandria) in the framework of the United Nations “University for Peace Programme in South Asia, the Middle East and the Horn of Africa”

Faculty Mentor to Professor Carl Hérard

- Mentoring of a Haitian law professor through an exchange program between the State University of Haiti and the Human Rights Research and Education Center of the University of Ottawa, Faculty of Law (February 2008)

- Assisted in designing course syllabi in international labour law and social security legislation

Other:

Legal Officer, International Labour Organization, Geneva (2004-2005)

- Representative of the Legal Adviser in the Committee on Safety and Health at the 93rd Session of the International Labour Conference (May 31 – June 16, 2005)

- Vice-Chairman of the International Labour Conference Drafting Committee on the proposed ILO Convention and Recommendation establishing a promotional framework in the area of occupational safety and health (2005, first discussion);

- Member of the Office Drafting Committee on the proposed ILO Convention and Recommendation on work in the fishing sector

- Advised on the drafting and interpretation of contracts within the framework of the ILO’s technical cooperation assistance in social development programmes

(e.g. IPEC – elimination of child labour) to Member States, NGOs, corporate partners and other constituents, and on a wide range of legal issues (including the ILO Declaration on Fundamental Principles and Rights at Work)

Legal Assistant, Mr. Giorgio Gaja, Special Rapporteur on the Responsibility of International Organizations, UN International Law Commission, Geneva Assisted the Special Rapporteur in drafting four articles on attribution of conduct to an international organization and in preparing his Third Report (on the breach by an international organization of an international obligation and the responsibility of an organization in connection with the act of a State or another organization) (Summer 2004)

Law Clerk, The Honourable James Hugessen and the Honourable Paul Rouleau, Federal Court of Canada, Ottawa (2001-2003)

Student-at-Law, Fraser, Milner, Casgrain, LLP., Montreal, Quebec (May-June 2001)
(research and writing in commercial and corporate law and civil litigation)

PROFESSIONAL AFFILIATIONS

Association of Attendees and Alumni of The Hague Academy of International Law
South Eastern European Studies of Oxford
Canadian Council on International Law
European Society of International Law
Quebec Society of International Law
American Society of International Law
Human Rights Research and Education Center (University of Ottawa)
European Law Research Center (Harvard Law School)
Harvard Human Rights Program

LANGUAGES

Armenian (native), French (fluent), English (fluent), Italian (read; spoken passively)