

## SEAN DAVID MURPHY

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### Employment:

**MANATT/AHN PROFESSOR OF INTERNATIONAL LAW**, George Washington University Law School, Washington, DC (Full Professor, 2004-present) (Associate Professor, 1998-2004).

- Teaching courses in International Law, Law of the Sea, U.S. Foreign Relations Law, International Business Transactions, International Organizations.
- Lecturer, Hague Academy of International Law (2016).
- Visiting Professor at University of Göttingen (2008), Université de Paris X (Ouest–Nanterre La Défense) (2014), and University of Melbourne (2015, 2018).
- Lecturer, United Nations Regional Courses in International Law (for Africa, for Arab States, for Latin American and the Caribbean, and for Asia-Pacific) (2015-2018).
- Member, Board of Editors, *American Journal of International Law* (2000-2010).
- Member, American Law Institute & Adviser to the *Restatement (Fourth) of the Foreign Relations Law of the United States* (2012-2018).
- Member, International Law Association (American Branch) (1995-present).
- Member, American Bar Association Section of International Law (1998-present).
- Member, Curatorium, African Institute of International Law (2019-present).

**MEMBER, U.N. INTERNATIONAL LAW COMMISSION** (2012-present).

- Special Rapporteur for Crimes against Humanity (2014-2019).

**PRESIDENT, AMERICAN SOCIETY OF INTERNATIONAL LAW** (2018-2020).

**ASSOCIATE MEMBER, MATRIX CHAMBERS**, London, United Kingdom (2015-present).

**LEGAL COUNSELOR, U.S. EMBASSY**, The Hague, Netherlands (1995-98).

- Argued/filed briefs before the International Court of Justice in the *Lockerbie, Iran Airbus, Iran Platforms, Paraguay (Breard)*, and *Nuclear Weapons* cases.
- Served as U.S. Agent to the Iran-U.S. Claims Tribunal, arguing cases/filing briefs on behalf of the U.S. Government and assisting private claimants.
- Served as U.S. representative to the International Criminal Tribunal for the former Yugoslavia and to The Hague Conference on Private International Law.

**ATTORNEY, OFFICE OF THE LEGAL ADVISER, U.S. DEPARTMENT OF STATE** (1987-95).

- Office of International Claims and Investment Disputes: litigation and arbitration concerning contract and investment disputes.
- Office of Oceans, Environment & Science: negotiation of law of the sea and international environmental agreements and resolutions.
- Office of Politico-Military Affairs: interpretation of foreign assistance legislation, laws of war, and war powers; negotiation of military agreements.

**LAW CLERK**, Hon. Thomas A. Flannery, U.S. District Court, Washington, DC (1985-86).

**MEMBER**, Maryland Bar.

Education:

**UNIVERSITY OF VIRGINIA**, Charlottesville, VA, Doctor of Juridical Science (S.J.D.) (1995).

- Recipient, Ford Foundation Graduate Scholarship.
- Council on Foreign Relations Fellow.

**UNIVERSITY OF CAMBRIDGE**, Cambridge, UK, Master of Laws (LL.M.) (1987).

**COLUMBIA UNIVERSITY**, New York, NY, Juris Doctor (J.D.) (1985).

- Editor-in-Chief, *Columbia Journal of Transnational Law*.
- Harlan Fiske Stone Scholar (each year).
- Honors, Parker Program in International and Comparative Law.

**CATHOLIC UNIVERSITY**, Washington, DC, Bachelor of Arts (B.A.) (1982).

- Phi Beta Kappa, Magna cum Laude.

Awards:

1989 & 1998 U.S. Department of State Superior Honor Awards.

1995 American Journal of International Law Francis Deák Prize for Outstanding Scholarship by a Younger Author (awarded for 1994 article entitled *Prospective Liability Regimes for the Transboundary Movement of Hazardous Wastes*).

1996 American Bar Association Outstanding Younger Federal Lawyer Award.

1997 American Society of International Law 1997 Certificate of Merit for Preeminent Contribution to Creative Scholarship (awarded for 1996 book entitled *Humanitarian Intervention: The United Nations in an Evolving World Order*).

2003 American Society of International Law 2003 Certificate of Merit for High Technical Craftsmanship (awarded for 2002 book entitled *United States Practice in International Law, 1999-2001*).

2005 University of Pittsburgh Law School 14th Annual McLean Lecturer on World Law.

2016 University of Baltimore John Sumner Stead Lecturer.

2018 Case Western University Law School Humanitarian Award for Advancing Global Justice.

Personal:

Married; three children.

**SELECTED DISPUTE SETTLEMENT EXPERIENCE**

Raiffeisen Bank International AG and Raiffeisen Bank Austria d.d. v. Croatia, PCA Case. No. 2020-15, pending (arbitrator).

Canepa Green Energy Opportunities I and II v. Spain, ICSID Case No. ARB/19/4, pending (presiding arbitrator).

The M/T “San Padre Pio” (No. 2) Case (Switzerland/Nigeria), International Tribunal for the Law of the Sea, Case No. 29, Jurisdiction/Merits, pending (judge *ad hoc*).

The M/T “San Padre Pio” Case (Switzerland v. Nigeria), International Tribunal for the Law of the Sea, Case No. 27, Provisional Measures, Order of 6 July 2019 (judge *ad hoc*).

ICL Europe Coöperatief v. Ethiopia, PCA Case No. 2017-26, pending (arbitrator).

Agility Public Warehousing Company v. Iraq, ICSID Case No. ARB/17/7, pending (arbitrator).

Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), International Court of Justice (reparations phase), pending (counsel).

Prosecutor v. Omar Hassan Ahmad al Bashir, International Criminal Court, Case No. ICC-02/05-01/09, Judgment of 6 May 2019 (counsel).

TransCanada Corporation and TransCanada PipeLines Limited v. United States, ICSID Case No. ARB/16/21, discontinued 2017 (arbitrator).

Arbitration under the Timor Sea Treaty (Timor-Leste v. Australia), PCA Case No. 2015-42, dismissed without prejudice in 2017 (arbitrator).

Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), International Court of Justice, 2011 I.C.J. Rep. 644 (counsel).

Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo (Request for Advisory Opinion), International Court of Justice, 2010 I.C.J. Rep. 403 (counsel).

Eritrea-Ethiopia Claims Commission, PCA Case No. 2001-02, XXVI R.I.A.A. 23: Damages Awards (Eritrea/Ethiopia), Group One Claims, The Hague, April 2007, & Group Two Claims, The Hague, May 2008; Partial Awards Concerning the Use of Force, Central/Western Fronts, Diplomatic Claims & Other Claims (Eritrea/Ethiopia), The Hague, April 2005; Partial Awards Concerning the Home Front (Eritrea/Ethiopia), The Hague, March 2004; Partial Awards Concerning the Central Front (Eritrea/Ethiopia), The Hague, November 2003; Partial Awards Concerning Prisoners of War (Eritrea/Ethiopia), The Hague, December 2002 (counsel).

Delimitation of the Maritime Boundary (Guyana v. Suriname), Award of 17 September 2007, XXX R.I.A.A. 1 (UNCLOS Annex VII arbitration) (counsel).

Oil Platforms (Iran v. U.S.), International Court of Justice, Jurisdiction Phase, 1996 I.C.J. 803, and Merits Phase, 2003 I.C.J. Rep. 161 (counsel).

Compañía del Desarrollo de Santa Elena, S.A. v. Costa Rica, ICSID Case No. ARB/96/1 (counsel).

Questions Concerning the 1971 Montreal Convention relating to the Aerial Incident at Lockerbie (Libya v. U.S.), International Court of Justice, Jurisdiction, 1998 I.C.J. Rep. 115 (counsel).

Case Concerning Aerial Incident of 3 July 1988 (Iran v. U.S.), International Court of Justice, The Hague, settled 1996 (counsel).

Miscellaneous U.S. government and U.S. private claims, Iran-U.S. Claims Tribunal (1987-1998) (counsel and U.S. Agent).

Case Concerning Elettronica Sicula S.p.A. (ELSI) (U.S. v. Italy), International Court of Justice, 1989 I.C.J. Rep. 15 (counsel).

## PUBLICATIONS

*(Some papers in draft form may be accessed on the Social Science Research Network (SSRN) through the following URL: <<http://ssrn.com/author=266471>> )*

### Books

PRINCIPLES OF INTERNATIONAL LAW (3d ed. 2018) (West Academic).

PUBLIC INTERNATIONAL LAW IN A NUTSHELL (6th ed. 2018) (West Academic) (with Buergerthal). — Chinese-language edition (2005).

INTERNATIONAL LAW RELATING TO ISLANDS (Hague Academy/Brill Nijhoff) (2017) (also published in 386 *Recueil des cours de l'Académie de Droit International de la Haye/Collected courses of The Hague Academy of International Law* 9 (2017)).

LITIGATING WAR: MASS CIVIL INJURY AND THE ERITREA-ETHIOPIA CLAIMS COMMISSION (2013) (Oxford University Press) (with Kidane and Snider).

UNITED STATES PRACTICE IN INTERNATIONAL LAW, VOLUME II: 2002-2004 (2005) (Cambridge University Press).

UNITED STATES PRACTICE IN INTERNATIONAL LAW, VOLUME I: 1999-2001 (2002) (Cambridge University Press).

HUMANITARIAN INTERVENTION: THE UNITED NATIONS IN AN EVOLVING WORLD ORDER (1996) (University of Pennsylvania Press).

### Casebooks

INTERNATIONAL LAW: CASES AND MATERIALS (7th ed. 2019) (West Academic) (with Damrosch).

U.S. FOREIGN RELATIONS LAW: CASES, MATERIALS AND PRACTICE EXERCISES (5th ed. 2017) (West Academic) (with Swaine & Wuerth).

### Articles/Chapters in Books

“Dispute Settlement,” in Volume XII on INTERNATIONAL LAW BEYOND THE END OF THE COLD WAR (Eyal Benvenisti & Dino Kritsiotis, eds.) of THE CAMBRIDGE HISTORY OF INTERNATIONAL LAW (Cambridge University Press) (forthcoming 2022).

“A Rising Tide: Dispute Settlement Relating to the Law of the Sea,” in BY PEACEFUL MEANS: INTERNATIONAL ADJUDICATION AND ARBITRATION (Charles N. Brower et al., eds.) (Oxford University Press) (forthcoming 2022).

“Reinforcing the Compatibility Requirement for EEZ and High Seas Measures on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Species,” in PERSISTENT AND EMERGING CHALLENGES IN INTERNATIONAL FISHERIES LAW (Bjørn Kunoy, ed.) (forthcoming 2021).

“Obligations of States in Disputed Areas of the Continental Shelf,” in NEW KNOWLEDGE AND CHANGING CIRCUMSTANCES IN THE LAW OF THE SEA (Tomas Heider ed.) (Brill) (forthcoming 2020).

“Codifying the Obligations of States Relating to the Prevention of Atrocities,” 52 *Case Western Reserve Journal of International Law* 27 (2020).

“Peremptory Norms of General International Law (*Jus Cogens*) and Other Topics: The Seventy-First Session of the International Law Commission,” 114 *American Journal of International Law* 68 (2020).

“Anniversary Commemoration and Work of the Seventieth Session of the International Law Commission,” 113 *American Journal of International Law* 90 (2019).

“Counter-Claims – Article 80 of the Rules,” in THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE: A COMMENTARY 1104 (Andreas Zimmermann et al., eds.) (Oxford University Press) (3d ed. 2019); *id.*, 1000 (2d ed. 2012).

“The Utility and Limits of Canons of Construction,” in BETWEEN THE LINES OF THE VIENNA CONVENTION? CANONS AND OTHER PRINCIPLES OF INTERPRETATION IN PUBLIC INTERNATIONAL LAW 13 (Joseph Klingler et al., eds.) (Wolters Kluwer) (2019).

“The Eritrean-Ethiopian War—1998-2000,” in THE USE OF FORCE IN INTERNATIONAL LAW: A CASE-BASED APPROACH 552 (Olivier Corten & Tom Ruys, eds.) (Oxford University Press) (2018).

“The International Law Commission’s Proposal for a Convention on the Prevention and Punishment of Crimes against Humanity,” 50 *Case Western Reserve Journal of International Law* 249 (2018).

“Crimes against Humanity and Other Topics: The Sixty-Ninth Session of the International Law Commission,” 111 *American Journal of International Law* 970 (2017).

“Government Hacking to Light the Dark Web: What Risks to International Relations and International Law?,” 70 *Stanford Law Review Online* 58 (2017) (with Kerr), available at <https://www.stanfordlawreview.org/online/government-hacking-to-light-the-dark-web/>.

“Protection of Persons in the Event of Disasters and Other Topics: The Sixty-Eighth Session of the International Law Commission,” 110 *American Journal of International Law* 718 (2016).

“The Identification of Customary International Law and Other Topics: The Sixty-Seventh Session of the International Law Commission,” 109 *American Journal of International Law* 822 (2015).

“New Mechanisms for Punishing Atrocities in Non-International Armed Conflicts,” 16 *Melbourne Journal of International Law* 298 (2015).

“The Expulsion of Aliens (Revisited) and Other Topics: The Sixty-Sixth Session of the International Law Commission,” 109 *American Journal of International Law* 125 (2015).

“Reflections on the ICJ Advisory Opinion on Kosovo: Interpreting Security Council Resolution 1244 (1999),” in *THE LAW AND POLITICS OF THE KOSOVO ADVISORY OPINION* 134 (Michael Wood & Marko Milanovic, eds.) (Oxford University Press) (2015).

“The Crime of Aggression,” in *THE OXFORD HANDBOOK OF THE USE OF FORCE IN INTERNATIONAL LAW* 533 (Marc Weller, ed.) (Oxford University Press) (2015).

“Immunity *Ratione Personae* of Foreign Government Officials and Other Topics: The Sixty-Fifth Session of the International Law Commission,” 108 *American Journal of International Law* 41 (2014).

“Deconstructing *Fragmentation*: Koskeniemi’s 2006 ILC Project,” 27 *Temple International & Comparative Law Journal* 293 (2013).

“International Judicial Bodies for Resolving Disputes Between States,” in *THE OXFORD HANDBOOK OF INTERNATIONAL ADJUDICATION* 181 (Cesare Romano et al. eds.) (Oxford University Press) (2013).

“What a Difference a Year Makes: The International Court of Justice’s 2012 Jurisprudence,” 4 *Journal of International Dispute Settlement* 1 (2013).

“The Relevance of Subsequent Agreement and Subsequent Practice for the Interpretation of Treaties,” in *TREATIES AND SUBSEQUENT PRACTICE* 82 (Georg Nolte, ed.) (Oxford University Press) (2013).

“Codification, Progressive Development, or Scholarly Analysis? The Art of Packaging the ILC’s Work Product,” in *THE RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS: ESSAYS IN MEMORY OF SIR IAN BROWNLIE* 29 (Maurizio Ragazzi, ed.) (Martinus Nijhoff) (2013).

“The Expulsion of Aliens and Other Topics: The Sixty-Fourth Session of the International Law Commission,” 107 *American Journal of International Law* 164 (2013).

“*Jus ad Bellum*, Values, and the Contemporary Structure of International Law,” 41 *Journal of Religious Ethics* 20 (2013).

“The International Court of Justice,” in *THE RULES, PRACTICE, AND JURISPRUDENCE OF INTERNATIONAL COURTS AND TRIBUNALS* 11 (Chiara Giorgetti, ed.) (Koninklijke Brill) (2012).

“Aggression, Legitimacy and the International Criminal Court,” 20 *European Journal of International Law* 1147 (2009).

“The International Legality of U.S. Military Cross-Border Operations from Afghanistan into Pakistan,” in 85 *International Legal Studies* 109 (U.S. Naval War College, 2009), and in 39 *Israeli Yearbook on Human Rights* 281 (2009).

“Criminalizing Humanitarian Intervention,” 41 *Case Western Reserve Journal of International Law* 241 (2009).

“Protean *Jus ad Bellum*,” 27 *Berkeley Journal of International Law* 22 (2009), and in *A WISER CENTURY?, VERÖFFENTLICHUNGEN DES WALTHER-SCHÜCKING-INSTITUTS FÜR INTERNATIONALES RECHT AN DER UNIVERSITÄT KIEL* 183 (Thomas Giegerich, ed., Duncker & Humblot, Berlin) (2009).

“Does International Law Obligate States to Open Their National Courts to Persons for the Invocation of Treaty Norms That Protect or Benefit Persons?,” in *THE ROLE OF DOMESTIC COURTS IN TREATY ENFORCEMENT: A COMPARATIVE STUDY* 61 (David Sloss, ed.) (Cambridge University Press) (2009).

“The United States and the International Court of Justice: Coping with Antinomies,” in *THE SWORD AND THE SCALES: THE UNITED STATES AND INTERNATIONAL COURTS AND TRIBUNALS* 46 (Cesare Romano ed.) (Cambridge University Press) (2009).

“Evolving Geneva Convention Paradigms in the ‘War on Terrorism’: Applying the Core Rules to the Release of Persons Deemed ‘Unprivileged Combatants,’” 75 *George Washington Law Review* 1105 (2007), *reprinted in* *DETENTION AND OCCUPATION IN INTERNATIONAL HUMANITARIAN LAW* (Michael N. Schmitt & Wolff Heintschel von Heinegg eds., 2012).

“Interim Measures of Relief,” in *THE IRAN-UNITED STATES CLAIMS TRIBUNAL AT 25: THE CASES EVERYONE NEEDS TO KNOW FOR INVESTOR-STATE & INTERNATIONAL ARBITRATION* 75 (Christopher S. Gibson & Christopher R. Drahozal, eds.) (Oxford University Press) (2007).

“The Doctrine of Preemptive Self-Defense,” 50 *Villanova Law Review* 699 (2005).

“Taking Multinational Corporate Codes of Conduct to the Next Level,” 43 *Columbia Journal of Transnational Law* 389 (2005).

“Self-Defense and the Israeli ‘Wall’ Advisory Opinion: An *Ipse Dixit* from the I.C.J.?” 99 *American Journal of International Law* 62 (2005).

“Assessing the Legality of Invading Iraq,” 92 *Georgetown Law Journal* 173 (2004).

“International Law, the United States, and the Non-Military ‘War’ Against Terrorism,” 14 *European Journal of International Law* 347 (2003).

“Liability and the WHO Framework Convention on Tobacco Control,” 5 *International Law FORUM du Droit International* 62 (2003).

“Terrorism and the Concept of ‘Armed Attack’ in Article 51 of the U.N. Charter,” 43 *Harvard International Law Journal* 41 (2002).

“Biotechnology and International Law,” 42 *Harvard International Law Journal* 47 (2001).

“Securing Payment of the Award,” in *THE IRAN-UNITED STATES CLAIMS TRIBUNAL AND THE PROCESS OF INTERNATIONAL CLAIMS RESOLUTION* 299 (David D. Caron & John R. Crook eds., 2000) (Transnational Publishers).

“Amplifying the World Court’s Jurisdiction Through Counter-claims and Third Party Intervention,” 33 *George Washington International Law Review* 5 (2000).

“Democratic Legitimacy and the Recognition of States and Governments,” 48 *International and Comparative Law Quarterly* 545 (1999).

*reprinted in part in* DEMOCRATIC GOVERNANCE AND INTERNATIONAL LAW 123 (Gregory H. Fox & Brad R. Roth eds., 2000) (Cambridge University Press).

“Progress and Jurisprudence of the International Criminal Tribunal of the Former Yugoslavia,” 93 *American Journal of International Law* 57 (1999).

“Nation-Building: A Look at Somalia,” 3 *Tulane Journal of International and Comparative Law* 19 (1995).

“Prospective Liability Regimes for the Transboundary Movement of Hazardous Wastes,” 88 *American Journal of International Law* 24 (1994).

“The Security Council, Legitimacy, and the Concept of Collective Security After the Cold War,” 32 *Columbia Journal of Transnational Law* 201 (1994).

“The *ELSI* Case: An Investment Dispute at the International Court of Justice,” 16 *Yale Journal of International Law* 391 (1991).

“The Role of Bilateral Defense Agreements in Maintaining the European Security Equilibrium,” 24 *Cornell Journal of International Law* 415 (1991).

“The Impact on U.S. Litigation of Non-Recognition of Foreign Governments,” 26 *Stanford Journal of International Law* 435 (1989-90) (with Mary Beth West).

### **Selected On-Line Materials**

“The International Law Commission's Proposal for a Convention on the Prevention and Punishment of Crimes against Humanity,” Case Western University Law School (Feb. 8, 2018), <https://law.case.edu/Lectures-Events/EventId/321/e/the-international-law-commissions-proposal-for-a-convention-on-the-prevention-and-punishment-of-crimes-against-humanity-8-feb-2018>



“The 2018 Annual Report of the U.N. International Law Commission,” JUST SECURITY, *available at* <https://www.justsecurity.org/61255/2018-annual-report-u-n-international-law-commission/> (2018).

“Immunity *Ratione Materiae* of State Officials from Foreign Criminal Jurisdiction: Where is the State Practice in Support of Exceptions?” 112 AJIL UNBOUND 4 (2018).

“Crimes against Humanity and Corporate Liability,” JUST SECURITY, *available at* <https://www.justsecurity.org> (2017).

United Nations Audiovisual Library of International Law, “Lecture I: Islands, Rocks and Low-Tide Elevations,” “Lecture II: Methods for Securing Sovereignty Over an Island,” “Lecture III: Islands in Relation to Maritime Zones,” “Lecture IV: Effects of Islands on Maritime Boundary Delimitation,” *available at* [http://legal.un.org/avl/ls/Murphy\\_LS.html](http://legal.un.org/avl/ls/Murphy_LS.html) (2016).

United Nations Audiovisual Library of International Law Lecture on “Crimes against Humanity,” *available at* [http://legal.un.org/avl/ls/Murphy\\_CLP.html](http://legal.un.org/avl/ls/Murphy_CLP.html) (2015).

“Identifying the Rules for Identifying Customary International Law,” AJIL UNBOUND, *available at* <https://www.cambridge.org/core> (2014).

“The International Law Commission’s 65<sup>th</sup> Session (2013),” OPINIO JURIS, *available at* <http://opiniojuris.org/2013> (2013).

### **Book Reviews/Shorter Pieces**

“Foreword,” Special Issue: A Way Forward on the ILC’s 2019 Draft Articles on the Prevention and Punishment of Crimes Against Humanity, *African Journal of International Criminal Justice* (2020).

“Foreword,” Special Issue: Laying the Foundations for a Convention on Crimes against Humanity, 16 *Journal of International Criminal Justice* 679 (2018).

“The Max Planck Encyclopedia of Public International Law (Rüdiger Wolfrum, ed. 2012),” in 107 *American Journal of International Law* 885 (2013).

“James Crawford, Alain Pellet, & Simon Olleson eds., *The Law of International Responsibility* (2010),” in 106 *American Journal of International Law* 885 (2012).

“Marc Weller, *Contested Statehood: Kosovo’s Struggle for Independence* (2009),” in 42 *George Washington University International Law Review* 443 (2011).

“Alan Boyle & Christine Chinkin, *The Making of International Law* (2007),” in 104 *American Journal of International Law* 697 (2010).

“Shabtai Rosenne, *The Law and Practice of the International Court, 1920-2005* (4th ed. 2006),” in 100 *American Journal of International Law* 963 (2006).

Foreword to “Lawyers and Wars: A Symposium Issue in Honor of Edward R. Cummings,” 38 *George Washington University International Law Review* 101 (2006).

“Humanitarian Intervention,” in I ENCYCLOPEDIA OF GENOCIDE AND CRIMES AGAINST HUMANITY 465 (Dinah L. Shelton, ed. 2005) (Macmillan).

“The Law of the Lands: Why US Courts Look Overseas,” *Boston Globe*, June 5, 2005.

“John Hart Ely, War and Responsibility (1993),” in 88 *American J. of International Law* 843 (1994).

### **Reports to International Organizations**

“Fourth Report of the Special Rapporteur on Crimes Against Humanity,” presented to the Sixty-Eighth Session of the U.N. International Law Commission, Geneva, U.N. Doc. A/CN.4/725 (18 Feb. 2019).

“Third Report of the Special Rapporteur on Crimes Against Humanity,” presented to the Sixty-Eighth Session of the U.N. International Law Commission, Geneva, U.N. Doc. A/CN.4/704\* (23 Jan. 2017).

“Second Report of the Special Rapporteur on Crimes Against Humanity,” presented to the Sixty-Eighth Session of the U.N. International Law Commission, Geneva, U.N. Doc. A/CN.4/690 (21 Jan. 2016).

“First Report of the Special Rapporteur on Crimes Against Humanity,” presented to the Sixty-Seventh Session of the U.N. International Law Commission, Geneva, U.N. Doc. A/CN.4/680 (17 Feb. 2015).

“Evaluation of an International Liability Regime for the WHO Framework Convention on Tobacco Control,” presented to Legal Experts Workshop at the World Health Organization, Geneva (Apr. 9, 2001).

### **Edited Materials**

“Contemporary Practice of the United States Relating to International Law,” 93 *American Journal of International Law* 161, 470, 628, & 879 (1999); *id.*, 94 *American Journal of International Law* 102, 348, 516, & 677 (2000); *id.*, 95 *American Journal of International Law* 132, 387, 626, & 873 (2001); *id.*, 96 *American Journal of International Law* 237, 461, 706, 956 (2002); *id.*, 97 *American Journal of International Law* 179, 419, 681, & 962 (2003); *id.*, 98 *American Journal of International Law* 169, 349, 579 & 820 (2004).

### **Selected Conference Lectures/Presentations/Commentary**

“A Conversation with ASIL Honorees Claudio Grossman and Hini Jalani,” American Society of International Law Virtual Annual Meeting (June 26, 2020) (moderator).

“The International Law Commission: Reflections on Its Current Program of Work,” World Bank Environmental and International Law Practice Group (LEGEN), Washington, DC (May 13, 2020).

“Atrocity and Crimes: Past, Present, and Future,” George Washington University Law School, Washington, DC (Jan. 22, 2020).

“The Nuts and Bolts of Multilateral Treaty-Making,” ASIL 2019 Research Forum, Brooklyn Law School, New York, NY (Nov. 9, 2019).

“Perspectives on UN Partnerships,” sponsored by American Society of International Law and the Permanent Mission of Netherlands, United Nations Headquarters, New York, NY (Nov. 7, 2019) (moderator).

“Importance of Navigational Rights and Freedoms,” sponsored by the Permanent Mission of Colombia, United Nations Headquarters, New York, NY (Oct. 31, 2019).

“Prospects for a New Convention on the Prevention and Punishment of Crimes against Humanity,” Fordham Law School, New York, NY (Oct. 11, 2019); Harvard Law School, Cambridge, MA (Apr. 4, 2019); Ohio State University Law School, Columbus, OH (Jan. 14, 2019); University College London, London (Oct. 8, 2018); Pontificia Universidad Católica del Perú, Lima, Peru (Sept. 27, 2018); Australian National University Public Lecture, Canberra, Australia (Aug. 23, 2018); Florida International University Law School, Miami, FL (Feb. 1, 2018); Charles University, Prague, Czech Republic (May 25, 2017); Fred F. Herzog Memorial Lecture, John Marshall Law School, Chicago, IL (Mar. 23, 2017); Meeting of the Assembly of States Parties of the Rome Statute of the International Criminal Court, New York, NY (Dec. 11, 2017), and The Hague, Netherlands (Nov. 21, 2016 & Dec. 3, 2019).

“Have Societies for International Law Taken Stock of New Challenges and Adapted to Them?” World Meeting of Societies for International Law, The Hague, Netherlands (Sept. 3, 2019).

“Dialogue Between Courts and Tribunals: Making International Law Effective,” King and Spalding, New York, NY (Apr. 1, 2019).

“Keynote Conversation with former U.S. State Department Legal Adviser John Bellinger,” Conference on Global Consequences of U.S. Administration Change, George Washington University Law School, Washington, DC (Mar. 15, 2019).

“The Genocide Convention at 70,” ASIL/Ferencz International Justice Initiative, ASIL Headquarters, Washington, DC (Dec. 13, 2018).

“The Role of the U.N. Special Rapporteur,” Plenary Luncheon, ASIL Annual Research Forum, UCLA Law School, Los Angeles, CA (Nov. 10, 2018).

“Successfully Managing Inter-State Disputes,” Freshfields Bruckhaus Deringer, New York, NY (Oct. 24, 2018).

“Preventing Crimes against Humanity through Adoption of a New UN Convention,” Informal Meeting of the Legal Advisers of the U.N. Member States, United Nations Headquarters, New York, NY (Oct. 22, 2018).

“The United States and International Law in the 21<sup>st</sup> Century,” 97<sup>th</sup> Annual Meeting of the American Branch of the International Law Association, Fordham University Law School, New York, NY (Oct. 19, 2018), and at Universidad del Pacifico, Lima, Peru (Sept. 27, 2018).

“Experiences from the Eritrea Ethiopia Claims Commission,” Seminar on Protection of the Environment in Relation to Armed Conflict, sponsored by the Permanent Missions of Denmark, Iceland, Finland, Norway and Sweden, United Nations Headquarters, New York, NY (Oct. 18, 2018).

“Trans-Pacific Challenges in Developing International Law,” panel co-sponsored by American Society of

International Law/Australia & New Zealand Society of International Law, International Law Association Biennial Conference, Sydney, Australia (Aug. 20, 2018).

“The Function of the Commission: How Much Identifying Existing Law, How Much Proposing New Law?,” Seventieth Anniversary of the International Law Commission, Palais des Nations, Geneva (July 6, 2018).

“Obligations of States in Disputed Continental Shelf Areas,” Conference on New Knowledge and Changing Circumstances in the Law of the Sea, Reykjavik, Iceland (June 28, 2018).

“The Articles on State Responsibility: *Quo Vadis?*,” sponsored by the Permanent Mission of Brazil, United Nations Headquarters, New York, NY (May 22, 2018).

“The Codification of International Law: Back to the Future?,” Association of the Bar of the City of New York, NY (May 14, 2018) (panel discussion).

“The International Law Commission and the Fight against Impunity,” sponsored by the Permanent Missions of Brazil, Republic of Korea, Slovakia and Switzerland, United Nations Headquarters, New York, NY (May 8, 2018).

“The 8th Annual ‘Live from L’: Cybersecurity,” George Washington University Law School, Washington, DC (Feb. 15, 2018) (moderator).

“Rights and Justice Today: Legacies, Challenges and Implications,” Workshop on “Placeless/Placeness: Ideas of Rights and Justice in Eastern Europe,” Center for Urban History, Lviv, Ukraine (Nov. 10, 2017).

“Domestic & International Law Interaction,” American Society of International Law Research Forum, University of Washington Law School, Saint Louis, MO (Oct. 28, 2017) (moderator).

“Harmonious Interpretation of Different Rules of International Law,” Freshfields Bruckhaus Deringer, New York, NY (Oct. 25, 2017).

“Closing Remarks,” Conference on “A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea,” Max Planck Institute Luxembourg for Procedural Law, Luxembourg, Belgium (Sept. 26, 2017).

“Voices from the Top” Panel at Conference on “Building National Security on Inalienable Rights,” George Washington University Law School, Washington, DC (Sept. 15, 2017).

“Containing the Fallout from the North Korea Crisis: What Role for U.S. and International Law?,” George Washington University Law School, Washington, DC (Sept. 7, 2017).

“Congress’ Power to Legislate with Respect to Foreign Relations,” Potomac Foreign Relations Law Roundtable, George Washington University Law School, Washington, DC (Apr. 21, 2017).

“Advocacy before the International Court of Justice,” George Washington University Law School, Washington, DC (Apr. 10, 2017).

“International Law Relating to Islands,” Rajah & Tann LLP Law Offices, sponsored by the International Law Association Singapore Branch, Singapore (Dec. 13, 2016).

“The Importance of International Law Education for Africa,” sponsored by the Permanent Mission of Ghana, United Nations Headquarters, New York, NY (Oct. 25, 2016).

“Oil and Gas Operations in Maritime Areas Disputed Between States,” Freshfields Bruckhaus Deringer, New York, NY (Oct. 24, 2016).

“Current Issues at the U.N. International Law Commission of Relevance to International Organizations,” World Bank, Washington, DC (Oct. 19, 2016).

“A Rocky Road: The Philippines v. China Arbitration Concerning the South China Sea,” University of Baltimore School of Law 2016 John Sumner Stead Lecture, Baltimore, MD (Oct. 6, 2016).

“Aggressive War,” International Bar Association Annual Conference, Washington, DC (Sept. 19, 2016).

“Introduction to International Law,” International Law Seminar for African Universities, Accra, Ghana (Aug. 15-16, 2016).

“International Law and Island Disputes: The 2016 *Philippines v. China* Arbitral Award,” World Trade Organization, Geneva, Switzerland (July 29, 2016).

“Sovereign Immunity in International Law and Practice,” Georgetown Law School, Washington, DC (Apr. 25, 2016).

“The Court, the Commission, and Article 38 of the I.C.J. Statute,” 70<sup>th</sup> Anniversary Celebration of the International Court of Justice, The Hague, Netherlands (Apr. 19, 2016).

“The International Court of Justice at 70,” American Bar Association Section on International Law Spring Meeting, New York, NY (Apr. 14, 2016).

“Inside the International Law Commission: Towards a Convention on Crimes against Humanity,” U.N. Regional Training Program for Arab State Lawyers, Cairo, Egypt (Nov. 18, 2015); Hankook University for Foreign Studies, Seoul, Korea (Dec. 2, 2015); T.M.C. Asser Institute, The Hague, Netherlands (Dec. 16, 2015); Columbia Law School, New York, NY (Feb. 26, 2016); Harvard Law School, Cambridge, MA (Mar. 9, 2016); Tufts University Fletcher School of Law & Diplomacy, Medford, MA (Mar. 9, 2016).

“Identification of Customary International Law,” sponsored by the Asian African Legal Consultative Organization, United Nations Headquarters, New York, NY (Nov. 4, 2015).

“Dispute Settlement under the Law of the Sea: A Rising Tide,” LaLive Lecture, University of Geneva, Geneva, Switzerland (July 15, 2015).

“International Law and the Future of the Israeli-Palestinian Conflict,” American Society of International Law Annual Conference, Washington, DC (Apr. 9, 2015), *Proceedings of the 109th Annual Meeting, American Society of International Law* (forthcoming 2016) (panel moderator).

“The Importance of Ukraine’s Security for Europe,” George Washington University Law School, Washington, DC (Feb. 25, 2015).

“Introduction to Public International Law,” U.N. Regional Course in International Law for Africa, Addis

Ababa, Ethiopia (Feb. 2-3, 2015).

“Recent Developments at the International Law Commission Regarding the Most-Favored-Nation Clause,” Conference on *Year in Review: Key Decisions and Developments in Investor-State Arbitration*, Law Offices of Chadbourne & Parke, New York, NY (Jan. 22, 2015).

“Toward a Convention on Crimes against Humanity / Vers une convention sur les crimes contre l’humanité?”, L’Université Paris Ouest-Nanterre la Défense, Paris, France (Dec. 11, 2014), published on-line by LA REVUE DES DROITS DE L’HOMME, available at <https://journals.openedition.org/revdh/1185>.

“The Enforcement of International Judicial and Arbitral Decisions: Recent Trends,” sponsored by the Permanent Mission of the Philippines, United Nations Headquarters, New York, NY (Oct. 29, 2014).

“Strengthening Compliance with International Humanitarian Law,” American Society of International Law, Washington, DC (Oct. 23, 2014).

“Russia and Ukraine: What’s the Role of International Law?,” George Washington University Law School, Washington, DC (Aug. 28, 2014).

“The Historical Movement toward Codification of Crimes against Humanity,” Geneva Academy of International Humanitarian Law and Human Rights, Geneva, Switzerland (May 16, 2014).

“Aggression and the Use of Force,” American Society of International Law Annual Conference, Washington, DC (Apr. 11, 2014), *Proceedings of the 108th Annual Meeting, American Society of International Law* (2015).

“Treaty Survival,” George Washington University Law School/American Branch of the International Law Association, Washington, DC (Apr. 9, 2014).

“Punishing Crimes against Humanity in the 21<sup>st</sup> Century,” University of Alabama Law School, Tuscaloosa, AL (Mar. 3, 2014).

“Does the World Need More Crimes Against Humanity Legislation?” George Washington University Law School/American Society of International Law, Washington, DC (Oct. 9, 2013).

“Grotian Moments and Accelerated Formation of Customary International Law,” American Society of International Law, Washington, DC (Sept. 10, 2013).

“The Work of the International Law Commission,” Tufts University Summer Program in Talloires, France (May 10, 2013).

“Unarticulated Premises in the International Court of Justice's 2012 Jurisprudence,” European University Institute, Programme on Global Governance, Florence, Italy (Apr. 27, 2013).

“Deconstructing Fragmentation: Koskenniemi’s 2006 ILC Project,” Temple Law School Workshop on the Scholarship of Martti Koskenniemi, Philadelphia, PA (Apr. 13, 2013).

“Techniques for Inter-State Dispute Resolution,” Korea University, Seoul, Korea (Mar. 6, 2013).

“How International Law Can Contribute to Peace and Security in East Asia,” Korea Ministry of Foreign

Affairs (Mar. 5, 2013) and Korea Society of International Law, Seoul, Korea (Mar. 6, 2013).

“The New Crime of Aggression at the International Criminal Court, International Law Week,” George Washington University, Washington, DC (Feb. 13, 2013).

“International Law in the Second Obama Administration,” George Washington University Law School/American Society of International Law, Washington, DC (Jan. 24, 2013).

“The Work of the International Law Commission,” Law Offices of Schellenberg Wittmer, Geneva, Switzerland (July 5, 2012).

“Challenges in International Law and the United Nations,” Columbia Law School, New York, NY (Apr. 13, 2012).

“Fact-Finding before the Eritrea-Ethiopia Claims Commission,” American Society of International Law Annual Conference, Washington, DC (Mar. 30, 2012), *Proceedings of the 106th Annual Meeting, American Society of International Law* 237 (2012).

“Litigating Statehood: Reflections on the Kosovo and Macedonia Cases at the I.C.J.,” Fletcher School of International Affairs, Tufts University, Medford, MA (Mar. 14, 2012); Elliott School of International Affairs, George Washington University, Washington, DC (Oct. 24, 2011); and Columbia Law School, New York, NY (Apr. 21, 2011).

“International Law-Making Beyond Treaties: Possible Uses of Customary International Law,” State Department Advisory Committee on International Law, Washington, DC (Dec. 8, 2011).

“Strengthening U.S. National Security by Strengthening International Law,” Brookings Executive Education on U.S. National Security Policy, Washington, DC (Dec. 7, 2011).

“Use of Force Decisions of the International Court of Justice: Triumph or Tragedy?” American Bar Association 21st Annual Review of the Field of National Security Law, Washington DC (Dec. 2, 2011).

“U.S. Attitudes to the World Court Over Time,” G.W. Conference on the International Court of Justice: Rethinking the U.S. Relationship, Washington, DC (June 3, 2011).

“Treaties Over Time: The Relevance of Subsequent Agreements and Practice For Treaty Law to Date and in the Future,” Joint Conference of Humboldt University and the University of Geneva, Geneva, Switzerland (May 21, 2011).

“On the Rim of the Abyss: Military Intervention to Neutralize a Potential Nuclear Threat,” ABA Section on International Law, Spring Meeting, Washington, DC (Apr. 7, 2011).

“The Crime of Aggression as Adopted by the ICC First Review Conference: A Step Forward?,” Joint Conference of Humboldt University and University of Potsdam, Berlin, Germany (Oct. 15, 2010).

“International Court Jurisprudence on the Use of Force: Comparing Georgia v. Russia to the Iran-U.S. Oil Platforms Case,” American Bar Association Section on International Law, Spring Meeting, Washington, DC (Apr. 15, 2009).

“The Concept of International Law,” American Society of International Law Annual Conference,

Washington, DC (Mar. 26, 2009), *Proceedings of the 103rd Annual Meeting, American Society of International Law* 165 (2010).

“Criminalizing Humanitarian Intervention,” Case Western University Law School, Cleveland, OH (Sept. 26, 2008); U.S. Department of State Advisory Committee on Public International Law, Washington, DC (Nov. 7, 2008); Fletcher School of International Law and Diplomacy, Tufts University, Medford, MA (Nov. 14, 2008).

“The President’s Understated Power to Appoint and Receive Ambassadors,” Vanderbilt Law School, Nashville, TN (Sept. 12, 2008).

“The Legality of U.S. Cross-Border Operations from Afghanistan Into Pakistan,” U.S. Naval War College, Newport, RI (June 26, 2008).

“The Nature and Sources of International Law,” U.S. Foreign Service Institute Training Program on “Fundamentals of International Law,” Washington, DC (May 14, 2008).

“Corporations, Crimes, and Transnational Law,” George Washington University Law School Symposium on “Transnational Corporate Responsibility for the 21st Century”, Washington, DC (April 8, 2008) (moderator).

“The Legacy of Iraq: Its Impact on International Law,” American Society of International Law Annual Conference, Washington, DC (Apr. 11, 2008), *Proceedings of the 102d Annual Meeting, American Society of International Law* 215 (2008).

“Protean *Jus ad Bellum*,” Walther-Schücking-Institut für Internationales Recht, Christian-Albrechts University of Kiel, Germany (Nov. 9, 2007), and Temple Law School International Law Colloquium, Philadelphia, PA (March 27, 2008).

“State Courts and International Tribunals,” George Washington University Law School Symposium on “Is There a New Common Law of Investment Arbitration?”, Washington, DC (October 16, 2007) (moderator).

“*Hamdan* and the Military Commissions Act of 2006: An Overview,” American Society of International Law Annual Conference, Washington, DC (Mar. 30, 2007), *Proceedings of the 101st Annual Meeting, American Society of International Law* 339 (2007).

“Strategies and Instruments for International Environmental Change,” National Association of Environmental Law Societies, 19th Annual Conference, George Washington University, Washington, DC (Mar. 16, 2007) (moderator).

“The United States and the International Court of Justice: Coping with Antinomies,” Georgetown University International Legal Theory Colloquium, Washington, DC (February 23, 2007).

“What is International Law?”, Federal Judicial Center Program on International Law & Litigation for U.S. Judges, Washington, DC (Nov. 13, 2006) & District of Columbia Superior Court Judges Annual Conference, Washington, DC (May 4, 2007).

“Evolving Geneva Convention Paradigms in the ‘War on Terrorism,’” George Washington Law Review Symposium on “The New Face of Armed Conflict: Enemy Combatants After *Hamdan v. Rumsfeld*,” Washington, DC (Oct. 20, 2006).



“International Law Five Years After 9/11,” American Society of International Law Panel for Capital Hill Staffers, Washington, DC (Sept. 12, 2006).

“Eritrea’s Invasion of Ethiopia: The Eritrea Ethiopia Claims Commission’s *Jus ad Bellum* Award,” Addis Ababa University Law School, Addis Ababa, Ethiopia (May 22, 2006).

“Interim Measures of Relief: Ten Lessons from the Iran-U.S. Claims Tribunal’s Jurisprudence,” American Society of International Law Annual Conference, Washington, DC (Mar. 29, 2006).

“International and Foreign Law as a Part of U.S. Law,” American Society of International Law Seminar-by-Web (“Webinar”) (Mar. 9, 2006), *available at* <<http://www.asil.org>>.

“Reflections on the 2003 U.S. Supreme Court Term,” American Society of International Law Annual Conference, Washington, DC (Mar. 31, 2005) (moderator).

“The United States and the International Court of Justice,” George Washington University Elliot School of International Affairs, Washington, DC (Feb. 23, 2005 & March 7, 2007).

“Taking Multinational Corporate Codes of Conduct to the Next Level,” George Washington University Institute for International Corporate Governance and Accountability, Washington, DC (Nov. 5, 2004).

“The Doctrine of Preemptive Self-Defense,” Tufts University Fletcher School of Foreign Affairs, Medford, MA (Oct. 1, 2004), and Villanova Law School, Philadelphia, PA (Oct. 23, 2004).

“Comments on Senator George Mitchell’s Lecture,” American Society of International Law Annual Conference, Washington, DC (Apr. 4, 2003), *Proceedings of the 97th Annual Meeting, American Society of International Law* 177 (2003).

“The United States and the Foundations of International Law,” British Institute of International & Comparative Law, London, United Kingdom (Nov. 28, 2003).

“The Structure of the International and European Legal System and Its Values,” Hague Joint Conference on Contemporary Issues of International Law, The Hague, Netherlands (July 5, 2003), in FROM GOVERNMENT TO GOVERNANCE: 2003 HAGUE JOINT CONFERENCE ON CONTEMPORARY ISSUES OF INTERNATIONAL LAW 391 (2003).

“Commentary on ‘Peacemaking: The Interaction of Law, Politics and Diplomacy,’” American Society of International Law Annual Conference, Washington, DC (Apr. 4, 2003), *published in part in Proceedings of the 97th Annual Meeting, American Society of International Law* 177 (2003) (commentary on speech by former Senator George Mitchell).

“Universal Jurisdiction in International Law,” Haifa University Law School, Haifa, Israel (Dec. 17, 2002).

“Terrorism and International Law,” American Society of International Law, Tillar House, Washington, DC (Nov. 1, 2002).

“International Intervention and State Sovereignty,” China Reform Forum, Beijing, China (Jan. 14, 2002).

“The Concept of Obligation in International Law: Is the Constructivist Perspective Helpful?,” McGill

University Workshop, Montreal, Canada (Oct. 5, 2001).

“Modalities and Practicalities of Reform to Address Humanitarian Intervention,” Duke University School of Law, Durham, NC (Apr. 20, 2001), *published with on-line journal American Diplomacy at* [http://www.unc.edu/depts/diplomat/articles/hum\\_intervention/hum\\_07\\_murphy.html](http://www.unc.edu/depts/diplomat/articles/hum_intervention/hum_07_murphy.html).

“The U.S. Lawyer-Statesman at Times of Crisis: A Look at Colonial America,” American Society of International Law Annual Conference, Washington, DC (Apr. 6, 2001), *published in part in Proceedings of the 95th Annual Meeting, American Society of International Law* 99 (2001).

“Calibrating Global Expectations Regarding Humanitarian Intervention,” Joint Conference of Minda de Gunzburg Center for European Studies at Harvard University and Kenan Institute for Ethics at Duke University, Cambridge, MA (Jan. 18-19, 2001).

“The Rise and Fall of Slave Labor Claims Against Companies of the Axis Powers,” International Law Association, U.S. Branch, Annual Conference, New York, NY (Oct. 27, 2000).

“Biotechnology and Sustainable Development,” Fourth Annual J.B. and Maurice C. Shapiro Environmental Law Conference, George Washington University, Washington, DC (Apr. 13, 2000).

“The Intervention in Kosovo: A Law-Shaping Incident?” American Society of International Law Annual Conference, Washington, DC (Apr. 8, 2000), *published in part in Proceedings of the 95th Annual Meeting, American Society of International Law* 302 (2001).

“Humanitarian Intervention and the Kosovo Crisis,” ABA Standing Committee on Law and National Security Annual Conference, Washington, DC (Oct. 29, 1999), and the International Law Association, U.S. Branch, Annual Conference, New York, NY (Nov. 5, 1999).

“The ICC’s Jurisdiction Over the Crime of Aggression,” International Law Students Association Annual Conference, New Orleans, LA (Oct. 8, 1999).

“Does the World Need a New International Environmental Court?” Third Annual J.B. and Maurice C. Shapiro Environmental Law Conference, George Washington University, Washington, DC (Apr. 15, 1999), *published in 32 George Washington Journal of International Law and Economics* 333 (2000).

“The Bombing of Pan Am Flight 103: Examination of a Potential Criminal Trial in The Hague,” Georgetown University, Washington, DC (Dec. 1, 1998).

“The Role of the United Nations in the Maintenance of Peace Before and After the Year Two Thousand,” *26 Georgia Journal of International and Comparative Law* 115 (1995).

“Executive Branch Implementation of Arms Control Treaties,” *Proceedings of the 85th Annual Meeting, American Society of International Law* 483 (April 1991) (moderator).

“Neutrality, the Rights of Shipping and the Use of Force in the Persian Gulf War,” *Proceedings of the 82nd Annual Meeting, American Society of International Law* 592 (April 1988) (reporter).