



THE ELEGANCE OF
INTERNATIONAL LAW
A CONFERENCE IN
COMMEMORATION OF
PROFESSOR DAVID D. CARON '83

Saturday, September 15, 2018
Room 100
School of Law, University of California, Berkeley

THE ELEGANCE OF INTERNATIONAL LAW

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PROFESSOR DAVID D. CARON '83

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School of Law, University of California, Berkeley

8:30-9:00 am

BREAKFAST & REGISTRATION

9:00-10:45 am

WELCOME

Dean Erwin Chemerinsky, Berkeley Law

OPENING REFLECTION

Prof. Laurel E. Fletcher, Berkeley Law

PANEL 1: INTERNATIONAL DISPUTE RESOLUTION

MODERATOR: Prof. Saira Mohamed, Berkeley Law

Theme Overview: Goldilocks and International Dispute Settlement

Judge Joan E. Donoghue, International Court of Justice

ISDS Reform and the Proposal to Establish an International Investment Court

Lee M. Caplan, Partner, Arent Fox LLP

The Singapore Convention on the Enforcement of Agreements Achieved through
International Mediation: A New Way Forward?

Christina G. Hioureas, Chair, United Nations Practice Group, Foley Hoag LLP

Autonomy Meets the Rules of the Road: The UNCITRAL Arbitration Rules

Prof. John R. Crook, George Washington University Law School

10:45-11:00 am

BREAK

11:00 am-12:30 pm

PANEL 2: LEGITIMACY IN INTERNATIONAL LAW AND INSTITUTIONS

MODERATOR: Ambassador Jeff Bleich, Dentons US LLP

Theme Overview: Nonparticipation and Perceptions of Legitimacy

Prof. Bernard H. Oxman, University of Miami School of Law

The Legitimacy of Economic Sanctions as Countermeasures Against Wrongful Acts

Prof. Lori Damrosch, Columbia Law School

International Courts and Democratic Backsliding

Prof. Tom Ginsburg, University of Chicago Law School

Global Internet Governance Without the United Nations

Prof. David Kaye, UC Irvine School of Law

12:30-2:15 pm

LUNCH

Toast by Prof. Seokwoo Lee, Inha University Law School

Introduction by Neil Popović, Partner, Sheppard Mullin Richter & Hampton LLP

KEYNOTE ADDRESS: THE CARON ARBITRATOR RULE OF X

Prof. Lucy Reed, National University of Singapore Faculty of Law

2:15-4:00 pm

PANEL 3: LAW OF THE SEA AND INTERNATIONAL ENVIRONMENTAL LAW

Moderator: Prof. Holly Doremus, Berkeley Law

Theme Overview: Uses of the Oceans and the Law of the Sea

Prof. Harry N. Scheiber, Berkeley Law

Institutional Arrangements for the Oceans: From Zero to Indefinite

Ambassador Marie Jacobsson, Swedish Ministry for Foreign Affairs

Navigating Ocean Waters: The Problem of Straits

Prof. Nilufer Oral, Istanbul Bilgi University Faculty of Law and UN International Law Commission

New Law for the High Seas

Prof. Cymie R. Payne, Department of Human Ecology and School of Law, Rutgers University—Camden

The Counter-Nuclear Program and the Law of the Sea

Prof. James Kraska, US Naval War College and Harvard Law School

CLOSING REFLECTION

Prof. Richard M. Buxbaum, Berkeley Law

6:30-8:30 pm

DINNER

BANCROFT HOTEL, 2680 BANCROFT WAY, BERKELEY

Toast by Judge Joan E. Donoghue, International Court of Justice

Introduction by Prof. Richard M. Buxbaum, Berkeley Law

KEYNOTE ADDRESS: DAVID CARON: THE THEORETICIAN OF INTERNATIONAL COURTS AND TRIBUNALS

Judge Charles N. Brower, 20 Essex Street Chambers, London

BIOGRAPHIES

JEFF BLEICH

Jeff Bleich '83 is the former US Ambassador to Australia (2009-2013). He currently serves as CEO of Dentons Diplomatic Solutions, and as Chair of the Fulbright Foreign Scholarship Board. Bleich holds positions on a number of international boards and associations, including the East-West Center Board, RAND Australia, the US Studies Centre at Sydney University, Stanford University's Center on the Advanced Study of Behavioral Science, and the Amherst College Board of Trustees. He is a certified arbitrator by the American Arbitration Association.

Bleich previously served as Special Counsel to President Obama, senior advisor to the Director of National Intelligence, Chair of the California State University Board of Trustees, President of the California State Bar, President of the Bar Association of San Francisco, as well as leading or chairing several other non-profit organizations. He has taught International Human Rights, Constitutional Law, and Habeas Corpus at Berkeley Law. He holds a BA magna cum laude from Amherst College, an MPP from Harvard with highest honors, and a JD from Berkeley Law where he was Editor-in-Chief of the *California Law Review*, Order of the Coif, and a member of the Moot Court Board. He received honorary Doctorates from San Francisco State University and Flinders University. Bleich clerked for Chief Justice William Rehnquist of the US Supreme Court, Judge Abner Mikva of the US Court of Appeals for the DC Circuit, Judge Howard Holtzmann of the Iran-US Claims Tribunal at The Hague, and was the Special Rapporteur for the Permanent Court of Arbitration.

Bleich has received numerous awards, including the State Department's highest award for a non-career ambassador—the Sue M. Cobb Prize for Exemplary Diplomatic Service—and the highest civilian honors for public service from both the Director of National Intelligence and the Secretary of the Navy. He was elected a life member of the Council on Foreign Relations, the American Law Institute, and the American Bar Association Fellows, and serves on the national council of the American Society of International Law. January 8 was designated Jeff Bleich Day in San Francisco.

CHARLES N. BROWER

Judge N. Charles Brower and his very first law clerk, David D. Caron—long the C. William Distinguished Professor of Law at Berkeley Law and Judge Brower's successor in 2015 as a titular Judge of the Iran-United States Claims Tribunal in The Hague—are the only two Americans ever appointed by the United States of America as Judges ad hoc of the International Court of Justice (ICJ), as well as being the only two Americans who ever have been appointed ICJ Judges ad hoc twice (each by Colombia in separate earlier cases). Only two other Americans have ever been ICJ Judges ad hoc, each of them just once by countries other than the United States of America.

Apart from his service over a period of 35 years as a Judge at the Iran-United States Claims Tribunal and, since 2014, as Judge ad hoc of the ICJ, Brower also has served as Judge ad hoc of the Inter-American Court of Human rights (by appointment of Bolivia). He also has served as Acting Legal Adviser of the US Department of State and as Deputy Special Counsellor to the President of the United States of America (with sub-Cabinet rank as Deputy Assistant to the President).

He is a member of 20 Essex Street Chambers in London, and has served as Distinguished Visiting Research Professor of Law at George Washington University's School of Law in Washington DC. Between his positions in public service, he was long a partner in the international law firm of White & Case LLP, first in New York City, then in Washington DC.

Among the many prizes and honors bestowed on him, Brower is especially proud of the Stefan A. Riesenfeld Memorial Award given to him by Berkeley Law and its *Journal of International Law* in recognition of "outstanding achievements and contributions in the field of international law."

RICHARD M. BUXBAUM

Richard M. Buxbaum is the Jackson H. Ralston Professor of International Law (Emeritus) at Berkeley Law. He served as editor-in-chief of the *American Journal of Comparative Law* from 1987-2003. Buxbaum

founded and was dean of International and Area Studies at UC Berkeley from 1993-1999.

Buxbaum's recent publications have focused on post-World War II reparations and on victim compensation and restitution programs, in particular those of the Federal Republic of Germany pre- as well as post-unification. He was the US Commissioner on the Property Commission of the Treaty-based Foundation for Remembrance, Responsibility and the Future, which settled over 40,000 claims between 2001-2006.

He was appointed Honorary Professor of Law of Peking University, and has received honorary degrees from the Universities of Cologne, Osnabrück, Eötvös Lorand, McGill, Humboldt, and the Bucerus School of Law, as well as an Alexander von Humboldt Foundation Award for Humanities and Arts. He was elected to the American Academy of Arts and Sciences in 2001.

LEE M. CAPLAN

Lee M. Caplan is a partner at Arent Fox where his practice focuses on international arbitration, international investment law and policy, public international law, and corporate social responsibility. Caplan regularly appears before international tribunals in connection with complex international disputes arising out of concession agreements, investment treaties, and other international agreements.

Prior to joining Arent Fox, he worked in the US Department of State's Office of the Legal Adviser where he defended the United States in investment treaty arbitration and advised on US investment treaty negotiations, including negotiations to conclude the Investment Chapter of the Trans-Pacific Partnership (TPP) Agreement and a US-China bilateral investment treaty. He is co-author (with Professor David D. Caron) of a leading commentary on international arbitration entitled *The UNCITRAL Arbitration Rules: A Commentary* and of a leading commentary on the US Model Bilateral Investment Treaty in *Commentaries on Selected Model International Investment Agreements*.

Caplan serves as a member of the US delegation to the UN Commission on International Trade Law and an advisor to the US Department of Commerce's Commercial Law Development Program. He is an adjunct professor at the Georgetown University Law Center where he teaches a course on international courts and tribunals. Caplan has served as a law clerk at the Iran-US Claims Tribunal for Judge Charles N. Brower and has earned degrees from Berkeley Law and The Fletcher School of Law & Diplomacy.

ERWIN CHEMERINSKY

Erwin Chemerinsky became the 13th Dean of Berkeley Law on July 1, 2017, when he joined the faculty as the Jesse H. Choper Distinguished Professor of Law. Prior to assuming this position, he was the founding Dean and Distinguished Professor of Law, and Raymond Pryke Professor of First Amendment Law, at the UC Irvine School of Law from 2008-2017. Before that he was a professor at Duke University from 2004-2008, and from 1983-2004 was a professor at the University of Southern California Law School.

He is the author of ten books, including two books published by Yale University Press in 2017: *Closing the Courthouse Doors: How Your Constitutional Rights Became Unenforceable and Free Speech on Campus* (with Howard Gillman). He frequently argues appellate cases, including in the US Supreme Court.

In 2016, he was named a fellow of the American Academy of Arts and Sciences. In January 2017, National Jurist magazine again named him as the most influential person in legal education in the United States.

JOHN R. CROOK

John R. Crook teaches international arbitration at George Washington University Law School. He is a judge on NATO's Administrative Tribunal and frequently acts as arbitrator in international investment and other disputes at the World Bank's International Centre for Settlement of Investment Disputes, the Permanent Court of Arbitration, and other settings. He was a Commissioner on the Eritrea-Ethiopia Claims Commission, which successfully addressed extensive claims following the two countries' 1998-2000 war. Crook served for nearly three decades in the US State Department's Office of the Legal Adviser, where he was US Agent at the Iran-US Claims Tribunal in The Hague, was deeply involved in creating the UN Compensation Commission in Geneva, and appeared several times

before the International Court of Justice. After leaving the State Department and moving to Rome, he was General Counsel of the Multinational Force and Observers, which operates a peacekeeping force of soldiers and observers in the Sinai Desert.

Crook has written extensively on dispute settlement and is a member of the *American Journal of International Law*'s Board of Editors. He is past vice-president of the American Society of International Law.

LORI DAMROSCH

Lori Fislser Damrosch is the Hamilton Fish Professor of International Law and Diplomacy at Columbia Law School. Her principal areas of interest are public international law and the comparative constitutional law of foreign relations. Prior to joining Columbia in 1984, she served in the Office of the Legal Adviser of the US Department of State (1977-1981) and practiced with the New York law firm Sullivan & Cromwell (1981-1984).

Her publications include *International Law: Cases and Materials* (6th ed. 2014); *Beyond Confrontation: International Law in the Post-Cold War Era* (1995); *Enforcing Restraint: Collective Intervention in Internal Conflicts* (1993); *Law and Force in the New International Order* (1991); and *The International Court of Justice at a Crossroads* (1987).

She lectured at the Hague Academy of International Law on "Enforcing International Law Through Non-Forcible Measures" (1997) and has accepted the Hague Academy's invitation to deliver the general course on public international law in 2021.

Her leadership positions in the American Society of International Law (ASIL) have included editor-in-chief of the *American Journal of International Law* (2003-13) and ASIL vice president (1996-98), president-elect (2013-14), president (2014-16), and honorary vice president (2016-present). She was elected to the Institut de droit international in 2009.

JOAN E. DONOGHUE

Joan E. Donoghue has served as a Judge on the International Court of Justice since 2010. Prior to her election to the International Court, she had a long career in the US government, serving from 2007-2010 as the Principal Deputy Legal Adviser of the US Department of State (the senior career attorney).

In addition to her government service, Donoghue has taught courses at Berkeley Law, Georgetown University, and George Washington University. She has lectured on investment law in the UN regional training course in Addis Ababa, Ethiopia, and has participated in investor-state dispute settlement.

HOLLY DOREMUS

Holly Doremus is the James H. House and Hiram H. Hurd Professor of Environmental Regulation at UC Berkeley, Co-Director of the Law of the Sea Institute, and Co-Faculty Director of the UC Berkeley Institute for Parks, People, and Biodiversity. She is an elected Fellow of the American Association for the Advancement of Science. She holds a BS in biology from Trinity College (Hartford, CT), PhD in plant physiology from Cornell University, and JD from UC Berkeley. Her scholarship focuses on biodiversity protection, the intersection between property rights and environmental regulation, and the interrelationship of environmental law and science.

LAUREL E. FLETCHER

Laurel E. Fletcher is Clinical Professor of Law at Berkeley Law where she directs the International Human Rights Law Clinic, and is Co-Director of the Miller Institute for Global Challenges and the Law. She is active in the areas of human rights, humanitarian law, international criminal justice, and transitional justice. As director of the International Human Rights Law Clinic, Fletcher utilizes an interdisciplinary, problem-based approach to human rights research, advocacy, and policy.

Fletcher has advocated on behalf of victims before international courts and tribunals, and has issued numerous human rights reports on topics ranging from sexual violence in armed conflict to human rights violations of tipped workers in the US restaurant industry. She also has conducted several empirical human rights studies, including of the impact of detention on former detainees who were held in US custody in Afghanistan and Guantanamo Bay, Cuba. She served as co-Editor-in-Chief of the *International Journal of Transitional Justice* (2011-2015). Fletcher was selected as a Herbert Smith Visitor to the Faculty of Law in the University of Cambridge for 2019.

Her recent publications include “A Wolf in Sheep’s Clothing? Transitional Justice and the Effacement of State Accountability for International Crimes,” 39 *Fordham Intl LJ* 447 (2016); “Refracted Justice: The Imagined Victim and the International Criminal Court,” in *Contested Justice: the Politics and Practice of International Criminal Court Interventions* 302 (C.M. De Vos, Sara Kendall, and Carsten Stahn, eds., Cambridge, 2015); and “Writing Transitional Justice: An Empirical Evaluation of Transitional Justice Scholarship in Academic Journals,” 7 *J Hum Rts Prac* 177 (2015) (Harvey M. Weinstein, co-author). In 2009, she and Eric Stover published *The Guantanamo Effect: Exposing the Consequences of US Detention and Interrogation Practices* (UC Press).

TOM GINSBURG

Tom Ginsburg is the Leo Spitz Professor of International Law at the University of Chicago, where he focuses on comparative and international law from an interdisciplinary perspective. He holds BA, JD, and PhD degrees from UC Berkeley. His books include *Judicial Review in New Democracies* (2003), which won the C. Herman Pritchett Award from the American Political Science Association (APSA); *The Endurance of National Constitutions* (2009), which also won a best book prize from APSA; *Constitutions in Authoritarian Regimes* (2014); and *Judicial Reputation* (2015).

He currently co-directs the Comparative Constitutions Project, an effort funded by the National Science Foundation to gather and analyze the constitutions of all independent nation-states since 1789. Before entering law teaching, he served as a legal adviser at the Iran-US Claims Tribunal, The Hague, Netherlands, and he continues to work with numerous international development agencies and foreign governments on legal and constitutional reform. He is a member of the American Academy of Arts and Sciences.

CHRISTINA G. HIOUREAS

Christina G. Hioureas is Counsel in Foley Hoag’s International Litigation & Arbitration practice and Chair of the firm’s United Nations Practice Group, a group that she co-founded. Based in New York, Hioureas represents States, State-owned and private entities, and individuals on international commercial and investments arbitration disputes and public international law matters. Hioureas also advises States on matters before the United Nations and its bodies. She serves as arbitrator in international commercial disputes.

Hioureas’ practice includes: international investment treaty claims (ICSID, UNCITRAL); international commercial arbitration (ICC, ICDR/AAA, LCIA, Swiss Rules) and litigation; State-to-State disputes and advisory opinion proceedings before the International Court of Justice (ICJ); treaty drafting and interpretation; climate change and rising sea levels; international human rights claims; capacity building trainings for State Sovereigns; and energy law and pricing disputes.

In addition to her private practice, Hioureas served as the Special Legal Adviser to the Permanent Mission of the Republic of Cyprus to the United Nations, representing the State before the UN Sixth Committee to the General Assembly (Legal Affairs) and the UN Commission on International Trade Law (UNCITRAL). She served as an Adjunct Professor of Law at Fordham University School of Law and is currently on the teaching staff of the University of Piraeus, Department of International & European Studies—Energy Strategy, Law & Economics Program and the Yeosu Academy of International Law in the Republic of Korea.

MARIE JACOBSSON

Ambassador Marie Jacobsson is the Principal Legal Adviser on International Law at the Swedish Ministry for Foreign Affairs. She was a Member of the UN International Law Commission (ILC) from 2007-2016 and appointed Special Rapporteur for the topic, Protection of the Environment in Relation to Armed Conflicts in 2013. She has presented the Commission with three reports on the topic.

Jacobsson has served at the Legal Department of the Ministry for Foreign Affairs since 1987. Before that, she held a position at the Swedish Defence Staff as adviser on security policy matters.

The focus of her work at the Ministry for Foreign Affairs is on international peace and security matters. She has extensive experience of high-level multilateral and bilateral negotiations. In 2016 she was appointed Special Representative for Inclusive Peace Process.

Her present assignments include designation as arbitrator under Permanent Court of Arbitration, UN Convention on the Law of the Sea, the Protocol on Environmental Protection to the Antarctic Treaty and as alternate Arbitrator, Court of Conciliation and Arbitration within the OSCE. She is also Associate Professor of International Law at Lund University, Sweden.

Alongside her work at the Ministry for Foreign Affairs, Jacobsson has maintained a deep and on-going commitment to academic issues. She has published numerous articles on matters relating to international peace and security, weapons, law of the sea and the Polar Regions. Her PhD thesis focused on the Antarctic Treaty System.

DAVID KAYE

David Kaye is a professor of law at UC Irvine, and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Appointed by the UN Human Rights Council in June 2014, he has addressed, among other topics, growing repression of freedom of expression globally, encryption and anonymity as promoters of freedom of expression, the protection of whistleblowers and journalistic sources, the roles and responsibilities of private Internet companies, and the regulation of online content by social media and search companies. Early in his career he was a lawyer in the US State Department, handling issues such as the applicability of the Geneva Conventions in the wake of the attacks of September 11, 2001. His academic research and writing have focused on accountability for serious human rights abuses, international humanitarian law, and the international law governing use of force. A member of the Council on Foreign Relations and former member of the Executive Council of the American Society of International Law, he has also published essays in such publications as *Foreign Affairs*, *The New York Times*, *Foreign Policy*, *Just Security*, and *The Los Angeles Times*. He did his undergraduate and graduate work at UC Berkeley.

JAMES KRASKA

James Kraska is Chairman and Howard S. Levie Professor in the Stockton Center for International Law at the US Naval War College in Newport, Rhode Island, and Visiting Professor of Law at Harvard Law School. He is also Distinguished Fellow at the Law of the Sea Institute at Berkeley Law, Senior Fellow at the Center for Oceans Law and Policy at the University of Virginia School of Law, and Honorary Visiting Professor of Law at Gujarat National Law University. Previously he was John Harvey Gregory Lecturer on World Organization at Harvard Law School, Mary Derrickson McCurdy Visiting Scholar at Duke University, and Chief of Naval Research Fellow at Woods Hole Oceanographic Institution. He is on the faculty of the Rhodes Academy of Oceans Law & Policy and the Yeosu Academy of Law of the Sea and has taught at the Hague Academy of International Law.

Kraska has written numerous scholarly articles and is author or editor of nine books, including *Maritime Power* and *Law of the Sea* (Oxford), which won the Alfred Thayer Mahan Award for Literary Achievement; *Arctic Security in an Age of Climate Change* (Cambridge); and *The Free Sea: The American Fight for Freedom of Navigation* (Naval Institute).

Kraska served as an officer and lawyer in the US Navy, and was Director of International Negotiations on The Joint Staff. He is Permanent Member of the Council on Foreign Relations.

SEOKWOO LEE

Seokwoo Lee is Professor of International Law, Inha University Law School, Korea (2003-present). He was Chairman of the Foundation for the Development of International Law in Asia (DILA) (2012-2017). He is the Co-Editor-in-Chief of *Asia-Pacific Journal of Ocean Law and Policy* (APJOLP) and *Asian Yearbook of International Law* (AsianYBIL), the Executive Editor of *The Korean Journal of International and Comparative Law* (KJICL), the Co-Series Editor of the book series entitled *Maritime Cooperation in East Asia*, and the Associate Editor of *Brill Research Perspectives in the Law of the Sea*, all published by Brill.

He has authored more than 80 publications in English in addition to his more than 80 publications in Korean. His representative recent book publication in English is *The Making of International Law in Korea: From Colony to Asian Power* (co-authored, Brill/Nijhoff, 2016). He holds a D.Phil. (Oxford), LL.Ms (New York University, Minnesota, and Korea University), and LL.B (Korea University).

SAIRA MOHAMED

Saira Mohamed is a professor of law at Berkeley Law. Her primary interests are in the areas of criminal law and human rights. Her research examines the roles of criminal law and armed force in preventing and stopping widespread violence and considers the meaning of responsibility in mass atrocity crimes. Her most recent articles have appeared in the *Yale Law Journal*, *Columbia Law Review*, and *California Law Review*.

She is an elected member of the American Law Institute, a term member of the Council on Foreign Relations, and a member of the Executive Council of the American Society of International Law. Prior to joining Berkeley Law, she served in the Office of the Legal Adviser and the Office of the US Special Envoy for Sudan in the US Department of State.

NILUFER ORAL

Nilufer Oral is a member of the law faculty at Istanbul Bilgi University where she teaches courses in international law and international environmental law. She is a member of the UN International Law Commission (2017-2021). Oral has served as a legal advisor to the Turkish Foreign Ministry on matters related to the law of the sea and also served as a climate change negotiator for the Ministry between 2009 until 2016. She appeared before the International Tribunal for the Law of the Sea in the *Request for an advisory opinion by the Sub-Regional Fisheries Commission (SRFC) Case* on behalf of the IUCN. She is also a member of the Group of Experts of the Global Pact for the Environment.

Oral is a Distinguished Fellow of the Law of the Sea Institute at Berkeley Law. She was elected to the Council of the IUCN (2012-2016) and is currently a member of the IUCN World Commission on Environmental Law. In addition, she served as Co-chair of its Specialist Group on Oceans, Coasts and Coral Reefs (2006-2018); and was Chair of the IUCN Academy of Environmental Law (2014-2017).

Oral has lectured at various international fora including at the UN Regional Courses in International Law in Africa and Asia. She was a Distinguished Speaker at the Centre for International Law, National University of Singapore, and has lectured several times at the Rhodes Academy for the Law of the Sea. In 2016 she received the Judicial Institute of the State of Rio De Janeiro Award For Contribution to Environmental Law Education.

Oral is the series editor for the International Straits of the World publications (Brill). She also serves on the Board of Editors of the *European Journal of International Law* and is an Associate Editor of the *Research Perspectives in the Law of the Sea* (Brill).

BERNARD H. OXMAN

Bernard H. Oxman is Richard A. Hausler Professor of Law at the University of Miami School of Law. He has served as co-editor-in-chief of the *American Journal of International Law* (AJIL) and as judge ad hoc at the International Court of Justice and the International Tribunal for the Law of the Sea, in addition to serving as arbitrator and as counsel in public and private international cases.

Oxman received his AB from Columbia College and his JD from Columbia Law School. He then

served on active duty in the International Law Division of the Office of the Judge Advocate General of the Navy, for which he was awarded the Navy Commendation Medal, after which he joined the US Department of State, where he was the first Assistant Legal Adviser for Oceans, Environment, and Scientific Affairs. He participated in the negotiation of the UN Convention on the Law of the Sea as US Representative to the Third UN Conference on the Law of the Sea and chair of the English Language Group of the Conference Drafting Committee.

He teaches conflict of laws, international law, law of the sea, and torts at Miami, and has also taught at Berkeley, Johns Hopkins (SAIS), Paris II (Assas), and Stanford. He was associate dean at Miami from 1987-1990, and currently directs the law school's Master of Laws Program in Maritime Law. Elected to the American Law Institute, the Council on Foreign Relations, and the Institut de Droit international, he is the recipient of the American Society of International Law's Déak prize for his publications in the *AJIL*, and the Distinguished Faculty Scholar award of the University of Miami. He has written extensively on the law of the sea and other international law topics.

CYMIE R. PAYNE

Cymie R. Payne is Associate Professor in the Department of Human Ecology/School of Environmental and Biological Sciences and the Law School at Rutgers University, and a member of the Institute of Earth, Ocean and Atmospheric Sciences.

As legal counsel before the International Tribunal for the Law of the Sea in Hamburg on behalf of the International Union for Conservation of Nature (IUCN), she has represented the interests of the international community in the marine environment, and has provided expert advice before other international courts, including the International Court of Justice. Currently, she advises the IUCN delegation to the UN intergovernmental conference on conservation and sustainable use of marine biodiversity of the high seas. She previously practiced natural resource and environmental law with the US Department of the Interior, the law firm of Goodwin, Procter, and as counsel to the UN Compensation Commission in Geneva, Switzerland, addressing legal responsibility of aggressor states for the restoration and remediation of damage to the environment from armed conflict. As Director of the Global Commons Project at Berkeley Law's Center for Law, Energy and the Environment, she focused on the linkage of state and international climate policy; she was also a lecturer in residence on international courts and climate change law.

She currently serves on the Program Committee of the American Society for International Law as Chair of the Steering Committee for the Signature Topic "Beyond National Jurisdiction." She is the Chair of the International Union for Conservation of Nature (IUCN) World Commission on Environmental Law (WCEL) Specialist Group for Ocean, Coasts and Coral Reefs. She is also a member of the International Law Association Committee on Sustainable Natural Resource Management for Development; and the International Council of Environmental Law. She holds a Master's degree from The Fletcher School of Law and Diplomacy and a JD from UC Berkeley.

NEIL POPOVIĆ

Neil Popović is a partner at Sheppard Mullin Richter & Hampton LLP in San Francisco, where he leads the firm's International Litigation and Arbitration Team. Popović teaches International Environmental Law and International Arbitration at Berkeley Law, and also serves as a Project Complaint Mechanism Expert for the European Bank for Reconstruction and Development, where he investigates and adjudicates complaints alleging violation of the Bank's Environmental and Social Policies. He was previously a shareholder at Heller Ehrman LLP, and before that he worked in the International Program at the Sierra Club Legal Defense Fund (now Earthjustice). Popović sits on the Research Advisory Board of the Center for Law, Energy and the Environment at Berkeley Law. He serves as Co-Chair of the Northern California International Arbitration Club, and sits on the Executive Committee of the

International Law Section of the California Lawyers Association, as well as the California International Arbitration Council.

Popović received his AB from UC Berkeley (1983), his JD from Berkeley Law (1987), and an MA in International Relations from the Fletcher School of Law and Diplomacy at Tufts University (1992), where he was Ford Foundation Fellow in Public International Law. He also studied at the Academy of European Law (1995). He served as a law clerk to the Honorable Alicemarie H. Stotler of the US District Court for the Central District of California, and was a judicial extern for Justice Joseph R. Grodin of the Supreme Court of California.

LUCY REED

Lucy Reed joined the National University of Singapore Law Faculty in 2016 after retiring from the international firm Freshfields, where she led the international arbitration and public international law groups. She is active as an arbitrator, and is a Vice-President of the Singapore International Arbitration Centre and of the International Council for Commercial Arbitration. Reed served as a Commissioner on the Eritrea-Ethiopia Claims Commission and Co-Director of the Claims Resolution Tribunal for Dormant Accounts in Switzerland. While with the US State Department's Office of the Legal Adviser, she was the US Agent to the Iran-US Claims Tribunal. She later became the General Counsel of the Korean Peninsula Energy Development Organization (an International Organization based in New York), in which capacity she led negotiations on nuclear issues with North Korea. Reed, who has published and spoken widely on international dispute resolution topics, delivered Hague Lectures on Private International Law in 2001. She is a member of the Council on Foreign Relations. She received her BA from Brown University in 1974 and her JD from the University of Chicago in 1977.

She is proud that she followed her good friend David Caron as Chair of the Institute for Transnational Arbitration and preceded him as President of the American Society of International Law.

HARRY N. SCHEIBER

Harry N. Scheiber is the Director of the Institute for Legal Research and Chancellor's Emeritus Professor at Berkeley Law. He is also former Director of Berkeley Law's Law of the Sea Institute and the Sho Sato Program on Japanese and US Law, and former Chair of the UC Berkeley Division of the Academic Senate. He has twice held Guggenheim Fellowships, was Distinguished Senior Fulbright Lecturer to Australia, and has held other fellowships and lectureships in Japan, Sweden, Taiwan, and Argentina and from the Center for Advanced Study in the Behavioral Sciences and the Rockefeller Foundation. He holds a PhD in history from Cornell University and an honorary doctorate in law from Uppsala University, Sweden, and is an elected fellow of the American Academy of Arts and Science and an honorary life fellow and former president of the American Society for Legal History. In 2012 Scheiber was honored with Berkeley Law's Riesenfeld Award for distinguished contributions to international law, and with the campus's highest award, the Berkeley Citation, in recognition of his scholarship and his work on behalf of the University. He is also the recipient of the 2015 Berkeley Faculty Service Award, which honors a member of the Academic Senate who has given outstanding and dedicated service to the Berkeley campus.

Author of more than 200 articles in journals of law, history, economics, and coastal and ocean policy, he has written extensively on international ocean resources and regimes, and on American legal and constitutional history, federalism and legal process, and economic history and policy. His most recent work includes *Ocean Law Debates: The 50-Year Legacy and Emerging Issues for the Years Ahead* (2018, co-editor with Nilufer Oral and Moon Sang Kwon); *Bayonets in Paradise: Martial Law in Hawai'i During World War II* (2016, co-author with Jane L. Scheiber); *Constitutional Governance and Judicial Power: The History of the California Supreme Court* (2016, editor); and *Ocean Law and Policy: 20 Years Under UNCLOS* (2016, co-editor with Carlos Espósito, James Kraska, and Moon Sang Kwon).

The Honorable G. William and Ariadna Miller Institute for Global Challenges and the Law is an internationally-focused research and policy center at Berkeley Law. Through interdisciplinary collaborations and institutional partnerships, the Miller Institute addresses urgent challenges that demand innovative, global approaches, including promoting the rule of law, climate and energy justice, anti-corruption, and human rights.

Our work is guided by Berkeley Law's distinguished international and comparative law faculty and informed by the expertise of scholars and practitioners worldwide. The approach is collaborative, interdisciplinary, and strategic. Our initiatives and advocacy work target critical situations where we are uniquely equipped to promote lasting change.

The Honorable G. William and Ariadna Miller
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