

ROBERT D. SLOANE**PROFESSOR OF LAW, BOSTON UNIVERSITY SCHOOL OF LAW**

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**ACADEMIC APPOINTMENTS**

Boston University School of Law, Boston, MA

Professor of Law 2012-present

Associate Professor of Law 2006-2011

- research interests — international law, the law of armed conflict, international commercial and investor-state arbitration, national security law, international dispute resolution, foreign relations law, international criminal law, international human rights, international legal theory, criminal law
- courses taught — International Law, Criminal Law, International Human Rights, National Security Law, Foreign Relations Law, International Arbitration, Transnational Criminal Law
- adviser, International Law Society; National Security Law Society; International Human Rights Law Society; Boston University International Law Journal (co-adviser)
- adviser (2006-present) and volunteer judge, Philip C. Jessup International Moot Court (periodic)
- committee service — Foreign and Graduate Programs, J.D. Curriculum, Academic Conferences

Visits and Other Temporary Appointments

The Fletcher School of Law and Diplomacy, Medford, MA Spring 2012

Visiting Associate Professor of Law

Harvard Law School, Cambridge, MA Spring 2011

John Harvey Gregory Lecturer on World Organization & Visiting Associate Professor

University of Michigan Law School, Ann Arbor, MI Spring 2010

Visiting Associate Professor of Law

Columbia Law School, New York, NY 2005-06

Associate-in-Law

Yale Law School, New Haven, CT 2004-05

Visiting Lecturer-in-Law; Orville H. Schell, Jr. Research Fellow

EDUCATION

The Hague Academy of International Law, The Hague, The Netherlands

Diploma (Public International Law) 2007

- awarded on a highly selective basis based on a five-hour written exam and subsequent oral exam administered by the Academy's instructors

Yale Law School, New Haven, CT

J.D. 2000

- Executive Editor, *Yale Journal of Law and the Humanities*

Columbia College, New York, NY

B.A., Philosophy, *magna cum laude*, Departmental Honors in Philosophy 1996

AWARDS

- Francis Lieber Prize for *The Cost of Conflation: Preserving the Dualism of Jus ad Bellum and Jus in Bello in the Contemporary Law of War*, 34 YALE J. INT'L L. 47 (2009) (awarded annually by the American Society of International Law's Francis Lieber Society for outstanding scholarship in 2010)

the field of the law of armed conflict by an author 35 years or younger)	
• Faculty Scholarship Award, Boston University School of Law	2008-09
• Francis Lieber Prize Certificate of Merit for <i>Prologue to a Voluntarist War Convention</i> , 106 MICH. L. REV. 443 (2007) (awarded annually by the American Society of International Law's Francis Lieber Society for outstanding scholarship in the field of the law of armed conflict by an author 35 years or younger)	2008
• Khosla Memorial Fund for Human Dignity Prize, Yale Law School	2000

PUBLICATIONS

Articles, Essays, Book Chapters, and Reviews:

- *ICSID's Control System Revisited*, in THE CONCEPTUAL FOUNDATIONS OF INTERNATIONAL INVESTMENT LAW: BRIDGING THEORY INTO PRACTICE (Zachary Douglas et al. eds., forthcoming) (in progress)
- *Taking Stock Ten Years In: COIN, Casualties, and Costs in the Long War — An Introduction*, B.U. INT'L L.J. (forthcoming)
- *On the Use and Abuse of Necessity in the Law of State Responsibility*, 105 AM. J. INT'L L. (forthcoming) (selected for presentation at the 2012 Yale-Stanford-Harvard Junior Faculty Forum)
- *Puzzles of Proportion: Ethics, Rhetoric, and the Political Foundations of Proportionality in Asymmetric Warfare*, Panel 29: New Battlefields/Old Laws: Shaping a Legal Environment for Counterinsurgency, 105 AM. SOC'Y INT'L LAW PROC. 370 (2011)
- *The International Criminal Tribunal for Rwanda*, in THE RULES, PRACTICE, AND JURISPRUDENCE OF INTERNATIONAL COURTS AND TRIBUNALS (2012)
- *The Puzzling Persistence of Curtiss-Wright-Based Theories of Executive Power*, 37 WM. MITCHELL L. REV. 5072 (2011)
- LOOKING TO THE FUTURE: ESSAYS ON INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN (Mahnoush H. Arsanjani et al. eds., 2011) (coeditor and contributor)
- *Introduction*, in LOOKING TO THE FUTURE: ESSAYS ON INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN (Mahnoush H. Arsanjani et al. eds., 2011) (with Mahnoush H. Arsanjani, Jacob Katz Cogan, and Siegfried Wiessner)
- *Human Rights for Hedgehogs? International Law, Global Value Pluralism, and Some Reservations of the Fox*, 90 B.U. L. REV. 975 (2010)
- Book Review, 104 AM. J. INT'L L. 549 (2010) (reviewing AARON FICHTELBERG, LAW AT THE VANISHING POINT (2008))
- *The Constitutionality of Decolonization by Associated Statehood: Puerto Rico's Legal Status Reconsidered*, 50 B.C. L. REV. 1123 (2009) (with Gary Lawson)
- *More Than What Courts Do: Jurisprudence, Decision, and Dignity — In Brief Encounters and Global Affairs*, 34 YALE J. INT'L L. 517 (2009)
- *Breaking the Genuine Link: The Contemporary International Legal Regulation of Nationality*, 50 HARV. INT'L L.J. 1 (2009), excerpted in INTERNATIONAL LAW: CASES AND COMMENTARY 383 (Mark W. Janis and John E. Noyes eds., 4th ed. 2010)
- *The Cost of Conflation: Preserving the Dualism of Jus ad Bellum and Jus in Bello in the Contemporary Law of War*, 34 YALE J. INT'L L. 47 (2009)
- *Sentencing*, in THE OXFORD COMPANION TO INTERNATIONAL CRIMINAL JUSTICE 509 (Antonio Cassese ed., 2008)
- *The Scope of Executive Power in the Twenty-First Century*, 88 B.U. L. REV. 341 (2008)
- Book Review, 102 AM. J. INT'L L. 197 (2008) (reviewing MARK DRUMBL, ATROCITY, PUNISHMENT, AND INTERNATIONAL LAW (2007))
- *Prologue to a Voluntarist War Convention*, 106 MICH. L. REV. 443 (2007), reprinted in WAR CRIMES AND LAW (Avila P. Menon ed., 2008)
- *The Policies of State Succession: Balancing Self-Determination and Global Order in the Twenty-*

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- First Century*, 30 FORDHAM INT'L L.J. 1288 (2007) (reviewing TAI-HENG CHENG, STATE SUCCESSION AND COMMERCIAL OBLIGATIONS (2006))
- *The Expressive Capacity of International Punishment: The Limits of the National Law Analogy and the Potential of International Criminal Law*, 43 STAN. J. INT'L L. 39 (2007), reprinted in full in THE GLOBALIZATION OF CRIMINAL JUSTICE (Michael Bohlander ed., 2010); reprinted as abridged in CRIME AND PUNISHMENT: EMERGING TRENDS (K. Prassana Rani ed., 2008); and excerpted in INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW (David Luban et al. eds., 2009)
 - *Sentencing for the "Crime of Crimes": The Evolving "Common Law" of Sentencing of the International Criminal Tribunal for Rwanda*, 5 J. INT'L CRIM. JUST. 713 (2007)
 - *Indirect Expropriation and its Valuation in the BIT Generation*, 74 BRIT. Y.B. INT'L L. 115 (2004) (with W. Michael Reisman), excerpted in FOREIGN INVESTMENT DISPUTES: CASES, MATERIALS AND COMMENTARY (R. Doak Bishop et al. eds., 2005)
 - *Measures Necessary to Ensure: The ICJ's Provisional Measures Order in Avena and Other Mexican Nationals*, 17 LEIDEN J. INT'L L. 673 (2004)
 - *An Offer of Firm Resettlement*, 36 GEO. WASH. INT'L L. REV. 47 (2004) (quoted in *Maharaj v. Gonzalez*, 450 F.3d 961 (9th Cir. 2006) (en banc); and *Diallo v. Ashcroft*, 381 F.3d 687 (7th Cir. 2004))
 - *AEDPA's "Adjudication on the Merits" Requirement: Collateral Review, Federalism, and Comity*, 78 ST. JOHN'S L. REV. 615 (2004)
 - *The Changing Face of Recognition in International Law: A Case Study of Tibet*, 16 EMORY INT'L L. REV. 107 (2002)
 - *Outrelativizing Relativism: A Liberal Defense of the Universality of International Human Rights*, 34 VAND. J. TRANSNAT'L L. 527 (2001), excerpted in INTERNATIONAL LAW TODAY (Anthony D'Amato & Jennifer Abbassi eds., 2006)
 - *The Incident at Cavalese and Strategic Compensation*, 94 AM. J. INT'L L. 505 (2001) (with W. Michael Reisman)

Reports, Press Articles, Briefing Papers, and Other Writings:

- *Tibet, Cynical Sinicism, and the Tragedy of Self-Immolations*, EAST ASIA FORUM, May 9, 2012
- TIBET JUSTICE CENTER, TIBET'S STATELESS NATIONALS II: TIBETAN REFUGEES IN INDIA (researcher, coauthor, and general editor) (2011)
- Book Note, 6 J. INT'L CRIM. JUST. 399 (2008) (reviewing BETH VAN SCHAACK AND RONALD C. SLYE, INTERNATIONAL CRIMINAL LAW AND ITS ENFORCEMENT (2007))
- FUTURE STATUS OPTIONS AND PROCESSES FOR PRESERVING THE RIGHT TO SELF-DETERMINATION OF THE COMMONWEALTH OF PUERTO RICO (2006) (with W. Michael Reisman), reprinted in Senate Hearing No. 109-796, Report by the Presidential Task Force on Puerto Rico's Status Before the Committee on Energy and Natural Resources, 109th Cong. 99 (2006)
- TIBET JUSTICE CENTER, TIBET'S STATELESS NATIONALS: TIBETAN REFUGEES IN NEPAL (2002) (researcher and coauthor)
- TIBET JUSTICE CENTER, A GENERATION IN PERIL: THE LIVES OF TIBETAN CHILDREN UNDER CHINESE RULE (2001) (researcher and author)
- Legal Strategies for Enforcing a Vaccine Purchase-Commitment Contract, Commissioned by the World Health Organization (2001) (with Alison D. Morantz)
- Procedures for Resolving the Kosovo Problem, Report to the United Nations Association (with W. Michael Reisman and Monica Hakimi) (Dec. 12, 2001)
- INTERNATIONAL CAMPAIGN FOR TIBET, JAMPA: THE STORY OF RACISM IN TIBET (2001) (researcher and coauthor)
- Torture in Tibet, A Report to the United Nations Committee Against Torture (2000)
- HUMAN RIGHTS WATCH, "NOBODY'S CHILDREN": JAMAICAN CHILDREN IN POLICE LOCK-UPS AND GOVERNMENT INSTITUTIONS (1999) (researcher and coauthor)
- *International Customary Law and Antipersonnel Landmines: Emergence of a New Customary Norm*, in INTERNATIONAL CAMPAIGN TO BAN LANDMINES, LANDMINE MONITOR REPORT 1999: TOWARD A MINE-FREE WORLD (1999) (coauthor)

PRESENTATIONS

- "On the Use and Abuse of Necessity in Contemporary International Law," *Harvard-Yale-Stanford Junior Faculty Forum*, Harvard Law School, June 1, 2012
- "On the Use and Abuse of Necessity in Contemporary International Law: A Critique and Agenda for Reform," Faculty Colloquium, New York Law School, Mar. 21, 2012
- Panelist, *A Celebration of Ruti Teitel's "Humanity's Law,"* Harvard Law School, Dec. 2, 2011
- "Targeted Killings: Legal, Political, and Strategic Dimensions," *AfPak Strategy*, Boston University Department of Political Science, Nov. 14, 2011
- Moderator, *Because It Is Wrong: Torture, Privacy, and Presidential Power in the Age of Terror*, with authors Charles Fried and Gregory Fried, Boston University School of Law, Nov. 11, 2011
- *Ten Years In: Appraising the International Law of the "Long War" in Afghanistan and Pakistan*, Boston University School of Law, Oct. 14, 2011 (conference organizer, speaker, panel moderator)
- "Puzzles of Proportion: Ethics, Rhetoric, and the Political Foundations of Proportionality in Asymmetric Warfare," Panel, *New Battlefields/Old Laws: Shaping a Legal Environment for Counterinsurgency*, Annual Meeting of the American Society of International Law, Mar. 25, 2011
- "On the Use and Abuse of Necessity in Contemporary International Law: A Critique and Agenda for Reform," Faculty Workshop, Vanderbilt Law School, Jan. 11, 2011
- "On the Use and Abuse of Necessity in Contemporary International Law: A Critique and Agenda for Reform," Faculty Workshop, Boston University School of Law, Nov. 18, 2010
- "Puzzles of Proportion: Ethics, Rhetoric, and the Political Foundations of Proportionality in Asymmetric Warfare," Panel, *War, Philosophy, and International Law*, Annual Meeting, American Branch of the International Law Association, Oct. 23, 2010
- "Puzzles of Proportion: Ethics, Rhetoric, and the Political Foundations of Proportionality in Asymmetric Warfare," Faculty Conference, *Does International Law Still Work for the United States?*, U.S. Naval War College, July 28, 2010
- "On the Use and Abuse of Necessity in Contemporary International Law," Faculty Workshop, George Washington University School of Law, Apr. 5, 2010
- "On the Use and Abuse of Necessity in Contemporary International Law," Legal Theory Workshop, University of Michigan Law School, Mar. 16, 2010
- "Human Rights for Hedgehogs? International Law, Global Value Pluralism, and Some Reservations of the Fox," *Georgia Int'l Law Colloquium*, University of Georgia School of Law, Feb. 5, 2010
- "Proportionality and Asymmetric Warfare: Lessons from the Gaza Conflict," Faculty Workshop, Boston College Law School, Dec. 11, 2009
- "Proportionality and Asymmetric Warfare: Lessons from the Gaza Conflict," Faculty Workshop, Syracuse Law School, Nov. 2, 2009
- "Human Rights for Hedgehogs? International Law, Global Value Pluralism, and Some Reservations of the Fox," *A Conference on Ronald Dworkin's Forthcoming Book "Justice for Hedgehogs,"* Boston University School of Law, Sept. 26, 2009
- "The Cost of Conflation: Preserving the Dualism of *Jus ad Bellum* and *Jus in Bello* in the Contemporary Law of War," *Greater Philadelphia Philosophy Consortium*, Drexel University, Apr. 25, 2009
- "More Than What Courts Do: Law, Jurisprudence, and Decision — in Brief Encounters and Global Affairs," Conference, *Realistic Idealism in International Law: A Conference in Honor of W. Michael Reisman*, Yale Law School, Apr. 24, 2009
- "The Cost of Conflation: Preserving the Dualism of *Jus ad Bellum* and *Jus In Bello* in the Contemporary Law of War," Faculty Workshop, UC Hastings College of the Law, Oct. 28, 2008
- "International Human Rights Advocacy After 9/11," Boston University, Conference, *The Universal Declaration of Human Rights at Sixty*, Sept. 24, 2008
- "The Cost of Conflation: Preserving the Dualism of *Jus ad Bellum* and *Jus in Bello* in the Law of War," Faculty Workshop, Stanford Law School, May 7, 2008

- "Justice for Mass Atrocities and the Problem of Time," Robert L. Bernstein International Human Rights Fellowship Symposium, *Justice Delayed? The Impact of Time on the Trials of Gross Atrocities*, Yale Law School, Apr. 4, 2008
- "Prologue to a Voluntarist War Convention," Workshop, SMU Dedman Law School, Oct. 26, 2007
- "A Colonial Anachronism: Prospects for Self-Determination for Tibet," Conference, *The Legal and Political Status of Tibet*, University of Virginia School of Law, Oct. 16, 2007
- "The Scope of Executive Power," Conference, *The Role of the President in the 21st Century*, Boston University School of Law, Oct. 12, 2007
- "The Inchoate International Crime of Professional Facilitation," Conference, *The Nuremberg Doctors' Trial: 60 Years Later*, Boston University, Mar. 30, 2007
- "Prologue to a Voluntarist War Convention," Symposium, *Modern Warfare: The Role of the Non-State Actor*, New England School of Law, Feb. 23, 2007
- "The Relevance of International Sources in Constitutional Interpretation," Conference, *The Role of the Judge in the 21st Century*, Boston University School of Law, Apr. 22, 2006

JUDICIAL CLERKSHIPS

JUDGE GERARD E. LYNCH	2003-04
United States Court of Appeals for the Second Circuit ¹	
JUDGE ROBERT D. SACK	2001-02
United States Court of Appeals for the Second Circuit	

PRACTICE

VARIOUS CLIENTS	2000-present
<i>Consultant</i>	
<ul style="list-style-type: none"> • prepare expert opinions and legal memoranda on international law for foreign sovereigns, multinational investors, and law firms in connection with public international, investor-state, and international commercial arbitrations in fora including the International Court of Justice, the International Tribunal for the Law of the Sea, and arbitral tribunals operating under the auspices of the International Centre for the Settlement of Investment Disputes, the International Chamber of Commerce, and the Permanent Court of Arbitration • cowrote (with Prof. W. Michael Reisman, Yale Law School) a study for the Status Commission of the Popular Democratic Party of Puerto Rico on the legal status of Puerto Rico and the right of its people to self-determination in international and U.S. constitutional law • cowrote (with Prof. Alison D. Morantz, Stanford Law School) a study commissioned by the WHO on the enforceability of a vaccine purchase-commitment contract • served as secretary of the tribunal and drafted the final award in an international commercial arbitration under the auspices of the International Chamber of Commerce 	

¹ At the time I worked for him, Judge Lynch served on the United States District Court for the Southern District of New York. In 2009, he joined the United States Court of Appeals for the Second Circuit.

DEBEVOISE & PLIMPTON LLP

2002-03

Litigation Associate

- worked as a member of the litigation team representing Mexico in the *Avena and Other Mexican Nationals (Mex. v. U.S.)*, 2003 I.C.J. 6 (Feb. 5); 2004 I.C.J. 1 (Mar. 31)
- served as secretary of the tribunal and drafted the award in a AAA international commercial arbitration involving the intersection of E.C. law and GATT/WTO obligations arising out of the "Banana War"
- wrote memoranda and memorials in connection with investor-state arbitrations
- successfully represented an asylum petitioner from the Democratic Republic of the Congo in removal proceedings in Immigration Court

TIBET JUSTICE CENTER (INTERNATIONAL COMMITTEE OF LAWYERS FOR TIBET)
Chairman, Board of Directors; Robert L. Bernstein Fellow in International Human Rights (Yale Law School post-graduate fellowship)

2000-01 (and continuing pro bono work)

- supervise and coordinate the Center's work
- contribute to and edit the Center's reports and provide expert advice, affidavits, and oral testimony on behalf of Tibetan asylum applicants
- organized and led fact-finding missions to Nepal and India to investigate human rights conditions for Tibetans
- wrote submissions on behalf of the Tibetan government-in-exile and Tibet Justice Center for the former U.N. Commission on Human Rights (now the Human Rights Council), the Committee Against Torture, and the Committee on the Rights of the Child
- successfully represented asylum petitioner in affirmative proceedings

HUMAN RIGHTS WATCH
Researcher/Consultant

1998-2000 (periodic)

- conducted a fact-finding mission to Jamaica to investigate its juvenile justice system and the unlawful detention of children in adult police lock-ups and prisons; interviewed police, prison guards, government officials, and detainees
- coauthored resulting human rights report and engaged in related media advocacy in Jamaica
- drafted *amicus curiae* briefs on asylum and capital punishment issues for submission to the Supreme Court and federal circuit courts

SIMPSON THACHER & BARTLETT LLP

May-Aug. 1999

Summer Associate and Cyrus R. Vance Fellow in International Human Rights

- carried out research on the Foreign Corrupt Practices Act and in connection with several international commercial arbitrations
- successfully represented a detained ethnic Albanian from Kosovo in asylum and removal proceedings

ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS LAW CLINIC
Student Attorney; Student Director (1999-2000)

1998-2000

- supervised and coordinated student work
- researched and wrote briefs, memoranda, and other documents for advocacy projects and litigation on behalf of victims of human rights violations, including *Kadić v. Karadžić*, 70 F.3d 242 (2d Cir. 1995)

INTERNATIONAL CAMPAIGN FOR TIBET

May-Aug. 1998

Researcher

- conducted field research in regions of India and Nepal, interviewing Tibetan refugees, torture victims, and former prisoners of conscience
- wrote a report based on this research (submitted at the U.N. World Conference Against Racism, Durban, South Africa)

BAR ADMISSIONS, MEMBERSHIPS, COMMITTEE AND OTHER SERVICE

- Bar Admissions — New York State (2001), Southern District of New York (2004)
- 2012-2015, Executive Council, American Society of International Law
- 2009-2010, Awards Committee, American Society of International Law
- 2008-present, Fellowship Selection Committee, Yale Law School's Robert L. Bernstein Fellowship in International Human Rights
- 2000-present, American Society of International Law (interest group membership: Francis Lieber Society; international arbitration; international legal theory; international criminal law; teaching international law)