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## EMPLOYMENT

**The Fletcher School of Law and Diplomacy, Tufts University, Medford, Massachusetts: Professor of International Law, 1989 - present (Assistant 1989-1994; Associate 1994-1998); Academic Dean 1998 to 2001; Dean *ad interim* in 2000 and 2001.** Responsible for courses in legal aspects of international economic relations, including International Trade Law, Legal Aspects of International Business Transactions, International Financial and Fiscal Law, Seminar on International Law and International Relations, and Seminar on Legal Aspects of Globalization. Recipient of the James L. Paddock Teaching Award for 1997.

Research interests in international trade, international economic integration, and international business and finance regulation. Recent publications, presentations and other professional activities are described on Appendices A, B and C. Member of Boards of **American Journal of International Law** (2001 to present), **Journal of International Economic Law** (2000 to present), **European Journal of International Law** (2000 to present), **Singapore Yearbook of International Law** (2005 to present), **Cambridge Review of International Affairs** (2006 to present). Occasional referee for International Organization, International Review of Law and Economics, World Trade Review, Economics and Politics, Cambridge University Press, and Oxford University Press. Chairman of the American Society of International Law International Economic Law Interest Group, 1995 to 1997. Honorary Secretary of American Branch of International Law Association, 1994 to 1998.

**Harvard Law School, Cambridge, Massachusetts: Manley O. Hudson Visiting Professor of Law, Fall 2002; Nomura Visiting Professor of International Financial Systems, Fall 2004.**

**Shearman & Sterling, New York and Hong Kong, 1980 - 1989 (admitted to the Bar of the State of New York in 1981 and of the District of Columbia in 1984).** Wide experience in international business and financial transactions and regulation. Responsibilities and clients are described on Appendix D.

## EDUCATION

**Harvard Law School, Juris Doctor 1980.** Editor in chief of Harvard International Law Journal. Vice-president of Harvard International Law Society. Selected for Harvard team, Jessup International Law Moot Court Competition. Research assistant to President Derek Bok.

**Columbia College, Bachelor of Arts (Political Science) 1977.**

**London School of Economics, General Course Certificate (International Relations) 1976.**

## **Appendix A: Recent Written Work**

### Book Manuscripts:

The International Law of Economic Migration: Toward the Fourth Freedom (in progress).

The Economic Structure of International Law, Harvard University Press 2008.

Transcending the Ostensible: Essays on Developing Countries in the WTO Legal System (co-editor with Chantal Thomas, and chapter author), Oxford University Press 2008.

Ruling the World: Constitutionalism, International Law, and Global Governance (co-editor with Jeffrey Dunoff, and chapter author), Cambridge University Press 2008.

International Law and International Politics: A Reader, Ashgate Press 2008 (editor).

### Books:

Collected Essays: The International Economic Law Revolution and the Right to Regulate (Cameron May, 2006).

### Published Articles and Chapters (all book chapters were commissioned papers)

1. *Canada-Wheat: Discrimination, Non-Commercial Considerations, and the Right to Regulate Through State Trading Enterprises* (with Bernard Hoekman), 7 (Special Issue 1) *World Trade Review* 45 (2008).
2. *Subsidization, Price Suppression, and Expertise: Causation and Precision in Upland Cotton* (with André Sapir), 7 (Special Issue 1) *World Trade Review* 183 (2008).
3. *Measuring the Shadow of the Future* (with George Norman), 2008:1 *Illinois Law Review*.
4. *International Economic Law Research: A Taxonomy*, in *International Economic Law: The State and Future of the Discipline* (Colin B. Picker, Isabella D. Bunn & Douglas W. Arner, eds., 2008).
5. *Embedding Mutual Recognition at the WTO*, 14:5 *Journal of European Public Policy* 780 (2007).
6. *Regulatory Jurisdiction and the WTO*, 10 *Journal of International Economic Law* 1093 (2007).
7. *The WTO Cathedral*, 43 *Stanford Journal of International Law* 127 (2007).

8. *Welcome to Cosmopolis, World of Boundless Opportunity*, 39 *Cornell International Law Journal* 477 (2006).
9. *International Trade: Regionalism*, in *Handbook of International Economic Law* (Andrew Guzman & Alan Sykes, eds. 2006).
10. *The World Trade Organization*, entry in *ENCYCLOPEDIA OF GLOBALIZATION* (Roland Robertson & Jan Aart Scholte, eds., 2006).
11. *The Constitutions of the WTO*, 17 *European Journal of International Law* 623 (2006).
12. *The World Trading System, the International Legal System and Multilevel Choice*, 12 *European Law Journal* 469 (2006).
13. *Unilateralism and Multilateralism in U.S. Human Rights Laws Affecting International Trade*, in *International Trade and Human Rights: Foundations and Conceptual Issues* (Frederick Abbott, Christine Breining-Kaufmann & Thomas Cottier, eds. 2006).
14. *International Decisions--United States: Measures Affecting the Cross-Border Supply of Betting and Gambling Services*, 99 *American Journal of International Law* 861 (2005).
15. *Global Cyberterrorism, Jurisdiction, and International Organization*, in *The Law and Economics of Cybersecurity* (Mark Grady & Francesco Parisi, eds. 2005).
16. Comment on Jorg Polakiewicz, *Alternatives to Treaty-Making and Law-Making by Treaty and Expert Bodies in the Council of Europe*, in *Developments of International Law in Treaty Making* (Rudiger Wolfrum & Volker Röben, eds. 2005).
17. *The Customary International Law Game* (with George Norman), 99 *American Journal of International Law* 541 (2005).
18. *Jurisdiction in WTO Dispute Settlement*, in *Key Issues in WTO Dispute Settlement* (Rufus Yerxa & Bruce Wilson, eds. 2005).
19. *Negotiations on Domestic Regulation and Trade in Services (GATS Article VI): A Legal Analysis of Selected Current Issues*, in *Reforming the World Trading System* (Ernst-Ulrich Petersmann, ed. 2005).
20. Book Review: *Conflict of Norms in Public International Law: How WTO Law Relates to Other Rules of International Law*. By Joost Pauwelyn, 98 *American Journal of International Law* 855 (2004).

21. *Constitutional Moments at the WTO*, Harvard International Review, Summer 2004 (commissioned paper).
22. *Lessons for the GATS from Existing WTO Rules on Domestic Regulation*, in Domestic Regulation & Service Trade Liberalization (Aaditya Mattoo & Pierre Sauvé, eds. 2003).
23. *FDI and the Right to Regulate: Lessons from Trade Law*, in United Nations Conference on Trade and Development, The Development Dimensions of FDI: Policy and Rule-Making Perspectives (Americo Beviglia Zampetti & Torbjörn Fredriksson, eds. 2003), available at [http://www.unctad.org/en/docs/iteiia20034\\_en.pdf](http://www.unctad.org/en/docs/iteiia20034_en.pdf).
24. *Robert Hudec and Domestic Regulation: The Resurrection of "Aim and Effects"* (with Amelia Porges), 37 Journal of World Trade (2003) (commissioned paper).
25. *The Agency Model of Judging in Economic Integration: Balancing Responsibilities*, in The Role of the Judge in International Trade Regulation: Experience and Lessons for the WTO (Thomas Cottier & Petros C. Mavroidis, eds. 2003).
26. *Toward Open Recognition? Standardization and Regional Integration under Article XXIV of GATT*, 6 Journal of International Economic Law 459 (2003).
27. *Legal Aspects of a Poverty Agenda at the WTO: Trade Law and "Global Apartheid,"* 6 Journal of International Economic Law 3 (2003) (commissioned paper for introduction to volume 6).
28. *Whose Right is it Anyway? Private Parties in EC-U.S. Dispute Settlement at the WTO* (with Phil Moremen), 44 Harvard International Law Journal 221 (2003) (commissioned paper for symposium).
29. *Private Parties in EC-US Dispute Settlement at the WTO: Toward Intermediated Domestic Effect*, in Transatlantic Economic Disputes: The EU, the US and the WTO (Ernst-Ulrich Petersmann & Mark Pollack, eds. 2003).
30. *TBT, SPS, and GATT: A Map of the WTO Law of Domestic Regulation* (with Gabrielle Marceau), 36 Journal of World Trade 811 (2002), *reprinted with revisions* in The WTO Dispute Settlement System 1995-2003 (Frederico Ortino & Ernst-Ulrich Petersmann, eds. 2004).
31. *Economic Analysis and International Law* (with Jeffrey Dunoff), in Economic Analysis of Law: A European Perspective (Aristides Hatzis & Richard Posner, eds. 2003).
32. Review Essay: *The Law and Economics of Global Justice*, 96 American Journal of International Law 984 (2002).

33. *We Have Met the Enemy and He is Us: Comment on Brian Hindley's "What Subjects Are Suitable for WTO Agreements,"* in *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* (Daniel L.M. Kennedy & James D. Southwick, eds. 2002).
34. *Transcending "Trade and . . ."—an Institutional Perspective*, 96 *American Journal of International Law* 77 (2002) (commissioned paper for symposium).
35. *Economic Analysis of Prescriptive Jurisdiction and Choice of Law*, 42 *Virginia Journal of International Law* 1 (2001).
36. *Part Four Summary, Comments on Papers by Robert Howse and Kalypso Nicolaidis, Robert O. Keohane and Joseph S. Nye, Jr. and Frieder Roessler*, in *Efficiency, Equity and Legitimacy: The Multilateral Trading System at the Millennium* (Roger B. Porter, Pierre Sauvé, Arvind Subramanian & Americo Beviglia Zampetti, eds. 2001).
37. *Regulatory Competition and Regulatory Jurisdiction in International Securities Regulation*, in *Regulatory Competition and Economic Integration: Comparative Perspectives* (Daniel Esty & Damien Gerardin, eds. 2001).
38. *International Trade as a Vector in Domestic Regulatory Reform: Discrimination, Cost-Benefit Analysis, and Negotiations*, 24 *Fordham International Law Journal* 726 (2000), reprinted with revisions in *Public Governance in the Age of Globalization* (Karl-Heinz Ladeur, ed. 2004).
39. *Regulatory Competition and Regulatory Jurisdiction*, 3 *Journal of International Economic Law* 331 (2000).
40. *Assessment of the Effects of Trade Liberalization on Domestic Environmental Regulation: Toward Trade-Environment Policy Integration*, in OECD, *Assessing the Environmental Effects of Trade Liberalisation Agreements: Methodologies* (2000).
41. *From Policed Regulation to Managed Recognition: Mapping the Boundary in GATS* (with Kalypso Nicolaidis), in *GATS 2000* (Pierre Sauvé and Robert Stern, eds. 2000).
42. *Liberalization, Regulation, and Recognition for Services Trade* (with Kalypso Nicolaidis), in *Services Trade in the Western Hemisphere* (Sherry M. Stephenson, ed. 2000).
43. *Bananas, Direct Effect and Compliance*, 10 *European Journal of International Law* 655 (1999).
44. *The Domain of WTO Dispute Resolution*, 40 *Harvard International Law Journal* 333 (1999).

45. *John Jackson and the Founding of the World Trade Organization: Empiricism, Theory and Institutional Imagination*, 20 Michigan Journal of International Law 175 (1999) (commissioned paper for festschrift).
46. *The Law and Economics of Humanitarian Law Violations in Armed Conflict* (with Jeffrey Dunoff), 93 American Journal of International Law 394 (1999) (commissioned paper for symposium), *reprinted with revisions in* Steven Ratner & Anne-Marie Slaughter, *The Methods of International Law* (2004) *reprinted in part in* Lori Damrosch, et al., *International Law* (4<sup>th</sup> ed. 2001), and *reprinted in part in* Christopher Blakesley, et al., *The International Legal System* (5<sup>th</sup> ed. 2001).
47. *The Law and Economics of International Law* (with Jeffrey Dunoff), 24 Yale Journal of International Law 1 (1999), *reprinted in part in* Barry Carter, et al., *International Law* (4<sup>th</sup> ed. 2003).
48. *Non-Actor States in U.S. Foreign Relations? The Massachusetts Burma Law*, Proceedings of the 92nd Annual Meeting of the American Society of International Law: The Challenge of Non-State Actors 350 (1998).
49. *Cyberspace, Sovereignty, Jurisdiction and Modernism*, 5 Indiana Journal of Global Legal Studies 561 (1998) (commissioned paper for symposium).
50. *Trade and . . . Problems, Cost-Benefit Analysis and Subsidiarity*, 9 European Journal of International Law 32 (1998).
51. *Accounting Standards and Trade Disciplines: Irreconcilable Differences?*, 31 Journal of World Trade 63 (1997), *reprinted in revised form in* Transatlantic Regulatory Cooperation: Legal Problems and Political Prospects (George A. Bermann, Matthias Herdegen & Peter L. Lindseth, eds. 2000).
52. *The Theory of the Firm and the Theory of the International Economic Organization: Toward Comparative Institutional Analysis*, 17 Northwestern Journal of International Law & Business 470 (1997).
53. *European Constitutionalism and its Discontents* (with Joseph Weiler), 1996-97 Northwestern Journal of International Law & Business 354 (1997).
54. *Externalities and Extraterritoriality: The Law and Economics of Prescriptive Jurisdiction*, in *Economic Dimensions in International Law* (Alan Sykes & Jagdeep Bhandari, eds. 1997).
55. *The International Economic Law Revolution*, 17 University of Pennsylvania Journal of International Economic Law 33 (1996) (commissioned paper for symposium).

56. *The Applicability of Law and Economics to Law and Development: The Case of Financial Law*, in *International Financial Institutions and the Emerging Markets* (Joseph J. Norton and Mads Andenas, eds. 1996); *reprinted in Making Development Work: Legislative Reform for Institutional Transformation and Good Governance* (Ann Seidman, Robert B. Seidman & Thomas W. Wälde, eds. 1999).
57. *Trade in Financial Services under GATS, NAFTA and the EC: A Regulatory Jurisdiction Analysis*, 34 *Columbia Journal of Transnational Law* 37 (1995).
58. *Foreign Investment, Regulation and Expropriation: A Debtor's Jubilee?*, 82 *Proceedings of the American Society of International Law* 103 (1995).
59. *Reflections on the Nature of the State: Sovereignty, Power and Responsibility*, 20 *Canada-United States Law Journal* 399 (1994) (commissioned paper for symposium).
60. *Unilateralism, Bilateralism, Regionalism, Multilateralism and Functionalism: A Comparison with Reference to Securities Regulation*, 4 *Transnational Law and Contemporary Problems* 69 (1994) (commissioned paper for symposium).
61. *Conflict of Laws and Accuracy in the Allocation of Government Responsibility*, 26 *Vanderbilt Journal of Transnational Law* 1 (1994).
62. *A Concept Paper on Securities Regulation for Bulgaria* (chairman and principal draftsman for a committee of authors), 27 *International Lawyer* 837 (1993).
63. *International Coordination of Insolvency Proceedings: A Transatlantic Perspective*, Chapter 16 in *International Finance in the 1990's* (Joseph J. Norton, ed. 1993).
64. *International Regulatory Competition, Externalization and Jurisdiction*, 34 *Harvard International Law Journal* 47 (1993).
65. *L'Etat, C'est Nous: Sovereignty, Economic Integration and Subsidiarity*, 33 *Harvard International Law Journal* 459 (1992) (commissioned paper for symposium).
66. *Recent Initiatives in International Financial Regulation and Goals of Competitiveness, Effectiveness, Consistency and Cooperation*, 12 *Northwestern Journal of International Law & Business* 241 (1991).

### Reports

*Legislative Review and Training Concerning Securities and Financial Markets in Sri Lanka* (a report prepared under the auspices of the U.S. Agency for International Development), with Laurent Jacque and Jeswald W. Salacuse, December 1994.

*Legislative Review and Training Concerning Securities and Financial Markets in Sri Lanka* (a report prepared under the auspices of the U.S. Agency for International Development), with Jeswald W. Salacuse, December 1993.

*International Law in Relation to the Application and Interpretation of U.S. Statutes*, appended to the Report of the International Law Association (American Branch) Committee on International Law in Domestic Courts, December 1993.

*Report of the Working Group on U.S. Foreign Assistance Programs*, American Bar Association Section of International Law and Practice, August 7, 1993 (committee of authors; I had primary responsibility for the section on law and development).

*Costs and Benefits of Eliminating Institutional Constraints on the Expansion of Non-Traditional Exports* (a report prepared under the auspices of the U.S. Agency for International Development), with J. Dirck Stryker, Christopher Shaw, Louis Aucoin and Julien Naginski, March 1993.

Chapter III in *Modern Management & Supervision of Financial Institutions*, entitled *Securities Segment of Capital Markets: Introduction to Operational and Regulatory Aspects* (published by the ASEAN Committee on Finance and Banking and the United Nations Centre on Transnational Corporations) (1992).

*Analysis of Guatemala's Legal and Regulatory Framework for Trade and Investment* (a report prepared under the auspices of the U.S. Agency for International Development), with Kenneth W. Abbott, Alvaro Feller, Paul B. Pieper and Daniel Yarur, June 1992.

## **Appendix B: Presentations and Appearances**

American Law and Economics Association Annual Meeting, Columbia University, May 16-17, 2008, presentation entitled “The International Law of Labor Migration: Toward the Fourth Freedom.”

Yale Law School, Seminar on Globalization and Law, April 7, 2008, presentation entitled “The International Law of Labor Migration: Toward the Fourth Freedom.”

Fletcher School of Law and Diplomacy, March 26, 2008, presentation entitled “The International Law of Labor Migration: Toward the Fourth Freedom.”

Loyola University of Chicago School of Law, conference on WTO Law and Practice: The State of the Discipline, February 15, 2008, commentator on panel on international legal fragmentation.

Temple Law School, Book Workshop for Ruling the World: Constitutionalism, International Law, and Global Governance, December 6-8, 2007, workshop co-organizer and presentation entitled “The Constitutions of the WTO.”

Harvard University Workshop in International Law and International Relations, November 14, 2007, presentation entitled “The International Law of Labor Migration: Toward the Fourth Freedom.”

World Trade Organization, 2007 Public Forum, Panel on the Role of the Appellate Body, October 4, 2007, presentation entitled “Governance, Coherence, and Balance in WTO Dispute Settlement: A Story of Heroism.”

World Trade Institute, Berne, October 1, 2007, presentation entitled “The International Law of Economic Migration.”

Global Leadership Seminar, Talloires, France, September 28, 2007, presentation entitled “Globalization and Prudential Regulation.”

University of Minnesota School of Law, Conference on Developing Countries in the WTO Legal System, May 24-26, 2007, conference co-organizer and presentation entitled “Developing Countries in the WTO Legal System.”

Fletcher School, “Views on News” Podcast, April 13, 2007, discussion of Doha Round and International Migration, available at <http://blogs.fletcher.tufts.edu/viewsonnews/archives/17>.

Harvard University, Seminar on Political Economy of Modern Capitalism, April 2, 2007, discussant for Charles Bright and Michael Geyer, “Labor and Capital in the Late Twentieth Century Global Economy: What's New; What's Different?”

American Society of International Law Annual Meeting, March 28-April 1, 2007, panel organizer and chair for panel entitled “Toward International Order in Migration and Trade.”

Harvard University, Seminar on International Trade Law, March 12, 2007, presentation entitled “Building the WTO Cathedral.”

American Law Institute, Conference on WTO Jurisprudence, March 5, 2007, Geneva, two presentations entitled (i) Canada-Wheat: Discrimination, Non-Commercial Considerations, and the Right to Regulate Through State Trading Enterprises, and (ii) Subsidization, Price Suppression, and Expertise: Causation and Precision in Upland Cotton.

Vanderbilt University School of Law, Roundtable on the Law and Politics of International Cooperation, January 26-27, 2007, discussant for “Regionalism, Commercial Treaties, and the Hidden Hazards of Economic Integration” by Chris Brummer.

Hebrew University of Jerusalem, The Year in International Law Conference, January 3, 2007, presentation entitled “Who Killed Doha, and Is It Dead?”

Max Planck Institute for Research on Collective Goods, Conference on Public International Law and Economics, December 14-15, 2006, presentation entitled “The Customary International Law Game.”

National University of Singapore, International Symposium on China, India and International Economic Law, June 23-24, 2006, presentation entitled “The WTO and Development Policy in China and India.”

Singapore Institute of International Affairs and Singapore International Law Society, June 23, 2006, address entitled “Who Killed Doha? Lawyers, Diplomats and the Future of Free Trade.”

Cornell Law School, Conference on Global Justice: Poverty, Human Rights and Responsibilities, April 7-8, 2006, keynote address entitled “Welcome to Cosmopolis: World of Boundless Opportunity.”

Cornell Law School, Conference on Rethinking the Private in Private International Law, April 7-8, 2006, commentator on panel on “Replication.”

Chicago Law School, International Law Workshop, February 6, 2006, presentation of paper entitled “Building the WTO Cathedral.”

Harvard Law School, International Law Workshop, December 2, 2005, presentation of paper entitled “Building the WTO Cathedral.”

Georgetown Law Centre, Law and Policy of International Economic Relations Seminar, November 1, 2005, presentation of paper entitled "Building the WTO Cathedral."

WTO/UNITAR Workshop on International Trade, August 29-September 2, 2005, presentation on WTO Dispute Settlement.

University of Wisconsin, Conference on Developing Countries in WTO Dispute Settlement, May 19-20, 2005, presentation of paper entitled "Toward Efficient Remedies in the WTO Legal System."

University of Quebec at Montreal, Conference on The Law Of The WTO: Towards A Global Constitution For A Globalized Legal System?, May 13, 2005, presentation entitled "The WTO Constitution: Tertiary Rules for Intertwined Elephants."

American Law and Economics Association Annual Meeting, May 6-7, 2005, presentation of paper entitled "The Customary International Law Game."

World Trade Organization, Symposium for Delegates on Cross-Border Supply of Services, April 28-29, 2005, presentation entitled "Domestic Regulation and Cross-Border Trade in Services."

Harvard Law School, European Law Research Center, panel on Private Rights of Action in International Law, March 7, 2005, presentation entitled "Whose Right is it Anyway?: Private Rights of Action at the WTO."

Harvard Law School, Conference on Comparative Visions of Global Public Order, March 5-6, 2005, convener of panel on "Constitutionalism in Global Public Order."

Katholieke Universiteit Leuven, Conference on Public Policy and WTO Law: Regulating Globalization, February 24-25, 2005, presentation entitled "Is the Right to Regulate Right? Toward Dialectical Federalism."

Hebrew University, December 15, 2004, presentation of paper entitled "The Customary International Law Game."

Bar Ilan University, Conference on the World Trade Organization at a Crossroads, December 12-14, 2004, presentation of paper entitled "The WTO Constitution: Tertiary Rules for Intertwined Elephants."

University of Wisconsin, Wisconsin-Harvard Workshop on International Economic Law and Transnational Regulation, November 13-14, 2004, presentation entitled "The WTO Constitution: Tertiary Rules for Intertwined Elephants."

Harvard University, Kennedy School of Government, Workshop on Governing Regulatory Interaction, October 1-2, 2004, presentation of paper entitled "Multi-Level Choice at the WTO"

and in the Broader International Legal System.”

European University Institute, Conference on Preparing the Doha Development Round, July 2-3, 2004, presentation of paper entitled “Negotiations on Domestic Regulation and Trade in Services.”

George Mason University School of Law, Conference on The Law and Economics of Cyber Security, June 11, 2004, presentation of paper entitled “Global Cyberterrorism, Jurisdiction and International Organization.”

Wharton School, University of Pennsylvania, Workshop on International Governance, May 14, 2004, presentation of paper entitled “The Customary International Law Supergame: Order and Law.”

British Institute of International and Comparative Law, Annual Conference on WTO Jurisprudence, May 12, 2004, presentation entitled “Applicable Law Within WTO Dispute Settlement: Taking Text Seriously.”

American Society of International Law, Annual Meeting, March 30-April 2, 2004, panel presentation on “Applicable Law at the WTO.”

Harvard Law School, Seminar on Law and Economics, March 2, 2004, presentation of paper entitled “The Customary International Law Supergame: Order and Law.”

University of California at Los Angeles School of Law, Politics and International Law Colloquium, February 13, 2004, presentation of paper entitled “The Customary International Law Supergame: Order and Law.”

Columbia University School of Law, Panel Discussion on NAFTA, February 10, 2004.

Harvard University, Kennedy School of Government, Program on Science, Technology and Society, Panel on the WTO, Science and Democracy, November 20, 2003, presentation entitled “Protectionism and Science at the WTO: Genetically Engineered Wine in Old Bottles.”

Boston College, Program on Justice in International Relations, November 19, 2003, presentation of paper entitled “The World Trade Organization, Trade Law and Global Apartheid.”

Max Planck Institute of Comparative Public and International Law, Heidelberg, Conference on The Development of International Law: Alternatives to Treaty-Making, November 13-14, 2003, presentation entitled “Customary International Law, Social Norms and Game Theory.”

Fletcher School of Law and Diplomacy, Panel Discussion on “What Now for Global Trade Talks: Cancun and Its Impact,” September 25, 2003.

Oxford University, Panel on Corporate Social Responsibility and Human Rights Law, July 17, 2003.

London School of Economics, July 15, 2003, Invited Workshop Presentation on Trade Law and Domestic Regulation.

London School of Economics, Public Lecture, July 1, 2003, entitled "The World Trade Organization, Trade Law and Global Apartheid."

Harvard University, European Law Research Centre, Conference on Law and Development, April 13, 2003, presentation entitled "What Do You Know? Comparative Law without the Lawyers" (review of literature of new comparative economics).

Harvard University, International Law Society Luncheon, April 9, 2003, presentation entitled "The International Economic Law Revolution Revisited."

Harvard University, Undergraduate Workshop on Development, November 12, 2002, presentation entitled "Poverty at the WTO."

United Nations Conference on Trade and Development (UNCTAD), Delegates' Workshop on International Agreements for Foreign Investment, November 6-8, 2002, Geneva, two presentations entitled (i) "Foreign Direct Investment and the Right (Not) to Regulate: Lessons from Trade Law," and (ii) "Lessons for the Regulation of Foreign Direct Investment from the Experience of the General Agreement on Trade in Services."

Columbia University School of Law, Seminar on WTO Dispute Settlement, November 3, 2002, presentation of paper entitled "A Map of the GATT, SPS and TBT Law Regarding Domestic Regulation."

New York University School of Law, Workshop on Regulating Transnational Markets, September 19-20, 2002, presentation entitled "Economic Analysis of Interstate Allocation of Regulatory Authority."

Asia Pacific Economic Cooperation (APEC) Group on Services, Delegates' Workshop on Menu of Options for Voluntary Liberalization, Facilitation, and Promotion of Economic and Technical Cooperation in Services Trade and Investment, Merida, Mexico, 18 May 2002, presentation of paper entitled "The 'Necessity Test' in Domestic Services Regulation: How to Move Forward in the GATS?"

European University Institute, Conference on Dispute Prevention and Dispute Settlement in the Transatlantic Partnership, May 3-4, 2002, presentation of paper entitled "Whose Right is it Anyway? Private Parties in EC-U.S. Dispute Settlement at the WTO."

World Trade Organization, Seminar for Delegates on the Changing Architecture of the Global Trading System: Regionalism and the WTO, April 29, 2002, presentation of commissioned paper

entitled “Toward Open Recognition? Standardization and Regional Integration under Article XXIV of GATT.”

World Trade Organization Secretariat, April 28, 2002, presentation of paper entitled “Institutional Linkage: Transcending “Trade and . . . .”

World Trade Organization Secretariat, April 27, 2002, presentation of paper entitled “Lessons for GATS Article VI from the SPS, TBT and GATT Treatment of Domestic Regulation.”

American Society of International Law Annual Meeting, March 2002, presentation of paper entitled “U.S. Human Rights Laws and International Trade, or *How I Learned to Stop Worrying and Love U.S. Unilateralism.*”

Organization for Economic Cooperation and Development Trade Directorate, Paris, France, Workshop for Delegates on Transparency and Domestic Regulation of Services, March 4-5, 2002, two presentations of papers entitled (i) “Lessons for GATS Article VI from the SPS, TBT and GATT Treatment of Domestic Regulation;” and (ii) “A Sectoral Analysis of Disciplines on Domestic Regulation and International Standard-Setting in Financial Services.”

Harvard University, Seminar on Ethics and International Relations, November 28, 2001, presentation entitled “Trade, Ethics and International Legal Positivism.”

Columbia University School of Law, Seminar on WTO Dispute Settlement, October 2, 2001, presentation of paper entitled “SPS, TBT and GATT: Differentiation and Choice of Law.”

Columbia University School of Law, Public International Law Speaker Series, October 3, 2001, presentation entitled “Globalization, Law and Sex.”

World Trade Institute, Berne, Switzerland, Conference on Trade and Human Rights, August 13, 2001, presentation of paper entitled, “U.S. Human Rights Laws and International Trade, or *How I Learned to Stop Worrying and Love U.S. Unilateralism.*”

Harvard University, Program on Negotiation, May 4, 2001, presentation entitled “Where’s the Beef? Local Beef, Global Beef and Globalization ‘Beefs.’”

Tufts University International Board of Overseers, Prague, April 28, 2001, presentation entitled “Where’s the Beef? Local Beef, Global Beef and Globalization ‘Beefs.’”

University of Michigan Law School, Law and Economics Workshop, March 23, 2001, presentation of paper entitled “The Law and Economics of Prescriptive Jurisdiction and Choice of Law.”

Keynote speech at Annual Meeting of the American Society of International Law International Economic Law Interest Group, February 17, 2001, entitled “The Law and Economics of

Prescriptive Jurisdiction and Choice of Law."

University of California at Berkeley, Boalt Hall School of Law, Workshop on International Law and Politics, February 15, 2001, presentation of paper entitled "The Law and Economics of Prescriptive Jurisdiction and Choice of Law."

Massachusetts Institute of Technology, Panel on "Remembering Seattle One Year On—Legitimacy and Justice in the World Community," January 31, 2001, presentation entitled "The WTO, Justice and Legitimacy: A Post-Seattle Institutional Perspective."

Organization for Economic Cooperation and Development, Workshop on Regulatory Reform and the Multilateral Trading System, December 7-8, 2000, presentation of paper entitled "International Trade as a Vector in Domestic Regulatory Reform."

Columbia University, Seminar on WTO Dispute Resolution, October 16, 2000, presentation of paper entitled "The Domain of WTO Dispute Resolution."

University of Minnesota, The Political Economy of International Trade Law: A Conference Honoring Professor Robert E. Hudec, September 15-16, 2000, commentator on Brian Hindley, "The Dubious Case for WTO Agreements on Competition Policy and Investment."

World Trade Institute, Berne, Switzerland, Conference on The Role of the Judge: Lessons for the WTO, August 21-22, 2000, commentator on Donald Regan, "The Dormant Commerce Clause and Dumb Duck Disease."

Harvard University, Conference on Efficiency, Equity and Legitimacy: The Multilateral Trading System at the Millennium, June 1-2, 2000, rapporteur and session chair for session on "Legitimacy," and presentation on "Efficiency and Legitimacy at the WTO: The Obsolescing Bargain," in final panel discussion.

American Society of International Law, Annual Meeting, April 7, 2000, panel on The Limits of International Trade-Workers' Protection, the Environment and Other Human Rights, presentation entitled "The Rules and Standards of WTO Dispute Resolution."

European University Institute, Florence, Italy, Workshop on Globalization and Public Governance, March 2000, presentation entitled "The Rules and Standards of WTO Dispute Resolution."

International Economic Law Group of American Society of International Law, Annual Meeting, February 18, 2000, Commentator for Plenary Panel.

Massachusetts Institute of Technology, Panel on The WTO and China, February 16, 2000 presentation entitled "China and Seattle: An Institutional Perspective on the Trade and . . . Problem."

Harvard Law School, Panel on The WTO after Seattle: Implications in Asia and Beyond, December 10, 1999, presentation entitled "An Institutional Perspective on the Trade and . . . Problem."

WBUR Radio, December 1, 1999, The Connection with Christopher Leiden, Segment on the Seattle Ministerial Meeting of the WTO.

WGBH Television, November 29, 1999, Greater Boston, Segment on the Seattle Ministerial Meeting of the WTO.

Organization for Economic Cooperation and Development, Workshop on Trade and Environment, October 26-27, 1999, presentation entitled "Assessment of the Effects of Trade Liberalization on Domestic Environmental Regulation: Toward Trade-Environment Policy Integration."

Yale Law School, Conference on Regulatory Competition and Economic Integration, October 21-22, 1999, presentation of paper entitled "International Regulatory Competition in Financial Services: A Jurisdictional Synthesis."

Association of the Bar of the City of New York, Panel on the Massachusetts Burma Law, October 13, 1999, presentation on "The WTO Law Issues Raised by the Massachusetts Burma Law."

Harvard University, Weatherhead Center for International Affairs, Conference on WTO Dispute Resolution, October 15, 1999, chair of roundtable discussion.

Organization of American States, Conference on Services Trade and the Western Hemisphere, Cost Rica, July 8-9, 1999, presentation entitled "From Policed Regulation to Mutual Recognition."

The Brookings Institution, Services 2000: Preparatory Conference for GATS Negotiations, Washington, D.C., June 1-2 1999, presentation entitled "From Policed Regulation to Managed Recognition: Mapping the Boundary in GATS."

Columbia Law School, Conference on Transatlantic Regulatory Cooperation, April 16-17, 1999, presentation entitled "Irreconcilable Differences: Accounting Standards in Public Offerings of Securities and Trade Disciplines."

American Society of International Law, 93<sup>rd</sup> Annual Meeting, March 25-27, 1999, presentation entitled "Resisting Globalitarian Temptations in Trade and Environment: An Institutional Analysis."

Harvard Law School, Conference on WTO Dispute Resolution, September 25, 1998,

presentation entitled "The Law and Economics of WTO Dispute Resolution."

American Society of International Law, 92nd Annual Meeting, April 1-4, 1998, presentation entitled "Non-Actor States in U.S. Foreign Relations? The Massachusetts Burma Law."

American Society of International Law, International Economic Law Group Conference, December 5-7, 1997, presentation of paper entitled "Trade and . . . Problems, Cost-Benefit Analysis and Subsidiarity."

University of Warwick, Conference on Non-State Actors and Authority in the Global System, October 31-November 1, 1997, presentation entitled "Allocation of Authority in the Global System: Toward a Rationalist Understanding."

Lex Mundi, Hieros Gamos Web-Based Conference, Transcending National Jurisdictions, October 29, 1997, presentation entitled "Education to Meet the Demands of International Legal Practice."

International Law Institute, Conference on Legislative Drafting for Development, June 6, 1997, presentation entitled "Legal and Economic Analysis of Law and Development in Banking and Securities."

Center for Commercial Law Studies, London Institute of International Banking, Finance and Development Law, University of London, Research Seminar on Trade Liberalisation and Financial Services, London, May 30-31, 1997, presentation of paper entitled "Accounting Standards and Trade Disciplines: Irreconcilable Differences?"

Harvard Law School, Conference on New Approaches to International Law, May 9-11, 1997, commentator on panel entitled "International Regulatory Coordination and the Economics of Spontaneous Order."

Joint Workshop on the Prevention and Settlement of Economic Disputes Between Japan and the United States, April 7-9, 1997, commentator on paper by Tsuyoshi Kawase, "The Issue of Reciprocity."

Fletcher School of Law and Diplomacy, Trade and Environment Panel, April 4, 1997, presentation entitled "An Institutionalist Perspective on the Trade and Environment Debate."

Harvard Law School, Seminar and Workshop on Advanced Issues in Law and Policy of the European Union, NAFTA and the WTO, February 3, 1997, presentation of paper entitled "Trade and . . . Problems, Cost-Benefit Analysis and Subsidiarity."

Harvard Law School, Thesis Writing Workshop, October 18, 1996, presentation entitled "Law and Economics in International Law."

American Society of International Law and El Instituto de Investigaciones Juridicas, June 6-7, 1996, Conference on The Role of International Law in the Americas, presentation entitled "Regulatory and Trade Aspects of Globalization of Capital Markets."

American Society of International Law, International Economic Law Interest Group, May 16-19, 1996, conference chair and presentation of paper entitled "The Theory of the Firm and the Theory of the International Economic Organization: Toward Comparative Institutional Analysis."

Boston Bar Association International Environmental Law Committee, April 29, 1996, entitled "International Trade and the Environment: The Venezuelan Reformulated Gasoline Case." Fletcher School, Panel on Law and Development, April 15, 1996.

Harvard Law School, Research Workshop on the World Trading System, November 14, 1995, entitled "Regulatory Competition and Regulatory Jurisdiction."

American Branch of the International Law Association, International Law Weekend, Panel on International Law in Domestic Courts, November 3, 1995, entitled "Between Monism and Dualism: Institutional Means of Moderating Between International Law and Domestic Law."

Brooklyn Law School International Economic Law Colloquium, November 1, 1995, presentation of paper entitled "Trade and Financial Services: A Regulatory Jurisdiction Analysis."

Université de los Andes Conference on Foreign Investment and Dispute Resolution, October 13-14, 1995, in Bogota, Colombia, on Dispute Resolution in International Investment Contracts and Legal Aspects of Foreign Investment Through Stock Markets.

European Bank for Reconstruction and Development, Conference on Emerging Financial Markets and International Financial Institutions, London, May 25, 1995, presentation of paper entitled "Legal and Economic Analysis of Law and Development in Banking and Securities."

George Mason University, Conference on the Economic Analysis of International Law, Washington, D.C., May 5-6, 1995, presentation of paper entitled "Externalities and Extraterritoriality: The Law and Economics of Prescriptive Jurisdiction."

Annual Meeting of American Society of International Law, Panel on "Capitalism in Transition: The Role of International Law," New York, April 5, 1995, presentation entitled "Foreign Investment, Regulation and Expropriation: A Debtor's Jubilee."

Harvard Law School, European Law Research Center, March 6, 1995, presentation of paper entitled "Trade and Financial Services: A Regulatory Jurisdiction Analysis."

Florida State University, Occupant of Edward Ball Eminent Scholar Chair in International Law, Spring 1995, including public lecture and faculty presentation of paper entitled "Trade and

Financial Services: A Regulatory Jurisdiction Analysis.”

Fletcher School, Conference on Trade and the Environment, November 7, 1994, entitled "The Intersection of Trade Law and Environmental Law."

Warwick University, England, Conference on International Regulatory Competition and Coordination, July 17-19, 1994, presentation entitled "Regulatory Competition and Conflict of Laws."

Canada/U.S. Law Institute, Conference on Sovereignty in the North American Context and in a Changing World, Cleveland, Ohio, April 22-24, 1994, presentation of paper entitled "Reflections on the Nature of the State: Sovereignty, Power and Responsibility" (concluding presentation).

Harvard Law School, Conference on International Law at the Turn of the Millennium, April 16, 1994, entitled "International Trade and the Environment."

American Society of International Law, International Economic Law Interest Group, Workshop on Interdisciplinary Approaches to International Economic Law, Washington, D.C., February 24-27, 1994, conference co-chair, and concluding presentation entitled "A Conflict of Laws Approach to International Economic Law."

Boston Bar Association International Environmental Law Committee, December 6, 1993. Topic: "International Trade and the Environment: Lessons from the NAFTA Debate."

American Bar Association Section of International Law Section Showcase Presentation, Financial Law in Emerging Markets, New York, New York, August 10, 1993, panel organizer and chair.

Fletcher School, Program on Understanding the Securities Market and Stock Exchanges, co-sponsored by the State Planning Commission of the People's Republic of China and The Fletcher School, July 5-19, 1993, program coordinator and principal speaker.

Harvard Law School, First Annual Conference on International Business Transactions: Legal and Economic Transformations in Global Markets, May 1, 1993, entitled "Free Movement of Goods in the European Community."

Massachusetts Bar Association International Law Committee, October 23, 1992, entitled "International Letters of Credit and Sales Financing."

Tufts University, Environmental Leadership Training Institute, Lincoln Filene Center, July 7, 1992, entitled "Legal Aspects of Trade and the Environment".

International Law Institute, Washington, D.C., conference on Law Making & Development, June 1992, August 1993 and June 1994, entitled "Preparing and Implementing Securities Regulation

in Developing Countries."

Fletcher School, Presentation to faculty of Muriel Snowden School, June 16, 1992, entitled "The New Europe: Economics & the Environment," with Profs. Mitchell and Moomaw.

Harvard University Minda de Gunzburg Center for European Studies, Conference on Deregulating the Economy: Politics and Regulation in Advanced Industrial Democracies, April 24-26, 1992 presentation of paper entitled "International Competition in Regulation."

Bentley College, Conference on International Perspectives on Business Ethics, Panel on "Ethics Perspectives on Economic Development," Bentley College, March 30, 1992, moderator.

American Society of International Law International Economic Law Interest Group, Workshop on New Approaches to Teaching International Economic Law, February 13-16, 1992, facilitator.

Fletcher School, Conference on the Theory and Practice of Law and Economic Development December 6, 1991, conference organizer and chair.

New England On-Line Users Group, October 25, 1991, entitled "The European Community: What Does it Mean to Us?"

American Bar Association Section of Business Law, Williamsburg, Va., April 12, 1991, entitled "Do Law Schools Prepare Students for International Law Practice?"

Fletcher School, USIA-sponsored regional group project, "The U.S. Foreign Policy Process," March 6, 1991, entitled "A U.S. Perspective on European Community Law."

Harvard University Center For International Affairs, Political Economy of Finance and Debt Study Group, March 5, 1991, entitled "International Financial Regulation."

Retired Professionals Association, Boston Center for Adult Education, November 5, 1990, entitled "Europe 1992: What Does it Mean to Us?"

International Law Institute, Annual Conference on Developing Country Capital Markets, 1994, 1993, 1992 and 1991, entitled "Securities Regulation in Developing Countries."

International Law Institute, Annual Conference on Negotiating and Drafting International Loan Agreements, in 1996, 1994, 1993, 1992, 1991 and 1990, entitled "Negotiating and Drafting Eurodollar Loan Agreements."

International Law Institute, Washington, D.C., on Negotiating and Drafting Foreign Investment Agreements, September 7, 1990.

University of London, Queen Mary and Westfield College Centre for Commercial Law Studies

Ninth Annual Conference on International Banking and Finance, June 1990, entitled "International Coordination of Insolvency Proceedings: A Transatlantic Perspective."

Harvard University Center for International Affairs, Political Economy of Finance and Debt Study Group, June 11, 1990, entitled "Is U.S. Bank Regulation Ready for Perestroika?"

Fletcher School, Conference on Debt-Equity Swaps, October 27, 1989, entitled "An International Bankruptcy Regime as a Framework for and Alternative to Debt-Equity Swaps."

United Nations Centre for Transnational Corporations/ Association of South-East Asian Nations First Training Course on Financial Institution Management and Supervision, Manila, August, 1989. Led workshop entitled "Securities Segment of Capital Markets--Introduction to Operational and Regulatory Aspects."

## **Appendix C: Other Professional Activities**

Member, Board of Editors, American Journal of International Law, April 2001 to present. Chair of nominating committee, 2004-2005.

Member, Board of Editors, Journal of International Economic Law, December 2000 to present; book review editor, September 2005 to present.

Member, Advisory Board, European Journal of International Law, November 2000 to present.

Member, Board of Editors, Singapore Yearbook of International Law, June 2005 to present.

Alternate U.S. Member of International Trade Law Committee of International Law Association, December 1999 - present. Honorary Secretary of American Branch of the International Law Association, November 1994-April 1998.

Chairman, American Society of International Law, International Economic Law Interest Group, April 1995 - April 1997. Vice-Chairman, April 1993 - 1995. Founder and moderator of on-line electronic discussion group and World Wide Web home page of this interest group.

Consultant to Dewey, Ballantine on international trade law issues, Summer 2000.

Adviser to Bradley Campaign on international trade law issues, December 1999 to March 2000.

Special International Trade Counsel, Massachusetts Office of International Trade and Investment, advising on international trade law implications of Burma sanctions law and other international trade law matters, April 1997 to September 1998.

Member, Roster of Panelists for Binational Dispute Resolution under Chapter 19 of NAFTA.

Member, American Bar Association Ad Hoc Subcommittee to Prepare Model Amicus Brief on Application of International Law by U.S. Courts, December 1995 to 1996.

Member, Board of Directors, Berkeley Journal of International Law, March 1996 to present.

Member, Advisory Board, [N]AFTA: Law and Business Review of the Americas, February 1995 - 1997.

Member, Program Committee for American Society of International Law 1996 Annual Meeting.

Chairman of American Bar Association Subcommittee on Emerging Capital Markets, 1994-1995. Chairman of American Bar Association Subcommittee on Law and Regulation in Developing Countries, 1991 - 1994.

Member, American Bar Association Working Group on U.S. Foreign Assistance Programs. March 1993 - September 1993.

Contributing editor for international financial law to American Society of International Law International Economic Law Database (electronic database available on Lexis and Westlaw). September 1992 - 1998.

Contributing editor to European Market Law Report. June 1991 - June 1994.

Missions to Sri Lanka under auspices of Agency for International Development, providing advice on securities regulation. August 1993; August 1994.

Chairman of and principal draftsman for committee formed by American Bar Association Central and Eastern European Law Initiative to advise Bulgaria on drafting and implementing securities regulation. July 1992 - 1994.

Chief Reporter, International Law Association (American Branch) Committee on International Law in Domestic Courts. July, 1992 - December 1993.

Member of three-person legal team (with Kenneth Abbott of Northwestern University Law School and Paul Pieper of Interamerican Management Consulting Corporation) advising Guatemala on revisions to its legal infrastructure for trade, investment and finance. Prepared extensive report. May and June, 1992.

Member of committee advising Boston University School of Law Graduate Banking Program on curricular changes. April 1992.

Advisor to Clinton/Gore campaign on legal issues relating to trade and the environment. August and September, 1992.

Principal draftsman for American Bar Association Committee on International Investment and Development of advice to Albania regarding foreign investment law. April and May, 1992.

Provided extensive *pro bono* advice to U.S. charity on legal problems arising from corrupt practices in developing country. August and September, 1990; August 1995.

## **Appendix D: Responsibilities and Clients 1980-89**

Led multinational, multilingual negotiation team for \$4 billion project financing of nuclear power plant at Daya Bay in Guangdong Province, China, including negotiations with joint venture borrower, and negotiations with upstream lenders and export credit agencies. Responsible for coordinating all financial negotiations and documents.

Led team of attorneys responsible for representation of Citicorp in international restructured debt trading and swap activities. Addressed regulatory issues, restructuring agreement issues and contractual issues.

Led legal team for negotiation of joint venture formed by China National Coal Development Corporation and Occidental Petroleum.

Acted as general bank regulatory counsel to Hong Kong branch of Citibank.

Acted as principal attorney and lead negotiator acting for Citibank in connection with non-judicial restructurings of debt of several major Hong Kong-based international shipping companies.

Acted as principal attorney representing Combustion Engineering in merger and acquisition transactions relating to sales of several major divisions, proposed sale to Japanese buyer, auction transaction and leveraged buyout transaction.

Acted as principal attorney representing European company in connection with its disposition of its Philippine subsidiary.

Represented Merrill Lynch & Co. in several leveraged buyout transactions.

Represented numerous companies, including two Swedish companies, a Canadian company, a Hong Kong company and an English company, in connection with their offerings of equity and debt securities in the United States.

Represented international trade finance subsidiary of Citibank in connection with trade finance, countertrade, insurance of trade receivables and letters of credit.