

ALLEN S. WEINER
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PROFESSIONAL ACTIVITIES

SENIOR LECTURER IN LAW, Stanford Law School (since September 2007)

- Teach and conduct research in the fields of public international law, foreign relations law of the United States, national security law, and international conflict resolution
- Co-Director, Stanford Center on International Conflict and Negotiation, a center operated by the Law School and the Freeman Spogli Institute for International Studies at Stanford dedicated to research and teaching about international conflict resolution; activities include “Track II” engagement with representatives of societies embroiled in violent conflict (e.g., the Northern Ireland and Israeli-Palestinian conflicts) to promote peaceful outcomes
- Law School Courses taught (including during tenure as Warren Christopher Professor of the Practice of International Law and Diplomacy): Public International Law; International Criminal Law; Terrorism; International Legal Issues: Advanced Problems and Practice; International Conflict Resolution
- Current research interests: international law rules governing the use of force and contemporary security threats such as terrorism and the proliferation of weapons of mass destruction; international law and the war on terrorism; international legal responses to the proliferation of weapons of mass destruction; international arbitration; transitional justice and accountability for human rights atrocities; the influence of international law on U.S. foreign policy decision-making

WARREN CHRISTOPHER PROFESSOR OF THE PRACTICE OF INTERNATIONAL LAW AND DIPLOMACY AND ASSOCIATE PROFESSOR OF LAW (TEACHING), Stanford University (2003-2007)

- As the inaugural holder of this joint visiting faculty appointment at Stanford Law School and the Freeman Spogli Institute for International Studies at Stanford, taught and conducted research in the fields of public international law, foreign relations law of the United States, national security law, and international conflict resolution
- Appointed as Co-Director, Stanford Center for International Conflict and Negotiation

UNITED STATES DEPARTMENT OF STATE, Washington, D.C., and The Hague, Netherlands (1990-2001)

- As Counselor for Legal Affairs (1998-2001) and, prior to that, Attaché (1996-1998), at the American Embassy, The Hague, served as the United States Government’s principal legal representative to a number of international legal institutions in the Netherlands
- As a practicing Department of States attorney-adviser based in Washington, D.C. (1990-1996), advised United States Government actors on a wide range of international law and U.S. foreign relations law issues, participated in international negotiations, and engaged in litigation before international tribunals
- Additional details of responsibilities as a Department of State employee are detailed in the “Previous Professional Activities” section below

SCHOLARLY PUBLICATIONS

Books

- INTERNATIONAL LAW (5th ed. 2007) (with Barry E. Carter & Phillip R. Trimble)

Articles/Book Chapters/Monographs

- Hamdan, *Terror, War*, 11 LEWIS & CLARK LAW REVIEW 997 (2007)
- *Enhancing Implementation of U.N. Security Council Resolution 1540: Report of the Center on International Security and Cooperation* (September 2007) (with Chaim Braun, Michael May & Roger Speed)
- *The Iran-United States Claims Tribunal: What Lies Ahead?*, 6 LAW AND PRACTICE OF INTERNATIONAL COURTS AND TRIBUNALS 89 (2007)
- *Book Review: War and the Law of Nations: A General History*, by Stephen Neff, 101 AMERICAN JOURNAL OF INTERNATIONAL LAW 241 (2007)
- *Law, Just War, and the International Fight Against Terrorism: Is It War?*, in INTERVENTION, TERRORISM, AND TORTURE: CONTEMPORARY CHALLENGES TO JUST WAR THEORY (Steven P. Lee, ed.) (2007)
- *The Use of Force and Contemporary Security Threats: Old Medicine for New Ills?*, 59 STANFORD LAW REVIEW 415 (2006)
- *Indirect Expropriations: The Need for a Taxonomy of “Legitimate” Regulatory Purposes*, 5 INTERNATIONAL LAW FORUM 166 (2003)

OTHER WRITING

- Co-drafter, Amicus Brief, *Sanchez-Llamas v. Oregon and Bustillo v. Johnson* (United States Supreme Court, Nos. 04-10566 & 05-51) (merits brief) (October 2005 term)
- *Hussein’s Trial, Iraq’s Future*, L.A. TIMES, Dec. 4, 2005, at M5
- Co-drafter, Amicus Brief, *Medellin v. Dretke* (United States Supreme Court, No. 04-5928) (petition for certiorari and merits briefs) (October 2004 term)
- *It’s the Law – Even in War*, L.A. TIMES, June 9, 2004, at B13
- *The Case for International Justice*, SAN JOSE MERCURY NEWS, Dec. 24, 2003, at B9

PUBLIC PRESENTATIONS

- “Extraterritorial Assertions of Jurisdiction: American Legal Imperialism?,” University of Vienna Law School, Vienna, Austria (lecture) (May 2008)
- “The Use of Force and Contemporary Security Threats,” Peking University Law School, Beijing, China (lecture) (April 2008)
- “The Politics of Teaching International Law,” American Society of International Law Annual Meeting (panel presentation) (April 2008)
- “International Law and the Struggle against Terrorism: Is it War?,” University of California, Berkeley, California (address) (April 2008)
- “The Role of International Law in U.S. Courts,” Federal Judicial Center National Training Workshop, Redondo Beach, California (lecture) (March 2008)

- Presentation before the National War Powers Commission (James A. Baker III and Warren Christopher, Chairs), Stanford University (panel presentation) (January 2008)
- “Overcoming Barriers to Conflict Resolution: The Middle East,” Freeman Spogli Institute for International Affairs Annual Conference, Stanford University (panel moderator) (November 2007)
- “The ‘War on Terror’: Is it War?,” Denver Town Hall Lecture Series, Denver, Colorado (address) (September 2007)
- “Consequences of the War on Terror: International Legal Norms,” World Affairs Council of Northern California Annual Conference, Asilomar, California (panel presentation) (April 2007)
- “Crimes, War Crimes, and the War on Terror: Perspectives from International Law,” Lewis & Clark Law School, Portland, Oregon (panel presentation) (April 2007)
- “The War on Terror: Normative and Legal Implications,” Chico State University (address) (April 2007)
- “Iraq, Iran, and Security Challenges of the Middle East,” Chico State University (panel presentation) (April 2007)
- “Effect of International Law and the Law of Other Nations on U.S. Jurisprudence,” Global Constitutionalism Symposium, Stanford Law School (February 2007) (panel moderator) (April 2007)
- “Human Rights in an Age of Terrorism: Is the ‘War Against Terrorism’ Really War?,” Pacific Council on International Policy, Santa Monica, California (panel presentation) (January 2007)
- “Terrorism, Security, And Civil Liberties: Is The ‘War Against Terrorism’ Really War?,” Stanford Center on Ethics (panel presentation) (November 2006)
- “U.N. Security Council Resolution 1540 and the Prevention of WMD Terrorism: Policies and Implementation Indicators,” Stanford Center for International Security and Cooperation (faculty workshop presentation) (July 2006)
- “Iraq: Where Do We Go From Here?,” Stanford University (remarks) (May 2006)
- “The Rule of Law and the Prospects for a Democratic Iraq: What Do We Want from the Saddam Hussein Trial?,” Whittier Law School (address) (March 2006)
- “The Iran-United States Claims Tribunal: What Lies Ahead?,” University of California, Berkeley (panel presentation) (January 2006)
- “Saddam Hussein’s Trial: A Dictator’s Disdain,” KPCC Los Angeles (public radio discussion) (December 2005)
- “Law, Just War, and the International Fight Against Terrorism: Is it War?,” Stanford Center for International Security and Cooperation (faculty workshop presentation) (October 2005)
- “Law, Just War, and the International Fight Against Terrorism: Is it War?,” Stanford Law School (faculty workshop presentation) (August 2005)
- “Law, Legitimacy, and Preventive Force,” Stanford Hoover Institution Preventive Force Conference (panel presentation) (May 2005)
- “International Criminal Justice and Peace and Security,” Stanford International Day (panel moderator) (May 2005)
- “The Use of Force in Response to Security Threats from Weapons of Mass Destruction and Terrorism,” Stanford Center on Conflict and Negotiation (guest lecture) (March 2005)
- “The Use of Force: New Threats and (Perfectly Fine) Old Rules,” Stanford Center for International Security and Cooperation (faculty workshop presentation) (March 2005)
- “Global Jurisprudence Colloquium,” Stanford Law School (panel moderator for plenary discussion with international judges) (March 2005)
- “International Law and the War on Terrorism,” San Francisco Commonwealth Club (address) (February 2005)

- “The Nomination of Alberto Gonzales as Attorney General,” KPCC Los Angeles (public radio discussion) (January 2005)
- “Ethics, Law, and the International Fight Against Terrorism: Is it War?,” American Branch of the International Law and Philosophy Association, Stanford Law School (panel presentation) (November 2004)
- “International Law and the War on Terrorism,” Claremont McKenna College (address) (November 2004)
- “Global Security and Nuclear Nonproliferation,” Stanford Law School (discussion with International Atomic Energy Agency Director General Mohamed ElBaradei) (November 2004)
- “International Law and the Use of Force,” Stanford International Law Society (debate with Judge Abraham Sofaer) (October 2004)
- “The Use of Force: New Threats and (Perfectly Fine) Old Rules,” Stanford Law School (faculty workshop presentation) (August 2004)
- “The Case for International Justice,” Stanford International Law Society (address) (April 2004)
- “Global Hot Spots,” Stanford Alumni Day (panel presentation) (March 2004)
- “International Justice and American Exceptionalism,” Stanford International Law Society (address) (November 2003)
- “The United States and the International Criminal Court” (presentation before the San Francisco Bar Association) (October 2003)
- “It’s a MAD, Mad World: Prospects for Security, Diplomacy, and Peace on the Korean Peninsula,” Stanford Law School Alumni Weekend (panel moderator) (October 2003)

PREVIOUS PROFESSIONAL ACTIVITIES

LEGAL COUNSELOR, U.S. EMBASSY, The Hague, Netherlands (1996-2001)

- As Counselor for Legal Affairs (1998-2001) and, prior to that, Attaché (1996-1998), served as the United States Government’s principal legal representative to the following international legal institutions:

International Criminal Tribunal for the Former Yugoslavia (ICTY)

- Served as the principal U.S. Government official responsible for carrying out United States policy towards the ICTY on a day-to-day basis
- Drafted U.S. Government submissions for litigation involving challenge to lawfulness of detention of an ICTY indictee by the NATO Stabilization Force (SFOR) (*Prosecutor v. Todorovic* case, Trial Chamber III and Appeals Chamber), drafted *amicus* submission on issues such as the competence of the Security Council to establish the ICTY and ICTY jurisdiction over internal armed conflict (*Prosecutor v. Tadic* case, Appeals Chamber)
- Represented official U.S. Government witnesses during testimony in ICTY cases
- Negotiated conditions for use of sensitive U.S. Government information with both prosecution and defense teams in various ICTY cases
- Coordinated provision of U.S. Government investigative, information, operational, financial, and policy support
- Analyzed and reported on activities at the ICTY, including substantive international humanitarian law and procedural developments

International Court of Justice (ICJ)

- Participated in the development of U.S. litigation strategies in cases before the ICJ
- Advised Washington agencies on ICJ jurisprudence and procedural law
- Drafted contributions to U.S. briefs filed with the ICJ
- Member of the U.S. Government litigation teams at the following ICJ hearings: *Case Concerning Oil Platforms (Iran v. United States)*, Jurisdiction phase (September 1996) (allegedly illegal destruction by U.S. Force of Iranian oil platforms in the Persian Gulf during the Iran-Iraq war); *Case Concerning Vienna Convention on Consular Relations (Paraguay v. United States)*, Provisional Measures phase (April 1998) (allegedly illegal execution of a Paraguayan national not informed of his right to consular access at the time of his arrest by Virginia law enforcement officials); *Case Concerning Legality of Use of Force (Federal Republic of Yugoslavia v. United States)*, Provisional Measures phase (May 1999) (allegedly illegal use of force against the Federal Republic of Yugoslavia (FRY) during 1999 NATO campaign to end FRY human rights abuses against Kosovar Albanians); *LaGrand Case (Germany v. United States)*, Merits phase (November 2000) (allegedly illegal execution of two German nationals not informed of their right to consular access at the time of their arrest by Arizona law enforcement officials)

Iran-United States Claims Tribunal

- Served as United States Agent to the Tribunal, an international arbitral body established at the conclusion of the Iranian hostage crisis to resolve disputes between the Iranian and United States Governments, as well as disputes between U.S. nationals and the Government of Iran
- Participated in the development of U.S. litigation strategies in cases before the Tribunal
- Advised Washington agencies on Tribunal jurisprudence and procedural law; reviewed and signed all U.S. Government filings before the Tribunal
- Participated in negotiations with senior Iranian officials on the possible settlement of pending claims
- Member of the U.S. Government litigation teams at the following Tribunal hearings: *Iran v. United States*, Case A/11 (Shah's assets case) (February 1998); *Iran v. United States*, Case A/28 (Security Account replenishment case) (November 1999)
- Represented the U.S. Government before the Tribunal's Appointing Authority in connection with multiple challenge proceedings against Tribunal arbitrators
- Advised private United States claimants on litigation strategies for cases before the Tribunal as well as Tribunal jurisprudence and procedural law
- Represented the U.S. Government on budget and administrative issues

Scottish Court in the Netherlands (Lockerbie trial)

- U.S. negotiator during Dutch, British, and American discussions leading to the establishment of the Scottish Court in the Netherlands to try the two Libyan nationals indicted for the bombing of Pan Am Flight 103 over Lockerbie (summer 1998)

Hague Conference on Private International Law

- Represented U.S. Government on budget and administrative issues
- Member of U.S. delegation to negotiations on proposed Convention on Jurisdiction and Recognition of Foreign Judgments in Civil and Commercial Matters (multiple sessions)
- Co-head of U.S. delegation to Working Group on Collateral Securities (January 2001)

Permanent Court of Arbitration

- Represented U.S. Government on budget and administrative issues

ATTORNEY-ADVISER, Office of the Legal Adviser, U.S. Department of State (1990-1996)

- **Office of Politico-Military Affairs (1995-1996)**

Advised on international and U.S. foreign relations law related to weapons of mass destruction and missile technology proliferation, including sanctions legislation. Advised on export control regulations for both military items (State Department-administered International Trafficking in Arms Regulations) and sensitive dual-use goods and technologies (Commerce Control Regulations). Advised on international humanitarian law issues. Chaired multilateral working group that adopted confidentiality of information rules for the Wassenaar Arrangement (conventional weapons non-proliferation regime). Advised on multilateral arms control treaties, including the Chemical Weapons Conventions, the Conventional Forces in Europe Treaty, and Protocols (open to the declared nuclear powers) to the African Nuclear Weapons Free Zone. Advised on interpretation of United States foreign and security assistance legislation. Advised on intelligence law issues.

- **Office of Inter-American Affairs (1992-1995)**

Advised on international and U.S. foreign relations law issues arising in Latin America and the Caribbean, including U.S. litigation and treaty negotiations arising out of the 1994 Haitian and Cuban migration crises. Advised on application of Treasury Department Foreign Assets Control Regulations (primarily with respect to Cuba). Participated in development of U.S. Government's regulatory and policy structure for the renewal of telecommunications services between the United States and Cuba pursuant to the Cuban Democracy Act. Advised on human rights and humanitarian law issues related to the Salvadoran peace process. Negotiated with the Mexican Government on conditions for the provision of U.S. loans to assist Mexico during its 1995 financial crisis. Negotiated status of forces agreements for the temporary stationing of U.S. military personnel. Advised on implementation of the Panama Canal Treaties. Served as Clinton Administration lawyer during negotiations with the Congress on the Cuban Liberty and Democratic Solidarity Act (the "Helms-Burton" Act).

- **Office of International Claims and Investment Disputes (1990-1992)**

Prepared U.S. Government pleadings for various cases before the Iran-United States Claims Tribunal, including case concerning the status of diplomatic and consular properties in the United States and Iran. Represented U.S. Government in negotiations leading to a \$190 million claims settlement agreement with Germany for property claims of U.S. citizens against the former German Democratic Republic. Participated in formulation of U.S. legal position for Executive Branch suggestion of interest in *Nelson v. Saudi Arabia*, 507 U.S. 349 (1993) (interpreting Foreign Sovereign Immunities Act). Advised on Treasury Department Foreign Assets Control Regulations with respect to Iran.

JUDICIAL CLERK, Judge John Steadman, District of Columbia Court of Appeals, Washington, D.C. (1989-1990)

- Assisted the judge in the performance of his judicial duties by conducting legal research, drafting legal memoranda and judicial opinions, and advising on draft opinions by other Court of Appeals judges

AFFILIATIONS

- Member, American Society of International Law (2003 -);
 - 2009 Annual Meeting Program Committee (2008-2009)
- Member, Pacific Council on International Policy (2006 -)
- Board of Directors, Immigrant Legal Resource Center (2007 -)

AWARDS/HONORS

- Honorable Mention, Associated Students of Stanford University Annual Teaching Award (2006)
- Selected as an Academic Fellow by the Foundation for the Defense of Democracies (summer 2005)
- Three-time recipient of State Department Superior Honor Awards (individual award – 1992; group awards – 1995 and 1999)
- Federal Bar Association Younger Federal Lawyer Award (1997)

EDUCATION

STANFORD LAW SCHOOL, J.D., 1989

- Order of the Coif (top ten percent of graduating class)
- Graduation with Distinction
- Article Editor, Stanford Law Review
- Jessup International Moot Court Competition
- Semi-finalist, Kirkwood Moot Court Competition

HARVARD COLLEGE, A.B., 1985

- Magna Cum Laude in Social Studies, an interdisciplinary Honors Concentration
- Bennett Price for Senior Honors thesis