

Curriculum Vitae

Prof. Yuval Shany
Hersch Lauterpacht Chair in Public International Law
Hebrew University, Mount Scopus

MEMBERSHIP IN BARS AND ORGANIZATIONS

The Israeli Bar, 1996
The American Society of International Law, 1996
The British Institute of International and Comparative Law, 1997

EDUCATION

University of London, School of Oriental and African Studies,
Department of Law, London, U.K.
Ph.D. in International Law, 2001.
Supervisor: Prof. Philippe Sands
Area of Research: The competing jurisdictions of international tribunals

New York University School of Law, New York, NY, U.S.A.
L.L.M. in International Legal Studies, May 1997.

Hebrew University, Jerusalem, Israel
LL.B. in Law, *Cum Laude*, April 1995.

PROFESSIONAL EXPERIENCE

- Hebrew University, Faculty of Law**, Jerusalem, Israel
- *Hersch Lauterpacht Chair in Public International Law* (associate professor with tenure), 2007-present; senior lecturer, 2005-2007
 - *Director of the LL.M and LL.D. programs*, 2010-present
 - *Minerva Center for Human Rights*, Academic Director 2006- 2009
 - *International Law Forum* (member, 2005-present)
 - *Visiting Lecturer*, 2000-2005 (Law Faculty), 1999-2002 (Social Sciences Faculty)

Hebrew University (cont.)

- *Teaching Assistant* to Prof. Ruth Lapidot, 1995-96 (Law Faculty), Prof. Michla Pomerantz (Social Sciences Faculty), Prof. Moshe Hirsch, 1994-95 (Law Faculty)

Teaching subjects: introduction to international law, international human rights law, international humanitarian law, international courts and tribunals, war and self-defense, human rights in the Supreme Court's jurisprudence.

Israel Democracy Institute, Jerusalem, Israel

- *Senior Research Fellow*, 2008-present
Project Coordinator, Project on Terror and Democracy

Center for Transnational Legal Studies, London, UK

- *Visiting Professor*, 2012

Teaching Subjects: International Courts and Tribunals

Max Planck Institute for International and Comparative Law, Heidelberg, Germany

- *Visiting Researcher* 2011

Columbia University Law School, New York, NY, U.S.

- *Visiting Professor*, 2009-2010

Teaching Subjects: International Courts and Tribunals, Human Rights

University of Sydney, Australia

- *Visiting Professor*, 2009

Teaching Subject: International Humanitarian Law

University of Michigan Law School, Ann Arbor, MI, U.S.

- *Visiting Professor*, 2008

Teaching Subject: International Courts and Tribunals

Georgetown Law Center, Washington D.C., U.S.

- *Visiting Professor*, 2007

Teaching Subject: International Courts and Tribunals

Amsterdam University, Amsterdam Center for International Law, Amsterdam, the Netherlands

- *Visiting Researcher*, 2004

Harvard Law School, Human Rights Program, Cambridge, MA, USA

- *Visiting Fellow, 2003-2004*

The College of Management Academic Studies, Law School, Tel Aviv, Israel

- *Senior Law lecturer (full-time appointment), 1997-2005*
- *Visiting Lecturer, 2005-*

Teaching subjects: introduction to international law, international human rights law, international humanitarian law, international dispute settlement, natural resources law.

Executive Board, CONCORD Research Institute, 2003-

Editor of Hamishpat Law Review, 2000-2003

Head of ADR cluster of courses, 2001 to present

Tel Aviv University, Faculty of Law, Tel Aviv, Israel

Visiting Lecturer, 2001-2005

Teaching subjects: introduction to international law

Project on International Courts and Tribunals (PICT)

Board of Directors, 2007-

Rapporteur for PICT/ILA Study Group on Int'l Courts and Tribunals, 2002-2004

Associate Researcher, 1998-2007

Ministry of Justice, State of Israel

Counsel for the State of Israel before the UN Committee on Economic, Social and Cultural Rights, November 1998

Law Clerk, Supreme Court Division, 1994-95

Meridor-Nehushtan Law Firm, Jerusalem, Israel

Associate, 1996

Law Clerk, 1995-96

Areas of Practice: civil and commercial law.

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- On a number of occasions provided advisory services for a variety of clients, including the Israeli Ministries of Foreign Affairs, the Israeli Ministry of Justice, the Israeli Prime Minister's Office, the Israel Defense Forces, the Israeli Interpol Bureau, the Association for Civil Rights in Israel, Amnesty International (Israel), the Center for Constitutional Rights,

the Harvard Program on Humanitarian Policy and Conflict Research and private law firms in and outside Israel.

- Recently coordinated the work of two research teams: on international court effectiveness (www.effective-intl-adjudication.org), and the interplay between international and national criminal responses in mass atrocity cases (www.domac.is). Member of ongoing study groups on terror and democracy and impacts of national criminal law upon international criminal law.

PRIZES AND SCHOLARSHIPS

University President Prize for Outstanding Research, Hebrew University 2009-2010

ERC Grant (5 year project on effectiveness of international courts), European Union, 2008-2013

FP7 Grant (“Socio-economic Sciences and Humanities” Programme) (4 university research program on the Impact of International Criminal Procedures in Mass Atrocity Cases), European Union, 2007-2010

Davis Center Research Grant (study group on multi-sourced international norms), Hebrew University, 2006

Davis Center Research Grant (study group on treaty ratification process), Hebrew University, 2006

Research Grant, Israel Science Foundation, 2006

Silbert Center Grant, Hebrew University Social Sciences Faculty, 2006

Silbert Center Grant, Hebrew University Social Sciences Faculty, 2005

Certificate of Merit for Pre-Eminent Contribution to Creative Legal Scholarship, American Society of International Law, 2004

Minerva Human Rights Research Grant, Minerva Human Rights Center, Hebrew University, 2003

Law School Research Fund Scholarship, The College of Management Academic Studies, Law School, 2002-2003

Israeli Academic Research Institute for Conflict Resolution and Mediation – research grant, 2002

Advanced studies scholarship, The College of Management Academic Studies, Law School, 1996-1999

Rubin prize - best international and comparative NYU Law Review student note, 1997

Spears prize - international law students, Hebrew University, Law Faculty, 1995

Dean’s list, Hebrew University, Law Faculty 1992 - 93

LIST OF PUBLICATIONS

Doctoral dissertation

1. "The Competing Jurisdictions of International Court and Tribunals: which Rules Govern?", Supervisor: Philippe Sands, Ph.D. awarded on 31 October 2001, published in revised form as a book (Oxford University Press, 2003)

Books

2. "Handbook on International Court and Tribunals" (co-written with Philippe Sands and Ruth Mackenzie), 1999, 346 pp., Butterworths, London
3. "The Competing Jurisdictions of International Courts and Tribunals", 2003, 348 pp., Oxford University Press, Oxford
4. "International Law between War and Peace" (co-written with Orna Ben Naftali), 2006, 488 pp., Ramot, Tel Aviv University, Tel Aviv, in Hebrew
5. "Regulating Jurisdictional Interactions between National and International Courts", 2007, 216 pp., Oxford University Press, Oxford
6. "Manual on International Court and Tribunals" (co-written with Philippe Sands, Ruth Mackenzie and Cesare Romano) (2010), 500 pp., Oxford University Press, Oxford
7. "Assessing the Effectiveness of International Courts" (forthcoming in 2012), est. 350 pp., Oxford University Press, Oxford

Books edited

8. "Economic, Social and Cultural Rights in Israel" (co-edited with Yoram Rabin), 2004, 1013 pp., Ramot, Tel Aviv University, Tel Aviv, in Hebrew
9. "Sovereignty, Supremacy, Subsidiarity: The Shifting Allocation of Authority in International Law" (co-edited with Tomer Broude), 2008, 437 pp., Hart Publishing, Oxford
10. "Multi-Sourced Equivalent Norms in International Law" (Co-edited with Tomer Broude)(2011). 300 pp. Hart Publishing, Oxford

Chapters in Collections

11. "Israeli Counter-Terrorism Measures: Are They 'Kosher' under International Law?", 22 pp. in Michael N. Schmitt (ed.), "Terrorism and International Law: Challenges and Responses", 2003, International Institute of Humanitarian Law, San Remo
12. "International Economic, Social and Cultural Rights: How can they be Invoked by Israeli Court?", 49 pp., in Yoram Rabin and Yuval Shany "Economic, Social and Cultural Rights in Israel" 2004, Ramot, Tel Aviv University, Tel Aviv, in Hebrew.
13. "Stuck in a Moment in Time: The International Justiciability of Economic, Social and Cultural Rights", 30 pp. in Daphna Barak-Erez and Aeyal Gross (eds.) "Exploring Social Rights", 2007, Hart Publishing Oxford
14. "Similarity in the Eye of the Beholder: Revisiting the Application of Rules Governing Jurisdictional Conflicts in the *Lauder/CME* cases", 19 pp., in Arthur Rovine (ed.) "Contemporary Issues in International Arbitration and Mediation" 2008, Martinus Nijhoff Publishing
15. "Self Determination and Uti Possidetis as Applied in the Case of Kosovo: Are the Two Principles Conflicting or Complementary in Nature?", 7 pp. in GUAM, Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States, 2008, GUAM.
16. " From New York to Srebrenica and Darfur: The Roads to and from the Genocide Convention", 25 pp. in Paola Gaeta (ed.) "The UN Genocide Convention: A Commentary" 2009, Oxford University Publishing
17. "International Dispute Settlement", est. 20 pp, in Robbie Sabel (ed.) "Public International Law", forthcoming in 2009, Sacher Institute Publishing (in Hebrew)
18. "Dédoublement fonctionnel" and the Mixed Loyalties of National and International judges", 16 pp., in Filippo Fontanelli, Giuseppe Martinico & Paolo Carrozza (eds.), Shaping Rule of Law Through Dialogue: International and Supranational Experiences, 2009, Europa
19. "Human Rights and Humanitarian Law as Competing Legal Paradigms for Fighting Terror", est. 25 pp., in Orna Ben Naftali (ed), Collected Courses of the Academy of European Law:

- Human Rights and International Humanitarian Law, Vol. XIX/1 (Forthcoming in 2010)
20. "Two Sides of the Same Coin? Judging Milošević and Serbia before the ICTY and ICJ", est. 30 pp, in Timothy Waters (ed.), *Milosevic - An Autopsy* (Forthcoming in 2011)
 21. "The Legitimacy Paradox and Self-Representation", est. 8 pp, in Timothy Waters (ed.), *Milosevic - An Autopsy* (Forthcoming in 2011)
 22. "One Law to Rule Them All: Should International Courts be viewed as Guardians of Procedural Order and Legal Uniformity?", est. 20 pp. , in Andre Nollkaemper and Ole Kristian Fauchald (eds.), *Unity or Fragmentation of International Law: the Role of International and National Tribunals* (Forthcoming in 2011)
 23. "Judicial Independence as an Indicator of International Court Effectiveness: A goal-based approach", est. 15 pp., in Shimon Shetreet and Christopher Forsyth (eds.), *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (Forthcoming in 2011)
 24. "Should the Implementation of International Rules in Domestic Courts be Bolstered?", est. 10 pp. in Antonio Cassese (ed), *Realistic Utopia* (Forthcoming in 2011)
 25. " The Legitimacy-Deficit of Special International Criminal Tribunals", est. 15 pp., in Fionnuala Ni-Aolain and Oren Gross (eds.), *Exceptional Courts and Military Commissions* (Forthcoming in 2011)

Articles

26. "Chromalloy: U.S. Law and International Arbitration at the Crossroads" (co-written with Stephen T. Ostrowski), 73 *New York University Law Review* (1998) 1650, 43pp.
27. "The Right to a Satisfactory Environmental as a Human Right under International Law", 6 *Hamishpat* (2001) 297, 31pp., in Hebrew.
28. "Domestic Violence as a Form of Torture under International Law", 7 *Hamishpat* (2002) 151, 40pp., in Hebrew.
29. "The Sharon Case: Revisiting the Doctrine of Command Responsibility" (co-written with Keren Michaeli), 34 *New York University Journal of International Law and Politics* (2002) 797, 89pp.

30. "Bargaining under the Shadow of the Court: Domestic and International Perspectives", 1 *Nekudat Mifgash* (2003) 46, 28 pp., in Hebrew.
31. "The Entry into force of the Rome Statute: What are its implications for the State of Israel" 15 *Hamishpat* (2003) 28, 17 pp., in Hebrew
32. "Living in Denial: The Application of Human Rights in the Occupied Territories" (co-written with Orna Ben Naftali), 37 *Israel Law Review* (2004) 17, 101 pp.
33. "The Israeli Constitutional Revolution: Has the Time Come for Protecting Economic and Social Rights?" (co-written with Yoram Rabin), 37 *Israel Law Review* (2004) 299, 46 pp.
34. "Does One Size Fit All? Reading the Jurisdictional Provisions of the New Iraqi Special Tribunal Statute in the light of the Statutes of other International Criminal Tribunals", 2 *International Journal of Criminal Justice* (2004) 338, 8 pp.
35. "The First MOX Plant Award: Coordinating between Competing Environmental Regimes and Dispute Settlement Procedures", 17 *Leiden Journal of International Law* (2004) 815, 12 pp.
36. "Capacities and Inadequacies: A Look at the Two Separation Barrier Cases", 38 *Israel Law Review* (2005) 230, 16pp.
37. "The Right to a Satisfactory Environment as a Human Right in the Recent Adam, Teva Va-Din Case : Did the Supreme Court of Israel Satisfactorily Use International Law?" IV *The ICFAI Journal of Environmental Law*(2005) 59, 6pp.
38. "Toward a General Margin of Appreciation Doctrine", 16 *European Journal of International Law* (2005) 907, 33 pp.
39. "Contract Claims v. Treaty Claims: Mapping the Conflicts between ICSID Decisions on Multi-Sourced Investment Claims", 99 *American Journal of International Law* (2005) 835, 16 pp., review note
40. "How Supreme is the Supreme Law of the Land? A Comparative Analysis of the Influence of International Human Rights Conventions upon the Interpretation of Constitutional Texts by Domestic Courts", 31 *Brooklyn Journal of International Law* (2006) 341, 63 pp.
41. "Head against the Wall? Israel's Rejection of the Advisory Opinion on the Legal Consequence of the Construction of a

- Wall in the Occupied Palestinian Territories", 7 Yearbook of International Humanitarian Law (2006) 352, 20 pp.
42. "Consolidation of Arbitration Proceedings: Is International Law of any Relevance?", 21 ICSID Review – Foreign Investment Journal (2006) 135, est. 14 pp.
 43. "Jurisdictional Competition between International and National Courts: Should International Jurisdiction-Regulating Rules Apply", XXXVII Netherlands Yearbook of International Law (2007) 3, 54 pp.
 44. "The Prohibition against Torture and Cruel, Inhuman and Degrading Treatment and Punishment: Can the Absolute be Relativized under Existing International Law?" 56 Catholic University Law Review (2007) 837, 30 pp.
 45. "The Case for Judicial Review over Social Rights: Israeli Perspectives" (co-written with Yoram Rabin), Israel Affairs (forthcoming in 2007), est. 25 pp.
 46. "A Development of Modest Proportions: The Application of the Principle of Proportionality in the *Targeted Killings Case*" (co-written with Amichai Cohen) 5 Journal of International Criminal Justice (2007) 310, 11 pp.
 47. "A Pragmatic Objection to Moral Distinctions: A Comment on 'The Morality and Law of War'" 40 Israel Law Review (forthcoming on 2007), est. 15 pp.
 48. "Judicial Independence in The Hague and Freetown: A Tale of Two Cities" (co-written with Sigall Horowitz), 21 Leiden Journal of International Law (2007) 113, 17 pp.
 49. "Faraway So Close: The Legal Status of Gaza after Israel's Disengagement", 8 Yearbook of International Humanitarian Law 2005 (2007) 359, 15 pp.
 50. "Redrawing Maps, Manipulating Demographics: On Exchange of Populated Territories and Self-Determination", 2 Journal of Law and Ethics of Human Rights (2008) article 10, 26 pp.
 51. "Binary Law Meets Complex Reality: The Occupation of Gaza Debate", 41 Israel Law Review (2008) 68, 18 pp.
 52. "Bosnia, Serbia and the Politics of International Adjudication", 45 Justice (2008) 21, 6 pp.
 53. "Squaring the Circle: Independence and Impartiality of Party-Appointed Adjudicators in International Legal Proceedings", 30 Loyola of Los Angeles Journal of International and Comparative Law Review (2009) 473, 17 pp.

54. "The Law Applicable to Non-Occupied Gaza", 42 Israel Law Review (2009) 101, 16 pp.
55. "No Longer a Weak Department of Power? Reflections on the Emergence of a New International Judiciary", 20 European Journal of International Law (2009) 73, 18 pp.
56. "The Analogy's Limit: Defending the Rights of Peoples", 7 J.I.C.J. (2009) 541, 12 pp.
57. "National Courts as International Actors: Jurisdictional Implications", 31 pp. www.federalismi.it (2009)
58. "The role of National Courts in Advancing the Goals of International Criminal Tribunals", 6 pp, ASIL Proceedings 2009 (2010)
59. "In Defence of Functional Interpretation of the Rome Statute: A Response to Yaël Ronen's "ICC Jurisdiction over acts Committed in the Gaza Strip", 8 J.I.C.J. (2010) 329, 15 pp.
60. "The Israeli Supreme Court and the Incremental Expansion of the Scope of International Law on Belligerent Occupation" (with Guy Harpaz), 43(3) Israel Law Review (forthcoming in 2011), est. 30 pp.
61. "Compliance with Decisions of International Courts as Indicative of their Effectiveness: A Goal-Based Analysis", ESIL Proceedings (forthcoming in 2011), est. 15 pp.

Miscellaneous

62. *Report on the State of Israel (2001)* in Yearbook of International Humanitarian Law (T.M.C. Asser, 2004)
63. *Report on the State of Israel (2002)* in Yearbook of International Humanitarian Law (T.M.C. Asser, 2004)
64. *Report on the State of Israel (2003)* in Yearbook of International Humanitarian Law (T.M.C. Asser, 2005)
65. *Report on the State of Israel (2004)* in Yearbook of International Humanitarian Law (T.M.C. Asser, forthcoming in 2006)
66. *Report on the State of Israel (2005)* in Yearbook of International Humanitarian Law (T.M.C. Asser, forthcoming in 2006)
67. *Report on Israeli compliance with incorporation obligations under human rights treaties* (co-written with Prof. Ruth Lapidot and Dr. Orna Ben-Naftali)(50 pp.)

68. *An Interdisciplinary Look at the Separation Barrier – Symposium* (co-edited with Prof. Frances Raday)
69. *The Proportionality Principle in International Law – a study prepared for the Israel Democracy Institute* (99 pp.), in Hebrew
70. *Treaty-Making Powers in Israel* (co-written with Moshe Hirsch, Guy Harpaz, Tomer Broude, Barak Medina and Gil-Ad Noam), a report funded by the Davis Institute.

Work in Progress

Articles and notes

- *Legal Entitlements, Changing Circumstances and Inter-temporality: A Comment on the Creation of Israel and the Status of Palestine* (est. 15 pp.)
- *Assessing the Effectiveness of International Courts: Quantifying the Unquantifiable* (est. 50 pp.)(submitted for publication)
- *The War against Terror and Absolute Substantive and Procedural Norms* (est. 25 pp.)(submitted for publication)
- *The Role of Procedural Norms in IHL Proportionality Analysis* (est. 25 pp.)(co-written with Dr. Amichai Cohen)
- *The Duty to Investigate Allegations of IHL Violations* (est. 25 pp.)(co-written with Dr. Amichai Cohen)
- *The Impact of International Criminal Courts on National Legal Systems in the Aftermath of Mass Atrocity Situations* (est. 25 pp.)

Reports

- *Israel and the Additional Protocols to the Geneva Conventions: a Reevaluation* (co-written with Ruth Lapidot and Ido Rosensweig)(est. 50 pp.)

Board of Editors and Advisory Boards

Liber Amicorum Shamgar (5 vol.; 2003)

Hamishpat Law Review (Academic editor 2000-2003)

Theoretical Inquiries in Law

IDF Law Review

Israel Law Review (Editor in Chief since 2009)

Journal of International Dispute Settlement

International Review of the Red Cross

CONFERENCES AND SEMINARS (Selective list)

Legitimacy and International Adjudication, Tel Aviv and Jerusalem 2012
Hersch Lauterpacht Memorial Lecture, Cambridge 2012
IHL and Human Rights Law in Military Operations, Pretoria 2011
International Judicial Function, Amsterdam 2011
Proportionality in Armed Conflict, Jerusalem 2010
DOMAC Concluding Conference, Amsterdam 2010
Side Event on Complementarity, Kampala 2010
European Society of International Law, Cambridge 2010
The Milošević Trial: An Autopsy, Indiana 2010
Strengthening IHL Compliance, Jerusalem 2009
Exceptional Courts and Military Commissions, Minnesota 2009
International Law Workshop, Cambridge MA, 2009
Francis Lieber Colloquium Series, New York, 2009
The Law and Politics of International Cooperation, Durham, 2009
Relations between International and National law: Application by Domestic Courts, Reykjavik, 2009
The Relationship between Courts in the Multilevel Legal System, Pisa 2009
Unity or Fragmentation of International Law: the Role of International and National Tribunals, Oslo 2009
American Society of International Law Annual Meeting, Washington DC, 2009
The Issue of Occupation in the ICJ Wall in Palestine Judgment, Catania 2008
Complementing IHL, Jerusalem, 2008
Interaction between National and International courts, Naples, 2008
Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM (Georgia, Azerbaijan, Moldova) States, Baku, 2008
Judicial Independence Project, Zurich, 2007
International Courts and Tribunals in the 21st Century: ten years of PICT and the Future of International Justice, The Hague, 2007
Second Annual Conference on International Arbitration and Mediation, New York, 2007
Forty Years after 1967: Reappraising the Role and Limits of the Legal Discourse on Occupation in the Israeli-Palestinian Context, Jerusalem, 2007
Battle of Jurisdictions II, Amsterdam University, 2006
Occupation and Withdrawals, Glasgow, 2006
Consolidation of International Investment Arbitration Proceedings, Geneva, 2006
Reinterpreting International Humanitarian Law, West Point, NY, 2005
Bilateral Investment Treaties, BIICL, London, 2004
International Conference on Interplay between Legal Regimes in time of Conflict, ICRC/ San Remo, 2003

International Committee of the Red Cross/Graduate Institute of International Studies Seminar on International Humanitarian Law, Geneva, 2000 (participation in one-week seminar for university professors)

Multilateral Diplomacy and International Affairs Management Programme

UNITAR, Geneva, 1999 (two lectures on international courts and tribunals)

ASIL Annual Conference, Washington D.C., 1999 (presentation on the activities of the Project on International Courts and Tribunals)

MISCELLANEOUS

The Alternative Dispute Resolution Center,
Mediation clinic, Tel Aviv, 2002