

DUNCAN B. HOLLIS

Associate Dean for Academic Affairs
James E. Beasley Professor of Law
Temple University's James E. Beasley School of Law
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Teaching Experience

Temple University Beasley School of Law, Philadelphia, PA

- **Associate Dean for Academic Affairs** July
2012-present **James E. Beasley Professor of Law**
Hold a tenured appointment at the law school with teaching responsibilities in international and foreign affairs law (including public international law, treaties, regulating cyber-threats, and international environmental law) as well as property. Administrative responsibilities include faculty oversight and scheduling, curriculum development, public and alumni outreach, and general oversight and implementation of law school and university academic policies.
- **Associate Dean for Academic Affairs & Professor of Law** September 2010-June 2012
- **Associate Professor of Law** July 2007-June 2011
- **Assistant Professor of Law** July 2004-June 2007

Melbourne Law School, Melbourne, Victoria, Australia Jan 2016-Dec. 2016

- **Senior Fellow**
Visited at the law school in June 2016 and taught a class on the law of treaties

George Mason University School of Law, Arlington, VA

- **Adjunct Professor, International Law** Jan. 2000-Jan. 2003
Created and co-taught the core class on public international law and a related seminar on advanced topics in international law.

Professional Experience

Office of the Legal Adviser, U.S. Department of State, Washington D.C.

- **Attorney-Adviser, Environmental Affairs** Apr. 2003-June 2004
Represented the United States in meetings and disputes involving multilateral environmental agreements, including the Montreal Protocol and the POPs

Convention. Negotiated with Canada on the legal aspects of bilateral environmental disputes.

- **Attorney-Adviser, Treaty Affairs** Oct. 1999-Apr. 2003
 - Responsible for review and oversight of treaties and international agreements negotiated and concluded by the United States. Coordinated with the Senate Foreign Relations Committee, the White House and other U.S. agencies on the conclusion and entry into force of treaties and other international agreements, including Senate advice and consent to ratification of treaties. Addressed constitutional issues raised throughout this process, including Separation of Powers, Federalism, the Treaty Power, and the Compact Clause.
 - Served as Counsel to the United States before the International Court of Justice in *Avena and Other Mexican Nationals (Mexico v. United States)* (Provisional Measures Phase) and drafted arguments for the United States in *Oil Platforms (Islamic Republic of Iran v. United States)*.
 - Consulted with foreign governments on issues relating to the negotiation, conclusion and application of treaties; provided legal interpretations of U.S. treaties on questions including implementation, amendment and breach.
 - Served as a U.S. Negotiator in various treaty negotiations, including those for the Agreements between the United States and the European Union on Extradition and Mutual Legal Assistance, the Cybercrime Convention, and the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

- **Attorney-Adviser, Buildings & Acquisitions** Mar. 1998-Oct. 1999

Oversaw contracts, real estate, security and related litigation issues involving U.S. embassies worldwide; represented the State Department before the Armed Services Board of Contract Appeals; assisted the Justice Department in litigation before the Court of Federal Claims.

Step toe & Johnson LLP, Washington D.C.

- **Associate** Oct. 1996-Mar. 1998

Worked on international legal matters. Participated in filing a Gulf War Claim before the U.N. Compensation Commission, resulting in a \$505 million award.

Publications

Books

- **Editor, THE OXFORD GUIDE TO TREATIES (Oxford University Press, 2012).**
- Awarded the 2013 Certificate of Merit by the American Society of International Law for high technical craftsmanship and utility to practicing lawyers.
- Reviewed by
 - Jean Galbraith, 108 AM. J. INT'L L. 859 (2014);

- Tim Staal, 24 EJIL 1239 (2013); and
- Mark Janis, 60(2) NETHERLANDS INT’L LAW REVIEW 319 (2013).
- **Editor, NATIONAL TREATY LAW & PRACTICE (ASIL & Martinus Nijhoff, 2005) (with M. Blakeslee and L.B. Ederington).**
 - Cited in *Medellin v. Texas*, 552 U.S. 491 (2008), Slip. Op., pp. 11, 12, 16, 19 (Breyer, J., dissenting).
 - Reviewed by Anthony Aust, 99 AM. J. INT’L L. 941 (2005).
 - Reviewed in 50 *L’Annuaire Français de Droit International* (2004).

Articles and Book Chapters

- *Constructing Norms for Global Cybersecurity*, 110 AM. J. INT’L L. (forthcoming 2016)
- *Sources and Interpretation Theories: An Interdependent Relationship*, in THE OXFORD HANDBOOK ON THE SOURCES OF INTERNATIONAL LAW (J. d’Aspremont and S. Besson eds., OUP, forthcoming 2016)
- *An Intersubjective Treaty Power*, 90 NOTRE DAME LAW REVIEW 1415 (2015)
- *Re-Thinking the Boundaries of Law in Cyberspace: A Duty to Hack?*, in CYBERWAR: LAW & ETHICS FOR VIRTUAL CONFLICTS (J. Ohlin et al, eds, OUP, 2015)
- *The Existential Function of Interpretation in International Law*, in INTERPRETATION IN INTERNATIONAL LAW (A. Bianchi et al, eds, OUP, 2015).
- *Defining Treaties*, in THE OXFORD GUIDE TO TREATIES (D. Hollis, ed., OUP, 2012).
- *An e-SOS for Cyberspace*, 52 HARVARD INT’L L. J. 374 (2011).
- *Treaties in the Supreme Court, 1861-1900*, in THE U.S. SUPREME COURT AND INTERNATIONAL LAW: CONTINUITY OR CHANGE? (D. Sloss et al., ed., Cambridge, 2011).
- *Unpacking the Compact Clause*, 88 TEXAS L. REV. 741 (2010).
 - Discussed and quoted in CURTIS BRADLEY & JACK GOLDSMITH, FOREIGN RELATIONS LAW: CASES & MATERIALS (Aspen, 4th ed. 2011).
- *“Political” Commitments and the Constitution*, 49 VA. J. INT’L L. 507 (2009) (with J. Newcomer) (lead article).
 - Discussed and quoted in CURTIS BRADLEY & JACK GOLDSMITH, FOREIGN RELATIONS LAW: CASES & MATERIALS (Aspen, 4th ed. 2011).
- *New Tools, New Rules: International Law and Information Operations*, in IDEAS AS WEAPONS: INFLUENCE AND PERCEPTION IN MODERN WARFARE 59 (G. David & T. McKeldin eds., Potomac, 2009).
- *The Elusive Foreign Compact*, 73 MO. L. REV. 1071 (2008) (invited symposium).
- *Why States Need an International Law for Information Operations*, 11 LEWIS & CLARK L. REV. 1023 (2007) (invited symposium).

- *Disaggregating Devils Lake: Can Non-State Actors, Hegemony, or Principal-Agent Theory Explain the Boundary Waters Treaty?*, in RESPONSIBILITY OF INDIVIDUALS, STATES AND INTERNATIONAL ORGANIZATIONS (Canadian Council on International Law, ed., 2007).
- *Executive Federalism: Forging New Federalist Constraints on the Treaty Power*, 79 S. CALIF. L. REV. 1327 (2006).
 - Discussed and quoted in CURTIS BRADLEY & JACK GOLDSMITH, FOREIGN RELATIONS LAW: CASES & MATERIALS (Aspen, 4th ed. 2011).
- *Why State Consent Still Matters: Non-State Actors, Treaties and the Changing Sources of International Law*, 23 BERKELEY J. INT'L L. 137 (2005).
 - Excerpted in THOMAS M. FRANCK ET AL., FOREIGN RELATIONS & NATIONAL SECURITY LAW (Thomas/West, 2008).
- *A Comparative Approach to Treaty Law and Practice*, in NATIONAL TREATY LAW AND PRACTICE 1-58 (ASIL & Martinus Nijhoff, 2005).
 - Cited in *Medellin v. Texas*, 552 U.S. 491 (2008), Slip. Op., pp. 11, 16, 19 (Breyer, J., dissenting).
- *Private Actors in Public International Law: Amicus Curiae and the Case for the Retention of State Sovereignty*, 25 B.C. INT'L & COMP. L. REV. 235 (2002) (invited symposium).
- *Accountability in Chechnya -- Addressing Internal Matters with Legal and Political International Norms*, 36 B.C. LAW REV. 793 (1995).

Shorter Publications

- *Setting the Stage: Autonomous Legal Reasoning in International Humanitarian Law*, 30 TEMPLE INT'L & COMP. L. J. (forthcoming 2016)
- *Interpretation*, in JEAN D'ASPREMONT AND SAHIB SINGH, EDs., FUNDAMENTAL CONCEPTS FOR INTERNATIONAL LAW (Edward Elgar, forthcoming 2016)
- *A Red Cross for Cyberspace*, TIME.com, Feb. 18, 2015 (with T. Maurer)
- *Summary for Panel 4: Law of Armed Conflict (LOAC) and Rules of Engagement (RoE) in Cyberspace*, Cyber Norms Workshop 2.0, <http://citizenlab.org/cybernorms2012> (September 2012)
- *Sovereignty versus Stewardship? International Law and the Apportionment of Cyberspace*, CYBER DIALOGUE 2012 (March 2012).
- Op-Ed, *Sending out an SOS*, NATIONAL LAW JOURNAL, April 26, 2010 (with David Post)
- Op-Ed, *Sovereign, Yet Listening to Foreign Law*, PHILADELPHIA INQUIRER, April 27, 2009 (with Christopher Borgen)
- *Treaties—A Cinderella Story*, 102 PROC. AM. SOC. INT'L L. (2008).

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- Book Review, *Contemporary Issues in the Law of Treaties*, 101 AM. J. INT'L L. 695 (2007).
- Op-Ed, *E-war Rules of Engagement*, LOS ANGELES TIMES, Oct. 8, 2007.
- *Russia Suspends CFE Treaty Participation*, 11 ASIL INSIGHT (July 2007).
- *International Decision: Spector v. Norwegian Cruise Line Ltd.*, 99 AM. J. INT'L L. 881 (2005).
- *Introduction: (Re)Constructing the Treaty Power*, 98 PROC. AM. SOC. INT'L L. 339 (2004).
- *The Proposed Cuban Liberty Act of 1995*, 1 NAFTA: LAW & BUS. REV. 72 (1995) (with C. Smith).
- *The Retroactivity of the Civil Rights Act of 1991 and Section 1981: Rivers v. Roadway Express*, 36 B.C. LAW REV. 373 (1995).

Blog

Opinio Juris, Permanent Contributor and Board Member, a weblog dedicated to reports, commentary, and debate on developments and scholarship in international law and politics, www.opiniojuris.org.

Grant Work

METANORM: A multidisciplinary approach to the analysis and evaluation of norms and models of governance for cyberspace. Part of an interdisciplinary team of experts on norms in cyberspace that received a three year (2014-2016), U.S. Department of Defense “Minerva” grant to analyze the development, adoption, coverage, force, institutionalization and efficacy of current and potential norms for regulating international behaviors in cyberspace as well as current models for Internet and cyberspace governance and debates and trends regarding their futures.

Media Appearances

My views on international law and international relations have appeared in (or on) the *Atlanta Journal-Constitution*, *BBC*, *Christian Science Monitor*, *CBS This Morning*, *CNN's American Morning*, *CNN's In the Arena*, *The Economist*, *Foreign Policy*, *FOX29's Good Day*, *Houston Chronicle*, *Legal Intelligencer*, *Legal Times*, *Los Angeles Times*, *National Law Journal*, *NPR's All Things Considered*, *NPR's Morning Edition*, *The New York Times*, *The Philadelphia Inquirer*, *Quartz*, *Radiolab*, *Rossiyskaya Gazeta*, *The San Francisco Chronicle*, *TIME.com*, *TWiT: This Week in Law*, and *USA Today*.

Presentations & Workshops

- Keynote Speaker, *Strategic Social Construction of International Law in Cyberspace*, State Practice and the Future of International Law in Cyberspace (hosted by the Estonian Foreign Ministry and the Cybernorns Platform), Tallinn, Estonia, May 2016

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- Co-Organizer and Panelist, *Safeguarding Cyberspace: Examining Cybersecurity Roles through Law, Policy, and Business*, Temple University Japan, Tokyo, Japan, May 2015
- Independent Expert, *The Application of International Law in the Context of International Cybersecurity*, UN Institute for Disarmament Research Workshop (co-sponsored by the Center for Strategic and International Studies), Geneva, Switzerland, April 2016
- Invited Participant, Cyber Norms Workshop 4.0, Massachusetts Institute of Technology, Cambridge, MA, March 2014
- Keynote speaker, *Constructing Cybernorms*, Marshall Center Program on Cyber Security, Garmisch-Partenkirchen, Germany, December 2015
- Co-Organizer (with the International Committee of the Red Cross), *Autonomous Legal Reasoning: Legal and Ethical Issues in the Technologies of Conflict*, Temple University School of Law, October 2015
- Panelist, *Rethinking Internet Jurisdiction*, CyFy: The India Conference on Cybersecurity, New Delhi, India, October 2015
- Moderator, *Protection of Intellectual Property and Business Secrets in the Knowledge Economy*, CyFy: The India Conference on Cybersecurity, New Delhi, India, October 2015
- Participant (invited), Global Cyberspace Cooperation Summit VI, East West Institute, New York, NY, September 2015
- Participant (invited), Munich Security Conference Cyber Security Roundtable, New York, NY, September 2015
- Participant (Invited), *Dynamic Coalition on the Internet of Things*, Internet Governance Forum, Dresden, Germany, July 2015
- Presenter, *Neither Cacophony nor Concert: Minor Notes on Cybernorms*, European University Institute, Florence, Italy, May 2015
- Lecturer, *Regulating Cyberthreats*, Headstart Program, La Sapienza, Rome, Italy, May 2015
- Panelist, *Confidence Building Measures, Norms of Behavior, and Public-Private Cooperation for International Security in Cyberspace*, Hague Global Conference on Cyber Security, The Hague, The Netherlands, April 2015
- Panelist, *Do We Need a Red Cross for Cyberspace*, Cybersecurity for a New America: Big Ideas and New Voices, New America Foundation, Washington D.C., February 2015
- Presenter, *Cybersecurity Processes and Events*, ICT4Peace Annual Cybersecurity “State of Play” Review, ETH, Zurich, Switzerland, January 2015
- Keynote speaker, *International Legal Frameworks for Cyberspace*, Marshall Center Program on Cyber Security, Garmisch-Partenkirchen, Germany, December 2014
- Presenter, *An Intersubjective Treaty Power*, The Treaty Power after *Bond v. United States*: Interpretative and Constitutional Constraints, Notre Dame Law School, November 2014
- Presenter, *A Cacophony of Cybernorms*, 2014 Cybersecurity Roundtable, National Committee on American Foreign Policy, New York, NY, November 2014

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- Lecturer, *The Law of Treaties*, Koç University, Istanbul, Turkey, September-October 2014
- Presenter, *An Intersubjective Treaty Power*, National Security Law Colloquium, BYU Law School, Provo, Utah, September 2014
- Featured Speaker, *Beyond the Law's Flaws: Can We Ever Devise Effective Legal Regulation of Cyber Threats?*, Council on Foreign Relations' Roundtable Series on Cyberconflict and Cybersecurity, New York, NY, June 2014
- Presenter, *Neither Cacophony nor Concert: Minor Notes on the Future of Metanorms for Cyberspace*, Cybernorms Workshop, CyCon: NATO CCD COE Conference on Cyberconflicts, Tallinn, Estonia, June 2014
- Panelist, *Treaty Survival*, The United Nations Committee of the International Law Association, American Branch, George Washington University Law School, April 2014.
- Presenter, *Norms Applying to Cyber Fueled Conflicts Below the Level of Armed Attack*, Cyber Norms Workshop 3.0, Massachusetts Institute of Technology, Cambridge, MA, April 2014.
- Participant (invited), *Cyber Dialogue 2014*, University of Toronto, Canada, March 2014
- Presenter, *Re-Thinking the Boundaries of Law in Cyberspace: A Duty to Hack?*, National Security Law Colloquium, Fordham University Law School, New York, NY, March 2014
- Presenter, *Who's in Charge of Cybersecurity?*, Beijing Chaoyang Lawyer Association, Beijing, China, March 2014
- Presenter, *Who's in Charge of Cybersecurity?*, Japan Law Program's 20th Anniversary, Temple University Japan, Tokyo, March 2014
- Chair, *International Law and Other Values: Security, Secrecy, and Justice in the International Legal Order*, ASIL Research Forum, New York University Law School, November 2013
- Presenter, *Rethinking the Rules for Conflict and Competition in Cyberspace*, 2013 International Law Weekend, Fordham University Law School, New York, NY, October 2013
- Presenter (Plenary Panel), *The Existential Function of Interpretation in International Law*, Cambridge Conference on Interpretation, Cambridge University, United Kingdom, August 2013.
- Presenter, *Attacks, Exploits and Intrusions: When Is a Cyber Incident an Act of War? What Responses Are Warranted?* Federalist Society Teleconference, July 2013.
- Participant (invited), Engaging the Writings of Martti Koskenniemi, Temple Beasley School of Law, Philadelphia, PA, April 2013.
- Presenter, *How Should We Regulate Cyberthreats?*, American Chamber of Commerce Japan, Tokyo, Japan, April 2013.
- Keynote Address, *The Law of Cyber Warfare: Can the Current Legal Regime Hack It?* American University College of Law, Washington, D.C., November 2012.
- Panelist, *Taming Globalization: U.S. Foreign Affairs Law and the Next Administration*, 2012 International Law Weekend, New York, NY, October 2013.

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- Participant (invited), *Cyber Norms Workshop 2.0*, Massachusetts Institute of Technology, Cambridge, MA, September 2012.
- Chair, *Ethics of Responding to Cyber Harm: Attribution and Related Problems*, Symposium: Warfare in a New Domain: the Ethics of Cyber Warfare, United States Naval Academy, Annapolis, MD, April 2012.
- Panelist, Symposium: Cyber-Attacks & Cyber Warfare, SWP Stiftung Wissenschaft und Politik, Berlin, Germany, March 2012.
- Participant (invited), *Cyber Norms Workshop*, Massachusetts Institute of Technology, Cambridge, MA, October 2011.
- Presenter *An e-SOS for Cyberspace*, National Security Law Colloquium, Fordham Law School, New York, NY, March 2011.
- Panelist, Symposium: Cybersecurity—Law, Privacy and Warfare in a Digital World, Harvard Law School, Cambridge, MA, March 2011.
- Panelist, *An e-SOS for Cyberspace*, Symposium: From Cybersecurity to Cyberwar, U.S. Naval War College, Newport, RI, September 2010.
- Panelist, *Why States Need New Rules for Cyberconflicts*, 2010 McCain Conference, United States Naval Academy, Annapolis, MD, April 2010.
- Chair, *War and Law in Cyberspace*, 104th Meeting of the American Society of International Law, Washington, D.C., March 2010.
- Panelist, *Constitutional and Prudential Limits on the Treaty Power: Federalism, Delegation, or Some Other Principle?*, Federalist Society's 12th Annual Academic Conference, New Orleans, LA, January 2010.
- Lecturer, *U.S. Treaty Law & Practice*, Law of Treaties Seminar, Queen Mary College, London, United Kingdom, November 2009.
- Paper Presenter, *Treaties & the Court, 1860-1900*, Symposium: The History of International Law in the Supreme Court, Santa Clara Law School, November 2009.
- Lecturer, *A New International Law for Information Operations*, Cyberwar and Cybercrime Seminar, Harvard Law School, October 2009.
- Chair, *Hermeneutics and Interpretation*, Changing Futures? Science and International Law, ESIL-ASIL Research Forum, University of Helsinki, Finland, October 2009.
- Paper Presenter, *Unpacking the Compact Clause*, Foreign Affairs Colloquium, Georgetown University Law Center, September 2009.
- Paper Presenter, *Unpacking the Compact Clause*, Faculty Workshop, Rutgers Law School – Camden, February 2009.
- Participant (invited), *Treaties and Self-Execution*, Harvard-Duke Foreign Relations Workshop, Duke Law School, September 2008.
- Paper Presenter, *Unpacking the Compact Clause*, 2nd Potomac Foreign Relations Law Workshop, George Washington University Law School, May 2008.

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- Panelist, *Judging U.S. Treaties after Medellin*, 102nd Meeting of the American Society of International Law, Washington, D.C., April 2008.
- Panelist, *Information Operations*, Panel on the War on Terror, Pennsylvania Bar Association Law Policy Forum, Philadelphia, PA, April 2008.
- Panelist, *States as International Law Makers*, Symposium: Return to Missouri v. Holland: Federalism and International Law, University of Missouri School of Law, February 2008.
- Panelist, *Charming Treaties*, International Law Weekend, New York City, October 2007.
- Co-Moderator with Professor Jaya Ramji-Nogales, *Democracy in International Law and Institutions*, Junior International Law Scholars Roundtable, Yale Law School, March 2007.
- Panelist, *Obligation vs. Risk: Parsing the Boundary Waters Treaty*, Canadian Council of International Law Annual Meeting, University of Ottawa, October 2006.
- Panelist, *A Comparative Approach to Treaty Law & Practice*, National Treaty Law & Practice, American Society of International Law, Washington D.C., June 2005.
- Presenter, *The Role of State Consent in ICJ Proceedings*, University of Victoria Law School, British Columbia, March 2005.
- Chair, *Treaties in U.S. Law, New Debates on Old Ideas*, 98th Meeting of the American Society of International Law, Washington, D.C., April 2004.
- Panelist, *The Changing Sources of International Law*, Conference on Ethics and Authority in International Law, Fletcher School of Law and Diplomacy, Tufts University, April 2003.
- Presenter, *The View from Foggy Bottom: The Treaty Practice of the United States*, Department of Defense, Joint Chiefs of Staff, International Agreements Conference, Washington, D.C., November 2002.
- Panelist, *Private Individuals in Public International Law: The Case of the Amicus Curiae*, Conference on Globalization and the Erosion of Sovereignty, Boston College Law School, November 2001.
- Guest Lecturer, *U.S. Treaty Practice*, International Law Research Seminar, Georgetown University Law Center, September 2000, February 2002 and February 2003.

Education

Boston College Law School, J.D., *summa cum laude*, May 1996

- James W. Smith Award for Highest Academic Rank
- BOSTON COLLEGE LAW REVIEW, Executive Editor

Fletcher School of Law & Diplomacy, M.A.L.D., May 1996

- Fields of Study: Public International Law; Security Studies

Bowdoin College, A.B., *summa cum laude*, Phi Beta Kappa, May 1992

- Majors in Government and Asian Studies

Affiliations

- **MEMBER, INTER-AMERICAN JURIDICAL COMMITTEE (ELECTED), ORGANIZATION OF AMERICAN STATES** (commencing January 2017)
- **MEMBER (ELECTED), AMERICAN LAW INSTITUTE**
 - Adviser (invited), Treaty Group, *Restatement 4th, Foreign Relations Law of the United States*
- **EXECUTIVE COUNCIL, AMERICAN SOCIETY OF INTERNATIONAL LAW (2014 -2017)**
 - Nominating Committee, Alternate (2016)
 - Chair, Awards Committee (2014-2015); Member (2013-2014)
 - Research Forum Committee (2013-2014)
 - Member (1996 – present)
- **NON-RESIDENT SCHOLAR, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (2016-)**
- **ADMITTED TO THE DISTRICT OF COLUMBIA BAR (1996)** (retired member of the Massachusetts Bar)