

# WILLIAM WHITNEY BURKE-WHITE

2125 14<sup>th</sup> St., NW Apt 213  
Washington, DC  
Washington, DC 20009

Office: (205) 647-8657  
Cell: (617) 901-0391  
E-mail: wburkewh@law.upenn.edu

## EDUCATION

**CAMBRIDGE UNIVERSITY**, Ph.D. in International Relations, October 2006

Jesus College, Centre for International Studies  
Honors: J. William Fulbright Scholar, 2002-2003  
Hague Academy of International Law, Centre for Studies, Research Fellow, 2002  
Dissertation: *Multi-level Global Governance in International Criminal Law Enforcement*

**HARVARD LAW SCHOOL**, J.D., *magna cum laude*, June 2002

Honors: Deák Prize, American Society of International Law, 2002  
Evans, Baxter, & Dillard Awards, Phillip C. Jessup International Law Competition  
Bar Admission: Admitted to Practice in the State of New York

**CAMBRIDGE UNIVERSITY**, M.Phil. in International Relations, November 1999

Honors: Cranston Scholar, awarded for four years of graduate studies  
Dissertation: *The Application of Universal Jurisdiction For Crimes Against Humanity*

**HARVARD UNIVERSITY**, A.B. in Russian and American History and Literature, June 1998

Honors: *magna cum laude*; Phi Beta Kappa; President Harry S Truman Scholar;  
Detur Prize; John Harvard Scholar; Westinghouse Science Scholarship  
Thesis: *The Beginning of the End of the Cold War: The 1986 Reykjavik Summit*  
Varsity Sport: Harvard Varsity Squash Team, national champions 1994-1997

## EMPLOYMENT

**UNIVERSITY OF PENNSYLVANIA SCHOOL OF LAW**, Philadelphia, PA,

*Deputy Dean*, 2011- present; *Professor of Law*, 2010- present; *Assistant Professor of Law*, 2005-2010  
Teaching courses on international law, human rights, sovereign bankruptcy, and international courts and tribunals. Responsible for the expansion of international law program.

*Primary research and writing*: international institutional design, global governance, international investment law, transitional justice, compliance with international legal obligations, investor-state arbitration, international organizations, and human rights.

*Awards and Honors*: Robert Gorman Award for Excellence in Teaching (2007); A. Leo Levin Award for Teaching Excellence in an Introductory Course (2008); Alexander von Humboldt Foundation fellowship (2008-2009).

*Consulting*: Serving as expert witness for the government of Argentina on sovereign debt and investment litigation and arbitration before US courts and ICSID; advising the Governments of Democratic Republic of Congo and Uganda on post-conflict justice; advising the Prosecutor of the International Criminal Court; advising leading international law firms on human rights litigation.

*Visiting positions*:

Visiting Professor, Max Planck Institute of Public International Law, Heidelberg Germany (2008-2009)

Visiting Scholar, Moscow State Institute of International Relations, Moscow, Russia (summer 2008)

Visiting Professor of International Human Rights, Mofid University, Qom, Iran (May 2007)

Lectured in international human rights and assisted with the design of a human rights curriculum.

Visiting Scholar and Advisor to the Prosecutor, International Criminal Court, The Hague, Netherlands (Summer 2006). Drafted policy papers on complementarity and the politics of international justice.

**UNITED STATES DEPARTMENT OF STATE**, Washington, DC, June 2009- June 2011

*Member of The Secretary's Policy Planning Staff and Principal Drafter, Quadrennial Diplomacy and Development Review*. Provided policy advice to Secretary Clinton on international organizations, global governance, the G-8 and G-20, and the Russian Federation. Served as Principal Drafter of the Secretary's hallmark reform effort, the Quadrennial Diplomacy and Development Review.

**PRINCETON UNIVERSITY**, Princeton, NJ, September 2003-2005

*Lecturer in Public and International Affairs and Special Assistant to Dean Anne-Marie Slaughter.* Taught courses on international law, international criminal law, and international relations at the graduate and undergraduate levels; provided research support and project assistance to the Dean.

**HARVARD UNIVERSITY**, Cambridge, MA, February 2000-June 2002

*Head Teaching Fellow.* Responsible for curriculum, teaching, and grading of introductory international relations course (Prof. Andrew Moravcsik) and Teaching Fellow for advanced course on the American Presidency (Prof. Roger Porter). Four time recipient of Derek Bok award for teaching excellence.

**GOVERNMENT OF RWANDA, CONSTITUTIONAL COMMISSION**, Kigali, Rwanda, 2001-02

*Special Rapporteur* to the Government of Rwanda Conference on Constitutional Development. Advised the Rwandan Constitutional Commission on international law issues for the drafting of a new constitution.

**CLIFFORD CHANCE LLP**, New York and London, Summer 2001

*Law Clerk* in the International Law and International Arbitration Groups. Advised clients on border disputes; prepared witnesses for international intellectual property litigation; drafted environmental claims for Iraq-Kuwait UN Compensation Commission; advised African governments on conflict diamond trade.

**INTERNATIONAL CRIMINAL TRIBUNAL FOR YUGOSLAVIA**, The Hague, Summer 2000

*Law Clerk* for Judges Hunt, Pocar, and Mumba. Conducted international legal research on crimes against humanity, torture, and slavery for trial of rape camp commanders from southern Bosnian town of Foca.

**THE GLOBAL LEADERSHIP FORUM**, Moscow, Russia and Boston, MA, 1997-99

*President.* Founded 501(c)(3) non-profit corporation to provide young leaders from regions of strife with mentors, technologies and community to collaboratively develop solutions to regional conflicts.

**LANGUAGES** Russian (fluent), French (passive)

**PUBLICATIONS**

Scholarly Works

“The Adoption of the Responsibility to Protect,” in *The Responsibility to Protect*, (Jared Genser and Irwin Cotler, eds) (Oxford: 2011).

“Private Litigation in a Public Law Sphere: The Standard of Review in Investor State Arbitration,” 35 *Yale International Law Journal* 283 (2010) (with Andreas von Staden).

“Reframing Positive Complementarity: Reflections on the First Decade and Insights from the US Federal Criminal Justice System”, in *The International Criminal Court and Complementarity: From Theory to Practice*, (Cambridge UP, 2010).

“International Idealism Meets Domestic-Criminal-Procedure Realism” (with Stephanos Bibas), 59 *Duke Law Review* 637 (2010).

“Standards of Review in Investor State Arbitration: A Comparative Public Law Approach” (with Andreas von Staden) in *International Investment Law and Comparative Public Law* (2010).

“Shaping the Contours of Domestic Justice: The International Criminal Court and an Admissibility Challenge in the Uganda Situation” (with Scott Kaplan), 7(2) *Journal of International Criminal Justice* 257-279 (2009).

“Bargaining for Arrests at the International Criminal Court: A Response to Roper and Barria”, 21 *Leiden Journal of International Law* 477 (2008).

- “Non-Precluded Measures Provisions, the State of Necessity, and State Liability for Investor Harms in Exceptional Circumstances” (with Andreas von Staden) in *Latin American Investment Treaty Arbitration. The Controversies and Conflicts* (Kluwer: 2008).
- “The Argentine Financial Crisis: State Liability Under BITs and the Legitimacy of the ICSID System”, 3 *Asian Journal of WTO and International Health Law* (March 2008).
- “The Domestic Influence of International Criminal Tribunals: The International Criminal Tribunal for the Former Yugoslavia and the Creation of the State Court of Bosnia & Herzegovina,” 46 *Columbia Journal of Transnational Law* 279 (2008).
- “Proactive Complementarity: The International Criminal Court and National Courts in the Rome System of Justice” 49:1 *Harvard International Law Journal* 53 (2008).
- “Implementing a Policy of Positive Complementarity in the Rome System of Justice,” 19 *Criminal Law Forum* 59 (2008).
- “Investment Protection in Extraordinary Times: The Interpretation and Application of Non-Precluded Measures Provisions in Bilateral Investment Treaties” (with Andreas von Staden), 48:2 *Virginia Journal of International Law* 307 (2007).
- “The Future of the United Nations, University of Pennsylvania Law Review, On-Line Pennumbra Debate with Professor Avi Bell (September 2006)
- “The European Way of Law” (with Anne-Marie Slaughter) in *New Perspectives on the Divide Between National and International Law* (Oxford University Press, August 2007).
- “The Future of International Law is Domestic” (with Anne-Marie Slaughter), 47 *Harvard International Law Journal* 1 (2006).
- “Preferences Matter: Conversations with Cambodians on the Prosecution of the Khmer Rouge Leadership,” in *Bringing the Khmer Rouge to Justice: Prosecuting Mass Violence Before the Cambodian Courts* 97-126 (Jaya Ramji and Beth van Schaack, eds., 2006)
- “Complementarity in Practice: the International Criminal Court as Part of a System of Multi-Level Global Governance in the Democratic Republic of Congo,” 18 *Leiden Journal of International Law* (2005).
- “International Legal Pluralism,” 25 *Michigan Journal of International Law* 963 (2005).
- “Human Rights in the Inter-American System,” 2 *International Studies Journal* (Tehran) (2005).
- “Human Rights and National Security: The Strategic Correlation,” 17 *Harvard Journal of Human Rights* 249 (2004).
- “The International Criminal Court and the Future of Legal Accountability,” 10 *ILSA Journal of International and Comparative Law* 195 (2003).
- “A Community of Courts: Toward a System of International Criminal Law Enforcement,” 24 *Michigan Journal of International Law* 1 (2003).
- “Regionalization of International Criminal Law Enforcement: A Preliminary Exploration,” 38:4 *Texas International Law Journal* (2003).

- “An International Constitutional Moment” (with Anne-Marie Slaughter), 43 *Harvard International Law Journal* 1 (2002).
- “The Future of the Law” (with Anne-Marie Slaughter), *Harvard International Review* (Spring 2002).
- “What If? Prosecuting Crimes of Chemical Terror,” in *Treaty Enforcement and Mutual Legal Assistance* (2002).
- “Reframing Impunity: Applying Liberal International Law Theory to an Analysis of Amnesty Legislation,” 42 *Harvard International Law Journal* 467 (2001).  
Awarded the Deak Prize by the American Society of International Law and the International Law Students Association for the outstanding article by a law student in an international law journal, 2002
- “Protecting the Minority: A Place for Impunity?” *Journal of Ethnopolitics and Minority Issues in Europe* (Fall 2000).

### Selected Opinion and Editorial Works

- “Iran-Russia Relations,” *E'temad Newspaper* (Tehran), September 12, 2007.
- “Don't Shut the Door on Dialogue With Iran,” *The Philadelphia Inquirer*, June 19, 2007 (with Adam Kolker). Reprinted in *The Houston Chronicle* and *Ham-Mihan Daily Newspaper* (Tehran).
- “Allow an International Panel to Judge Saddam,” *The International Herald Tribune*, December 20, 2003 (with Anne-Marie Slaughter)
- “Role for U.N. in War Crimes Trials,” *The Washington Times*, May 21, 2003 (with Anne-Marie Slaughter).
- “The U.N. Must Help Bring Justice to Iraq,” *The Financial Times*, April 9, 2003 (with Anne-Marie Slaughter).

### **SELECTED LECTURES AND PANEL PRESENTATIONS**

- “A Comparative Public Law Approach to Standards of Review in Investment Arbitration,” Yale Law School Law and Globalization Seminar, April 26, 2009.
- “Russia, China, Oil and the New International Law,” University of Sao Paulo, Sao Paulo, Brazil, March 18, 2009.
- “The International Criminal Court and Domestic Governance,” Tubingen University, Tubingen, Germany, December 12, 2008.
- “American Foreign Policy in the Obama Administration,” Salzburg Seminar, Salzburg, Austria, November 10, 2008.
- “America and International Law,” Al Isra University, Amman, Jordan, 22 November, 2009.
- “Human Rights and Islamic Law: Resolving the Tensions,” Salzburg Seminar, Salzburg, Austria, October 29, 2008.

- “Complementarity and the International Criminal Court,” Leiden University, The Hague, Netherlands, October 23, 2009.
- “The Future of International Criminal Justice,” American Branch of the International Law Association Annual Meeting, New York, New York, October 2008.
- “New Decision Makers in International Economic Law,” Society of International Economic Law,” Geneva, Switzerland, 16 July, 2008.
- “American Approaches to International Law,” Moscow State Institute of International Relations, Moscow, Russia, June 20, 2008.
- “From Preemptive to Preventive Self-Defense,” The Hoover Institution of Stanford University Meeting, Tokyo, Japan, May 26, 2008.
- “Peace vs. Justice or Peace & Justice,” The University of Chicago Law School, May 21, 2008.
- “The Suspension of Host Country Obligations in Times of Emergency,” Harvard University International Law Society Conference, April 19, 2008.
- “War Crimes Indictments and Conflict Strategies,” (with Michael Boyle) International Studies Association Conference, San Francisco, CA, March 29, 2008.
- “The International Criminal Court and the People’s Republic of China,” Tsinghua University School of Law, Beijing, PRC, March 14, 2008.
- “The Ethics of International Criminal Law,” University of Pennsylvania Medical School, February 12, 2008.
- “Peace and Justice or Peace v. Justice,” Washington University Law School, January 19, 2008.
- “The Alien Tort Claims Act and the Future of Human Rights Litigation in US Courts,” Avocats Sans Frontières, Brussels, Belgium, December 12, 2007.
- “Domesticating International Criminal Law,” The World Legal Forum, The Hague, Netherlands, December 10, 2007.
- “The Argentine Financial Crisis and State Liability Under BITs,” National Taiwan University, Taipei, Taiwan November 30, 2007.
- “The Legitimacy of Investment Dispute Resolution: The Argentine ICSID Cases,” American University, Washington College of Law, October 24, 2007.
- “Positive Complementarity: The ICC and the Rome System of Justice,” University of Leiden Conference, October 4, 2007.
- “Peace vs. Justice in Northern Uganda,” Law and Society Association Annual Meeting, Berlin, Germany, July 27, 2007.
- “Peace vs. Justice or Peace & Justice,” Oxford University, Department of Politics, (Oxford, UK), June 21, 2007.

- “From Peter to Putin: Russian Legal Integration with the West”, St. Petersburg Law School (St. Petersburg, Russia), June 15, 2007.
- “Reconciling European and American Views on the Use of Force: The Power of Procedure”, The Hoover Institution (Bellagio, Italy), June 11, 2007.
- “The Protection of Human Rights and the Need for Checks and Balances in Government,” Mofid University (Qom, Iran), May 20, 2007.
- University of Glasgow, Judicial Review Conference (Glasgow, Scotland), “Judicial Review of International Economic Sanctions in the United States,” April 27, 2007.
- University of St. Andrews, International Relations Seminar Series (St. Andrews, Scotland), “The International Criminal Court at Five: An Evaluation with Reference to the First Three Situations,” April 23, 2007.
- University of Pennsylvania Global Development Initiative (Philadelphia, PA), “Human Rights and Academe,” April 20, 2007.
- New York University, Course Lecture (New York, NY) “The International Criminal Court at Five: An Evaluation with Reference to the First Three Situations,” April 17, 2007.
- International Law Students Association Annual Meeting (Washington, DC), “The International Criminal Court at Five: an Evaluation with Reference to the First Three Situations,” March 28, 2007.
- University of Oslo, The New International Law Conference (Oslo, Norway), “The Political Effects of International Courts and Tribunals,” March 15, 2007.
- Temple University, Beasley School of Law, Panel on Hybrid Tribunals (Philadelphia, PA), “The Role of Hybrid Tribunals in International Criminal Justice,” February 27, 2007.
- World Affairs Council, Lunchtime Speakers Series (Philadelphia, PA), “The International Criminal Court at Five An Evaluation with Reference to the First Three Situations,” February 20, 2007.
- Temple University, Beasley School of Law, International Law Colloquium (Philadelphia, PA), “Investment Protection in Extraordinary Circumstances: The Interpretation and Application of Non-Precluded Measures Provisions in Bilateral Investment Treaties, February 5, 2007.
- Vanderbilt University, International Law Roundtable (Nashville, TN), “Rethinking the Bargain: Bilateral Investment Treaties and State Freedom of Action,” January 26, 2007.
- TMC Asser Institute & University of Leiden (The Hague, Netherlands), “Proactive Complementarity and the Rome System of Justice,” December 16, 2006.
- Arcadia University (Philadelphia, PA), “The International Criminal Court: Prospects and Challenges,” October 19, 2006.
- International Criminal Court (The Hague, Netherlands), “The Political Impact of the International Criminal Court,” July 20, 2006.
- European Society of International Law (Paris, France), “Balancing National Security and

Investor Protections in Bilateral Investment Treaties,” May 19, 2006.

American Constitution Society, Temple University School of Law (Philadelphia, PA), “The International Criminal Court and Domestic Governance in Congo, Sudan and Uganda,” April 18, 2006.

European Law Students’ Association Annual Meeting with Penn Law School (London, UK), “The US and European Views of International Law: Bridging the Transatlantic Divide,” March 22, 2006.

American Constitution Society, University of Notre Dame School of Law (Notre Dame, Indiana), “The International Criminal Court and Domestic Governance in Congo, Sudan and Uganda,” March 3, 2006.

Bellagio Conference Center (Bellagio, Italy), “The Domestic Legal Framework of Transitional Administration,” February 7, 2006.

University of Connecticut School of Law (Hartford, CT), “Multilevel Global Governance in Action: The Case of the ICTY in Bosnia & Herzegovina,” January 27, 2006.

Solomon Asch Center for Ethnopolitical Conflict, University of Pennsylvania (Philadelphia, PA), “The Political Effects of International Courts and Tribunals,” January 22, 2006.

Bombay University, Government School of Law (Mumbai, India), “The International Criminal Court: Perspectives from the United States and India,” December 18, 2005.

Indian Society of International Law (New Delhi, India), “The Political Effects of the International Criminal Court,” December 10, 2005.

Delaware Valley International Law Day, Temple University (Philadelphia, PA), “Multi-level Global Governance in Action: The Case of the ICTY and Bosnia & Herzegovina,” October 18, 2005.

Bellagio Conference Center (Bellagio, Italy), “The Use of Force in Response to Acts of Terrorism: The Legal Framework of Crime vs. War,” August 29, 2005.

Hague Joint Conference on International Law (The Hague, Netherlands), “The Interplay Between National, Regional and International Courts,” July 1, 2005.

Cambridge University, Center for International Studies (Cambridge, UK), “The Politics of International Courts,” June 8, 2005.

Center for Middle East Studies (Tehran), “The Nuclear Dilemma and US Foreign Policy,” May 16, 2005.

International Book Fair (Tehran), “US Foreign Policy in the Second Bush Administration,” May 13, 2005.

American Society of International Law Annual Meeting, “Double-Edged Tribunals: The Political Effects of International Legal Institutions,” April 3, 2005.

Columbia Law School Summer Program, “International Legal Protection for Women and Children in Times of Armed Conflict,” June 10, 2004.

European Society of International Law Inaugural Conference (Florence), “An Investigation of Complementarity,” May 14, 2004.

Princeton University (Princeton, NJ), “The Perils of American Foreign Policy Today,” May 9, 2004.

University of Michigan School of Law, “International Legal Pluralism,” March 20, 2004.

Cambridge University (U.K.), “International Criminal Law in an International Constitutional Order,” January 29, 2004.

International Criminal Law Network Conference (The Hague, Netherlands), “The Effects of Complementarity in the Democratic Republic of Congo: National Judicial Reform and Cooperation with the ICC, December 18, 2003.

Loyola University (New Orleans), “The International Criminal Court and the Future of Legal Accountability,” October 16, 2003.

Moffid University (Iran), “The Linkage between International Aggression and Domestic Human Rights Violations,” May 18, 2003.

University of Tehran, (Iran), “International Law After 9/11,” May 17, 2003

British Ministry of Defense Training Course, “International Humanitarian Law in Occupied Territories,” February 23, 2003.

Cambridge University (Cambridge, U.K.), “International Crimes: Toward Legal Accountability,” November 7, 2002.

Harvard University (Cambridge, MA), “Criminal Accountability for Augusto Pinochet?” April 20, 2002.

## **CLIENT AND PRACTICE ACTIVITIES**

*Mobil Exploration and Development v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2009), expert witness for the Republic of Argentina.

*Giovanni Alemanni et. al. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2009), expert witness for the Republic of Argentina.

*Giordano Alpi, et. al. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2008), expert witness for the Republic of Argentina.

*Giovanni a Beccara et. al. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2008), expert witness for the Republic of Argentina.

*Giovanni a Beccara et. al. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2008), expert witness for the Republic of Argentina.

*Khaled A.F. Al Odah v. United States of America*, U.S. S.Ct., lead amicus curiae, August 2007.

*United States of America v. Omar Khadr*, Court of Appeals for the District of Columbia, amicus curiae, May 2007.

*CIT v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2007), expert witness for the Republic of Argentina.

*El Paso Energy, Inc. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2007), expert witness for the Republic of Argentina.

*Continental Casualty Co. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2007), expert witness for the Republic of Argentina.

*Pan American Energy, LLC v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2006), expert witness for the Republic of Argentina.

*Enron Corp. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2006), expert witness for the Republic of Argentina.

*Sempra Energy International & Camuzzi International, S.A. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2005), expert witness for the Republic of Argentina.

*LG&E v. v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2005), expert witness for the Republic of Argentina.

*CMS v. The Republic of Argentina*, International Center for the Settlement of Investment Disputes (2005), expert witness for the Republic of Argentina.