

CURRICULUM VITAE

Bartram Stewart Brown

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EDUCATION

Harvard University, Cambridge, Massachusetts, USA
Bachelor of Arts *Cum Laude* June 1974
Major Area of Study - Government (Political Science).

Columbia University, New York, New York, USA
Juris Doctor May 1977
Major Areas of study - International Law, Comparative Law, Transnational Business Transactions
Columbia Human Rights Law Review, Managing Editor 1976-1977
International Law Society, Executive Board Member
Black Law Students Association (BLSA)
Admissions to practice law by:
The State Bar of California (USA), December 1977
The United States Supreme Court, November 30, 1992

Institut Universitaire de Hautes Études Internationales, University of Geneva, Switzerland
(Graduate Institute of International Studies, now known as the Graduate Institute of International and Development Studies))
Ph.D. in International Law and Politics (*Docteur ès Sciences Politiques*), September 1989
Doctoral thesis title:
"THE UNITED STATES AND THE POLITICIZATION OF THE WORLD BANK: A LEGAL ANALYSIS"

EMPLOYMENT

Professor of Law (tenured)	2001 - Present
Co-Director, Program in International and Comparative Law	2002 -Present
Associate Professor of Law (tenured)	1998 - 2001
Assistant Professor of Law	1991 - 1998
Chicago-Kent College of Law	Chicago, Illinois (USA)
Illinois Institute of Technology	

Teaching courses including International Law, Comparative Law, International Human Rights Law, International Humanitarian Law, International Criminal Law, Justice and the Legal System, International Organizations and Contracts. Coach, Jessup International Law Moot Court team. Since 2005 this work has frequently involved the teaching of short courses in China, Thailand, Georgia and Ukraine.

Law Clerk	September 1995 - March 1996
International Criminal Tribunal for the Former Yugoslavia (United Nations)	The Hague, Netherlands

During a sabbatical leave from teaching I served as law clerk to Judge Gabrielle Kirk McDonald, then the Presiding Judge of one of the Tribunal's two trial chambers. I provided legal advice to the Judge and did research and writing relating to the analysis of outstanding legal issues related to motions, orders, the confirmation of indictments, and to preparation for the trial of the first accused in custody of the International Tribunal.

Assistant Professor of Government August 1987 - June 1991
The College of William and Mary Williamsburg, Virginia (USA)
I taught International Law, Human Rights, Developing Countries and the Politics of the International Economic Order, and other international relations courses.

Consultant July - August 1986
United Nations, Office of the Director General for Geneva, Switzerland
I coordinated preparation of a volume published by the UN in 1987, entitled "Is Universality in Jeopardy?" I wrote the introduction to this publication, and also edited certain of the symposium papers published in that volume.

Associate Economic Affairs Officer July - September 1982
United Nations Conference on Trade and Development Geneva Switzerland
I researched and wrote a study for the UNCTAD Secretariat entitled "Investment Insurance and the Possibility of Multilateral Action" (approximately 15,000 words).

Lecturer in International Relations August 1981 - end 1986
Webster University in Geneva Geneva, Switzerland

Associate Attorney August 1977 - September 1979
Graham & James (law firm) San Francisco, California (USA)

BOARD AND COUNCIL MEMBERSHIPS

Member May 2002 - present
American Law Institute

Member February 2000 – present
Council on Foreign Relations New York, New York

Leadership Counsel Member May 1999- present
Midwest Immigrant and Human Rights Center (MIHRC)
Heartland Alliance

Board Member Spring 1997 - 2006
Coalition for International Justice (CIJ)
of the American Bar Association (ABA)

Advisory Board Member September 1996 – September 2005
Central European and Eurasian Law Initiative
of the American Bar Association (ABA/CEELI)

Executive Council March 2002 – March 2004
American Society of International Law

Board Member June 2000 - June 2003
Amnesty International, USA

OTHER ACTIVITIES OF NOTE

Member Delegation of Experts June 6-17, 2011
International Bar Association's Human Rights Institute (IBAHRI)
Fact-finding mission to Zimbabwe Zimbabwe
This mission, which was supported by the Open Society Initiative for Southern Africa (OSISA), assessed the state of the rule of law in Zimbabwe. Our report: *Zimbabwe: time for a new approach* (http://www.osisa.org/sites/default/files/sup_files/ibahri_report_on_zimbabwe.pdf) was released in September of 2011.

Lecturer June 16 - July 18, 2008
June 13 - July 5, 2006
Howard University School of Law Summer Program Cape Town, South Africa
University of the Western Cape, South Africa

- Lecturer**
London Law Consortium
London, England
January 9 - April 28 2006
January 10 - May 10 2015
London, England
- Visiting Fellow**
Lauterpacht Research Centre
for International Law
University of Cambridge
(Also Visiting Fellow at Hughes Hall)
January – July 2004
Cambridge, England
- Lecturer**
Summer course on the
International Criminal Court
Irish Centre for Human Rights
Irish, National University, Galway
July 10-14, 2004
Galway, Ireland
- Lecturer/Presenter**
Conference on Priority Criminal Justice
Sector Reforms in Kazakhstan
United States Department of Justice
June 19-24 2004, Almaty, Kazakhstan
Kazakhstan is in the process of amending and reforming its code of criminal procedure, much of which was inherited from the former Soviet Union. The US Department of Justice organized this conference to assist this process. Attending the conference were judges, prosecutors, academics and lawyers from Kazakhstan, Tajikistan and Russia. I spoke on fair trial rights under the International Covenant on Civil and Political Rights.
- Lecturer/Presenter**
Specialized Training Seminars
Humanitarian Law Center (Belgrade)
October 23-25 2003, Igalo, Montenegro
June 26-29 2003, Igalo, Montenegro
May 8-10, 2003, Palic, Serbia
Sept 28–Oct 3, 2001, Palic, Serbia
I have been a presenter and instructor in a series of specialized training seminars organized by the Humanitarian Law Centre (Belgrade), the UN's International Criminal Tribunal for the Former Yugoslavia (ICTY) in the Hague, the International Bar Association (London), and the Swedish and Canadian Governments. The purpose was to educate the participants, judges, prosecutors, defense lawyers and police investigators from the former Yugoslavia, on how to apply International Law, including but not limited to the jurisprudence of the ICTY, in future war crimes trials to be held before their national courts.
- Delegation Member**
International Bar Association Lawyers Mission
May 2002
Blantyre and Lilongwe, Malawi
- Delegation Leader**
Amnesty International Human Rights Mission
March 9-14 2001
Bahrain (Persian Gulf)
Our three-person delegation was the first from any international human rights organization to meet independently and openly with Bahraini associations, including journalists, lawyers, women, workers and the newly formed human rights society as well as with released prisoners of conscience and other victims of past human rights violations. The delegation also held talks with Ministers and high ranking officials in the Ministries of Interior, Justice, Labour and Social Affairs, Foreign Affairs and Education, as well as with the Amir of Bahrain and the Crown Prince.
- Public Member**
Delegation of the United States of America
United Nations Commission on Human Rights
March - April 1999
March – April 2000
Geneva, Switzerland
- Participant and Contributing Author**
Conferences on the International Criminal Court
American Academy of Arts and Sciences (AAAS)
August 1998 Cambridge, MA
January 1999 Chicago, Illinois
My chapter on the Statute of the International Criminal Court appears in an AAAS collection of essays on the subject of that court published in September 2000.

Legal Advisor & accredited diplomatic representative Republic of Trinidad and Tobago United Nations Conference on the Establishment of an International Criminal Court	June – July 1998 Rome, Italy
National Steering Committee Member Legal Support Network of Amnesty International, USA	December 1992 - 1997
Delegation Leader/Organizer Chicago Lawyers for International Human Rights I lead a human rights fact-finding mission to Haiti and co-authored a report on human rights conditions in Haiti for Chicago Lawyers for International Human Rights (CLIHR), a predecessor organization to Midwest Immigrant and Human Rights Center (MIHRC).	Republic of Haiti April 20-27, 1993
Cooperating Counsel William Andrews death penalty case Case 11.139	July 1992 – December 1996 Inter-American Commission for Human Rights
Cooperating Counsel Amnesty International I researched and drafted briefs <i>amicus curiae</i> for Amnesty International, and Amnesty International USA in a case involving the forcible return to Haiti without a hearing of their claims to asylum, of Haitian asylum seekers intercepted on the high seas by the US government. Brief before the 2nd Circuit Court of Appeals filed in June 1992, brief before the US Supreme Court filed in December 1992.	June 1992 - December 1992
Secretariat Member/Editor Institut de Droit International (Institute of International Law)	August 1985 (Helsinki, Finland) September 1987 (Cairo, Egypt) Sept. 1989 (Santiago, Spain) Sept. 1991 (Basel, Switzerland) September 1993 (Milan Italy) August 1995 (Lisbon, Portugal)
The Institute of International Law is an elite organization founded in 1873 whose membership consists of 130 recognized authorities on international law from over 40 countries. The organization meets every two years. I assisted the 62nd through 67th sessions of this organization as one of eight bilingual international legal scholars (non-members) responsible for preparing summaries of the debates and collecting documents from these sessions for publication in the IDI's yearbook, the <i>Annuaire de L'Institut de Droit International</i> .	
Guest Panelist on Foreign Affairs Issues The Chicago Tonight Show WTTW Channel 11 (PBS affiliate)	1993 - present (on numerous occasions) Chicago, Illinois USA

ADDITIONAL QUALIFICATIONS

English mother tongue
Excellent command of French, written and spoken
Basic reading knowledge, Spanish
High level of computer literacy

PERSONAL INFORMATION

Nationality: United States of America

(Publications listed beginning on the following page)

PRINCIPAL PUBLICATIONS, ETC.

The International Criminal Court in Africa: Impartiality, Politics, Complementarity and Brexit, 31 TEMPLE INT'L AND COMPARATIVE LAW JOURNAL 145, (2017).

Vertical Dimensions in the Quality of Law, in THE QUALITY OF LEGAL ACTS AND ITS IMPORTANCE IN CONTEMPORARY LEGAL SPACE, University of Latvia Press (2012), available at http://www.lu.lv/fileadmin/user_upload/lu_portal/apgads/PDF/Book_LU-JF_konference-2012.pdf.

RESEARCH HANDBOOK ON INTERNATIONAL CRIMINAL LAW

I edited this volume of essays which was published by, Edward Elgar in 2011 as part of their series of *Research Handbooks in International Law*. (See, http://www.e-elgar.co.uk/bookentry_main.lasso?id=12726)

The Relevance of International Law to the Domestic Decision on Prosecutions for Past Torture
59 DEPAUL L. REV. 775 (2010).

Multiculturalism and the Bretton Woods Institutions

This essay was published by Martinus Nijhoff Publishers in MULTICULTURALISM AND INTERNATIONAL LAW: *Essays in Honour of Edward McWhinney*, edited by Sienho Yee and Jaques-Yvan Morin (2009).

The International Criminal Tribunal for the Former Yugoslavia

I wrote the entry on this topic for the ENCYCLOPEDIA OF HUMAN RIGHTS published in July 2009 by the Oxford University Press, edited by Professor David Forsyth of the University of Nebraska department of Political Science.

Depoliticizing International Criminal Law

This paper was published as Chapter 3 in THE THEORY AND PRACTICE OF INTERNATIONAL CRIMINAL LAW: ESSAYS IN HONOR OF M. CHERIF BASSIOUNI, (2008) edited by Leila N. Sadat & Michael P. Scharf.

Human Rights, Sovereignty and the Final Status of Kosovo

80 CHI.-KENT L. REV. 235 (2005)

Intervention, Self-Determination, Democracy and the Residual Responsibilities of the Occupying Power In Iraq,

11 U.C. DAVIS J. INT'L L. & POL'Y 23 (2004).

Etat des lieux des droits de l'homme, du droit international humanitaire et du droit international pénal face aux requêtes en «réparation» des grands crimes de l'Histoire: bilan prospectif, (The State of Human Rights Law, International Humanitarian Law and International Criminal Law when faced with Demands for Reparations based on the Great Crimes of History: A Look Ahead)

published as part of CRIMES DE L'HISTOIRE ET REPARATIONS: LES EPOUSES DU DROIT ET DE LA JUSTICE, Laurence Boisson de Chazournes and Jean-François Quéguiner, editors, 57 Collection de droit international, 73, Editions Bruylant, Editions Université de Bruxelles, 2004.

Barely Borders: Issues of International Law

26 HARV. INT'L REV. 52 (2004).

This article, tracing the development of international law and practice relating to intervention and non-intervention, appears in a leading public policy journal.

State Sovereignty and Internally Displaced Persons

Published by Pax International, and the Global Law and Policy Initiative of the Chicago-Kent College of Law, in by James H. Williams, ed., INVISIBLE REFUGEES: INTERNALLY DISPLACED PERSONS AND THE NEW UNDERSTANDINGS OF PROTECTION AND SOVEREIGNTY, (2003).

UN SANCTIONS IN INTERNATIONAL LAW, by Vera Gowlland-Debbas (ed.); UNITED NATIONS SANCTIONS MANAGEMENT: A CASE STUDY OF THE IRAQ SANCTIONS COMMITTEE, 1990-1994, by Paul Conlon

A book review of two books on the subject of UN Sanctions published in 96 AMERICAN JOURNAL OF INTERNATIONAL LAW 506 (2002).

Unilateralism or Multilateralism: US Policy Towards the International Criminal Court

Published by the interdisciplinary Center on International Cooperation, New York University, as a chapter in Shepard Forman and Stewart Patrick, eds. MULTILATERALISM AND U.S. FOREIGN POLICY: AMBIVALENT ENGAGEMENT 323 (2002).

International Criminal Law

Published Summer 2001 as a chapter of the revised ENCYCLOPEDIA OF CRIME AND JUSTICE, Macmillan Press.

The Evolving Doctrine of Universal Jurisdiction

35 NEW ENGLAND LAW REVIEW 383 (2001)

Developing Countries and the New Global Information Order

Published in *LIBER AMICORUM GEORGES ABI-SAAB (ESSAYS IN MEMORY OF GEORGES ABI-SAAB)* (2001) which includes essays by leading scholars of international law from around the world.

IMF Governance, the Asian Financial Crisis, and the New International Financial Architecture

Published in *INTERNATIONAL LAW IN THE POST-COLD WAR WORLD: ESSAYS IN MEMORY OF LI HAOPEI* (2001), edited by Sienho Yee, which includes essays by 40 leading scholars from around the world.

Humanitarian Intervention at a Crossroads

41 WILLIAM AND MARY LAW REVIEW 1683 (summer 2000)

The Statute of the International Criminal Court: Past Present and Future

Published by the American Academy of Arts and Sciences (September 2000) as part of a collection of essays entitled *THE UNITED STATES AND THE INTERNATIONAL CRIMINAL COURT: NATIONAL SECURITY AND INTERNATIONAL LAW*.

US Objections to the Statute of the International Criminal Court: A Brief Response

31 NYU JOURNAL OF INT'L LAW & POLITICS 855 (1999)

The International Criminal Tribunal for the Former Yugoslavia

Appears as the chapter on "The International Criminal Tribunal for the Former Yugoslavia", in the revised edition (1999) of the *INTERNATIONAL CRIMINAL LAW* textbook co-edited by Professor Cherif Bassiouni of DePaul University.

Primacy or Complementarity: Reconciling the Jurisdiction of National Courts and International Criminal Tribunals

23 YALE JOURNAL OF INT'L LAW 383 (1998)

Nationality and Internationality in International Humanitarian Law

34 STANFORD JOURNAL OF INT'L LAW 347 (1998)

Developing Countries in the International Trade Order

14 NORTHERN ILLINOIS UNIVERSITY LAW REVIEW 347 (1994).

Human Rights in Haiti: On the Road back to Democracy?

Report of a human rights observer mission to Haiti organized under the aegis of Chicago Lawyers for International Human Rights (CLIHR). The report was released on July 30, 1993, and co-authored with Jeffrey Lillien and Mary Welsh who also participated in the mission.

The Protection of Human Rights in Disintegrating States: A New Challenge

68 CHICAGO-KENT LAW REVIEW 203 (1992).

THE UNITED STATES AND THE POLITICIZATION OF THE WORLD BANK: ISSUES OF INTERNATIONAL LAW AND POLICY.

This book, a revised version of my doctoral thesis, was published in London by Kegan Paul International (in conjunction with the Graduate Institute of International Studies in Geneva), 1992, xvii-295 pp. (ISBN 0-7103-0424-2)

Introduction to the volume entitled IS UNIVERSALITY IN JEOPARDY? Published in 1987 by the United Nations Department of Public Information. In addition to writing the introduction to this publication I also edited several of the symposium papers published in that volume.

Investment Insurance and the Possibility of Multilateral Action (approximately 15,000 words, completed July 1982)

This paper was commissioned by the United Nations Conference on Trade and Development (UNCTAD) and used by UNCTAD as its basic study on the Multilateral Investment Guarantee Agency (MIGA) which the World Bank was first proposing to organize at that time.

Work in Progress

The Duty to Warn in International Humanitarian Law

This draft article, on the back burner for a number of years now, explores the obligation which international humanitarian law now places on states to warn civilians, when feasible, of impending military operations which might endanger them. The “duty to warn” has a rich history, stemming from the desire to permit private individuals to shelter themselves and their personal property in times of war. The duty to warn has been codified as far back as the Lieber code of 1863, a set of executive instructions to the Union Forces of the United States during the American Civil War. From the beginning, however, the duty to warn has incorporated a broad exception relieving states from the duty to warn in cases of “military necessity.” This article attempts to determine what substance, if any, there is to this duty under the international humanitarian law of armed conflict as it applies today.

Nationalism and the International Rule of Law

After the UK Brexit vote, the election of Donald Trump, and with strongly nationalistic leaders ruling in key countries such as China, Russia, Turkey, India, and Hungary, the current global resurgence of nationalism is apparent. What are the possible implications of this under international law? Basic notions of sovereignty and of self-determination suggest that it is the right of any state, and of its people, to elect whatever government it may choose at least so long as the most fundamental international legal obligations of the state concerned are respected.

Nationalism is a powerful and multi-faceted force which almost by definition emanates from within the state, but nationalism, and especially conflicting nationalisms, can exacerbate international tensions between states. In the best of times international laws, institutions, and principles may exert a moderating effect serving to limit the destabilizing effects of nationalistic policies. In the worst of times they can do little to restrain the aggressive impulses of bombastic nationalistic leaders.

International humanitarian law does not attempt to outlaw war, as such, focusing instead on attempting to restrain its worst excesses such as war crimes, crimes against humanity and crimes against peace. Similarly, it may be that the international rule of law can only hope to moderate the worst excesses of nationalism without any hope of suppressing it entirely.

Balancing Positivism, Practicality and Principle in International Law

This line of research develops my argument that international law functions best when three key factors are properly balanced. The first of these factors is “positivism” which limits the obligations of states to those which can plausibly be said to result from their consent. In this sense positivism reflects respect for the sovereignty of states. The second factor is the practical constraints imposed by interdependence and globalization which increasingly necessitate international cooperation. The last factor, and hopefully not the least, is considerations of principle and/or justice.

Taken in isolation, the logic of any one, or even two, of these one factors, can lead to a naïve, impractical, unprincipled or otherwise extreme perspective on international law. But these three factors tend to moderate each other when all are accounted for together as a whole. I will illustrate that this analysis applies not only to the development and functioning of the international legal system writ large, i.e. at the systemic level; but also to the development, interpretation and application of specific rules, mechanisms and institutions of international law. The article will flesh out this theory and offer policy prescriptions derived from it.

The Complementary Jurisdiction of the ICC and the Balance Between State Responsibility and Individual Criminal Responsibility

This paper exists in draft form and has been in development for years. I will eventually incorporate it into one or more publication, although the timetable is uncertain. It discusses the limits to individual criminal responsibility under the Statute of the International Criminal Court (ICC) and considers how the more traditional concept of state responsibility might be applied to fill the gaps in the enforcement of international humanitarian law.