

# GREGORY H. FOX

*Wayne State University Law School  
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## CURRENT POSITION

*2002-present WAYNE STATE UNIVERSITY LAW SCHOOL*

- Professor of Law since 2009
- Associate Professor of Law, 2003-2008
- Visiting Assistant Professor of Law, 2002-2003
- Founding Director, Program on International Legal Studies (2009 to present)
- Cohn Family Scholar in Legal History (2006-2008) (inaugural recipient)
- *Representative University Service*: Member, Law School Dean Search Committee (2007-8) (elected by Law School faculty); Chair, Faculty Appointments Committee (2005-6); Chair, Curriculum and Academic Affairs Committee (2008), Promotion and Tenure Subcommittee (2010 – present)
- *Courses taught*: Civil Procedure, International Law, International Protection of Human Rights, Conflicts of Law, United States Foreign Relations Law, International Civil Litigation, Contemporary Problems in International Law (seminar).

## OTHER EXPERIENCE

*June 2015 WilmerHale, London, UK  
Scholar-in-Residence*

*Spring 2013 UNIVERSIDAD IBEROAMERICANA CIUDAD DE MÉXICO, Mexico City  
Visiting Professor*

*Summer 2012 UNIVERSITY OF GÖTTINGEN, GERMANY  
Visiting Lecturer*

*Spring 2009 LAUTERPACHT CENTER FOR INTERNATIONAL LAW, CAMBRIDGE UNIVERSITY  
Visiting Scholar*

*Spring 2005 SYRACUSE UNIVERSITY COLLEGE OF LAW  
Visiting Associate Professor of Law*

*1999-2002 CHAPMAN UNIVERSITY SCHOOL OF LAW  
Assistant Professor of Law*

- 1998-1999 *YALE LAW SCHOOL*  
Senior Fellow, Orville H. Schell, Jr. Center for International Human Rights;  
Research Associate in Law; Visiting Lecturer, Yale Center for International and  
Area Studies.
- 1996-1998 *NEW YORK UNIVERSITY SCHOOL OF LAW*  
1992-1995 Adjunct Professor of Law and Co-director of Center for International Studies
- 1995-1996 *MAX PLANCK INSTITUTE FOR INTERNATIONAL LAW AND COMPARATIVE PUBLIC LAW,  
HEIDELBERG, GERMANY*  
Research Fellow in residence at premier German institute of international law.  
Research project: Conflicts of International Law.
- 1990-1992 *MACARTHUR FOUNDATION/SOCIAL SCIENCE RESEARCH COUNCIL*  
Fellow in International Peace and Security. Only legal scholar selected for this  
two-year fellowship. Topic: "The Right to Political Participation in International  
Law."
- 1990-1992 *CENTER FOR INTERNATIONAL STUDIES, NEW YORK UNIVERSITY SCHOOL OF LAW*  
Senior Fellow of the Center in conjunction with MacArthur/SSRC Fellowship.
- 1989-1990 *LAW CLERK TO THE HONORABLE ALAN H. NEVAS, UNITED STATES DISTRICT COURT,  
DISTRICT OF CONNECTICUT*
- 1986-1989 *HALE & DORR, BOSTON, MASSACHUSETTS*  
Associate specializing in commercial litigation. Summer associate in 1985.
- 1982-1983 *AMERICAN CIVIL LIBERTIES UNION NATIONAL OFFICE, NEW YORK*  
Special Assistant to Associate Director and to policy development committees.

## **EDUCATION**

*NEW YORK UNIVERSITY SCHOOL OF LAW*, J.D. 1986.

*BATES COLLEGE*, B.A. *cum laude* 1982. Phi Beta Kappa. Highest Honors in History.

## **PUBLICATIONS**

### WORKS IN PROGRESS

"Bargaining in the Shadow of International Law: the Security Council and the Dynamics of  
Peace Agreement Negotiations"

"State Consent within the *Jus ad Bellum*", Max Planck Dialogues on the Law of Peace and War  
(invited author)

“Sovereign Immunity and the New International Law of Takings”

“Democracy and International Law” (editor with Brad R. Roth) (volume compiling the leading articles on the subject in the last decade with a comprehensive introduction) (*forthcoming* 2019, Edward Elgar)

BOOKS AND CHAPTERS IN BOOKS

“Vietnamese Invasion of Cambodia” in *Jus Contra Bellum* Case Studies (Tom Ruys & Olivier Corten, eds) (Oxford University Press 2018)

Supreme Law of the Land, or Something Less? The Changing Status of Treaties in United States Law (with Paul Dubinsky & Brad Roth) (Cambridge University Press 2017)

“Intervention by Invitation,” in Oxford Handbook on the Use of Force (Marc Weller, ed) (Oxford University Press 2014)

“The Case of Eritrea,” in Self-Determination and Secession in International Law (Christian Walter, ed.) (Oxford University Press 2014)

“Navigating the Unilateral-Multilateral Divide,” in Jus Post Bellum: Mapping the Normative Foundations (Carsten Stahn, Jens Iverson & Jennifer Easterday, eds.) (Oxford University Press 2014)

“Exit from Belligerent Occupation,” in Exit Strategies and Peace Consolidation (Richard Caplan, ed.) (2012 Oxford University Press)

Entries on “An International Right to Democracy” and “Regime Change” in The Encyclopedia of Public International Law (Max Planck Institute 2009-12)

“A Return to Trusteeship? A Comment on International Territorial Administration,” in A Wiser Century? – Judicial Dispute Settlement, Disarmament and the Laws of War 100 Years after the Second Hague Peace Conference (Thomas Giegerich, ed.) (Duncker & Humblot 2009)

Humanitarian Occupation (Cambridge University Press 2008)

“The Security Council and Democratization” in The United Nations Security Council in the 21<sup>st</sup> Century (David Malone, ed.) (Lynne Rienner 2003)

“Comment on Sovereign Equality” in United States Hegemony and the Foundations of International Law (Michael Byers & Georg Nolte eds.) (Cambridge University Press 2003).

Democratic Governance and International Law (with Brad R. Roth) (Cambridge University Press 2000).

"The Right to Political Participation in International Law" in Law and Moral Action in International Affairs (Michael Loriaux and Cecilia Lynch eds.) (University of Minnesota Press 1999).

"New Approaches to International Human Rights: The Sovereign State Revisited" in State Sovereignty: Change and Persistence in International Relations (Sohail Hashmi ed.) (Pennsylvania State University Press 1997).

International Law Decisions in National Courts (with Thomas M. Franck) (Transnational Publishers 1996).

#### ARTICLES AND SHORTER WORKS

"The Dual Lives of 'The Emerging Right to Democratic Governance,'" 112 AJIL Unbound 67 (2018) (with Brad R. Roth)

"The Contributions United Nations Security Council Resolutions to the Law of Non-International Armed Conflict: New Evidence of Customary International Law," 67 Am. U. L. Rev. 649 (2018)

Review of Eyal Benvenisti, *The International Law of Occupation* (2d ed., Oxford University Press 2012), 24 European Journal of International Law 453 (2013)

"Transformative Occupation and the Unilateralist Impulse," 94 International Review of the Red Cross 237 (2012)

"Internationalizing National Politics: Lessons for International Organizations," 13 Widener Law Review 265 (2007)

"The Human Rights of Anti-Democratic Actors," 2 Annuaire International des Droits de l'Homme 365 (2007)

"The Occupation of Iraq," 36 Georgetown Journal of International Law 195 (2005)

Book Review, "Diversity and Self-Determination in International Law" by Karen Knop, 98 American Journal of International Law 229 (2004)

"International Law and the Entitlement to Democracy After War," 9 Global Governance 179 (2003)

"Democracy and International Law," 27 Review of International Studies 327 (2001) (with Brad R. Roth).

"Conflicts of International Law," 2001 Proceedings of the American Society of International Law 183.

“Election Monitoring: the International Legal Setting,” 19 Wisconsin Journal of International Law 295 (2001).

“Strengthening the State” 7 Indiana Journal of Global Legal Studies 35 (1999).

“Commentary, Symposium: Cannibal Democracies” 7 Cardozo Journal of International and Comparative Law 479 (1999).

Book Review, Fragmentation and the International Relations of Micro-States by Jorri C. Duursma, 92 American Journal of International Law 359 (1998).

“The State and the Law,” 7 Criminal Law Forum 459 (1996) (*reviewing* Law, Power and the Sovereign State by Michael Ross Fowler and Julie Marie Bunck).

"Self-Determination in the Post-Cold War Era: A New Internal Focus?" 16 Michigan Journal of International Law 733 (1995).

"Multinational Election Monitoring: Advancing International Law on the High Wire" 18 Fordham International Law Journal 1901 (1995).

"International Law and Civil Wars" 26 NYU Journal of International Law and Politics 623 (1995).

"Intolerant Democracies" 36 Harvard International Law Journal 1 (1995) (with Georg Nolte).

"The Right to Political Participation in International Law" 17 Yale Journal of International Law 539 (1992). This is one of the ten most frequently-cited articles ever published in the Yale Journal of International Law. See 25 Yale J. Int'l L. 271 (2000).

"Re-examining the Act of State Doctrine: An Integrated Conflicts Analysis" 33 Harvard International Law Journal 521 (1992).

## **PROFESSIONAL ACTIVITIES**

Supervising Editor, *The Michigan International Lawyer* (2011 to present)

Steering Committee, *The Jus Post Bellum Project, Grotius Centre for International Legal Studies at the University of Leiden, Netherlands* (2012 to present).

*Executive Council, American Society of International Law, 2008-2010.* Governing body of world's leading organization devoted to the study and promotion of international law.

*Co-Chair, International Organizations Interest Group of the American Society of International*

*Law.* Conceived and established “American Society of International Law Reports on International Organizations” (<http://www.asil.org/rio/index.html>),” regularly published reports on legal developments in 25-30 global and regional organizations

*International Law Section of the State Bar of Michigan: Executive Committee and Founding Chair, Committee on International Human Rights*

*Co-Counsel, Nemariam et al. v. Federal Democratic Republic of Ethiopia and Commercial Bank of Ethiopia.* Class action litigation by ethnic Eritreans deported from Ethiopia seeking compensation for expropriated property (*see* *Nemariam v. Federal Democratic Republic of Ethiopia*, 315 F.3d 390 (D.C. Cir. 2003); *Nemariam v. Federal Democratic Republic of Ethiopia*, 491 F.3d 470 (D.C. Cir. 2007)).

*Co-Counsel, State of Eritrea v. Yemen.* International arbitration concerning ownership of islands in the southern Red Sea and maritime boundary between Eritrea and Yemen (*see* [http://www.pca-cpa.org/showpage.asp?pag\\_id=1160](http://www.pca-cpa.org/showpage.asp?pag_id=1160)). Director of arbitration office in Asmara, Eritrea from August 1997 to January 1998. Arbitration panel included four current and former judges of the International Court of Justice.

*Co-Counsel, Doe v. Karadzic.* Class action human rights case against former leader of the Bosnian Serbs.

*Co-counsel, Forti v. Suarez-Mason* (*see* 672 F.Supp. 1531 (N.D. Ca. 1987)), Alien Tort State claim against former Argentine General.

*Legal Assistant to the Government of Bosnia/Herzegovina in the Case Concerning the Application and Interpretation of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia v. Federal Republic of Yugoslavia*), International Court of Justice (1996).

*Member, Public International Law and Policy Group.* Invited member of group of international lawyers, sponsored by the Carnegie Endowment for International Peace, providing advice to governments of developing countries.

*Consultant to Human Rights Watch* and author of reports on the statute of the new International Criminal Court (1997-2000).

*Co-author, report on placing international law on the bar examination,* Committee on Legal Education of the International Law and Practice Section of the ABA (1992).

Regularly review book manuscripts for Oxford University Press, Cambridge University Press and others.

*INVITED PRESENTATIONS:*

“Workshop on The Politics of International Criminal Justice,” Ford School of Public Policy, University of Michigan (January 19, 2018)

“The UN Security Council and the Law of Non-International Armed Conflict,” Minnesota Journal of International Law Fall 2017 Symposium (November 17, 2017)

“International Organizations and Customary International Law: Expert Workshop,” University of Michigan Law School (November 13-14, 2017)

“The Rise and Fall of Transformative Occupation,” Conference on 50 Years after 1967: Evaluating the Past, Present and Future of the Law of Belligerent Occupation, hosted by Hebrew University and Tel Aviv University, Israel (May 22-23, 2017)

“The Security Council and the Law of Internal Armed Conflict,” presentation to group of UN officials and lawyers from national missions to the UN, at Security Council Report, New York, New York, March 31, 2017

“The Security Council and the Law of Internal Armed Conflict,” University of Manchester (UK) Conference on The Role of International Organizations and Non-State Actors in the Formation of Customary International Law, January 26-27, 2017

“The Multilateralization of Armed Conflict,” International Law Weekend, Fordham University Law School, November 7, 2015

“The Legislative Power of Occupiers,” European University, Florence, Italy, September 21, 2015

“The Multilateralization of Armed Conflict,” American Society of International Law International Organizations Interest Group Meeting, New York, December 12, 2014

“The Multilateralization of Armed Conflict,” American Society of International Law Mid-Year Research Forum, Northwestern Law School, November 8, 2014

“The Multilateralization of Armed Conflict,” American Society of International Law Mid-West Meeting, University of Minnesota Law School, September 4, 2014

“Transformative Occupation and Creeping Unilateralism,” presentations at London School of Economics, Lauterpacht Centre for International Law, Cambridge University, University of Edinburgh and Nottingham University (February 2014)

“Transformative Military Occupation: a New Direction for International Law,” Universidad Iberoamericana, Mexico City, Mexico (April 15, 2013)

“Navigating the Unilateral-Multilateral Divide,” at “Jus Post Bellum”: Mapping the Normative Foundations,” Grotius Centre for International Legal Studies at the University of Leiden, Netherlands (May 31, 2012)

“Occupiers’ Human Rights Obligations: Regime Clash after Regime Change,” Stanford Journal of International Law Symposium on the Democratic Entitlement and the Arab Spring (January 27, 2012)

“Exit from Belligerent Occupation,” Public International Law and Theory Workshop, Vanderbilt Law School, (Feb. 4-6, 2010)

“Constitutional Violations and the Validity of Treaties,” British Institute of International and Comparative Law, Forty Years of the Vienna Convention on the Law of Treaties, London (June 18, 2009)

“Constitutional Violations and the Validity of Treaties,” Lauterpacht Research Centre for International Law, Cambridge University (May 26, 2009)

Hillaire McCoubrey Memorial Lecutre, University of Hull (UK) (May 13, 2009)

“The Obama Administration and International Law,” Lauterpacht Research Centre for International Law, Cambridge University (UK) (March 13, 2009)

“Exit Strategies and Peace Consolidation,” Discussion among authors of chapters in forthcoming book (to be edited by Richard Caplan, Professor of International Relations, University of Oxford), Florence, Italy (November 30, 2007)

“A Wiser Century? – Judicial Dispute Settlement, Disarmament and the Laws of War 100 Years after the Second Hague Peace Conference,” Walther-Schücking-Institute for International Law, University of Kiel, Germany (November 9-10 2007)

International Law Association, International Law Weekend, New York (October 2007)

International Legal Theory Workshop, Georgetown Law Center (February 2007)

Annual Colloquium on International Human Rights, Libertas (International Center on Human Rights), Athens, Greece (June 2006)

Institute for International Law, Ludwig-Maximilians-University Munich, Germany (May 2006)

Widener Law School Workshop on Democratizing International Organizations (April 2006)

Duke Law School International Law Colloquium (January 2006)

Office of the Legal Advisor, United States Department of State (September 2005)

Annual Meeting of the American Society of International Law (March 2005)

Vanderbilt Law School International Law Workshop (February 2005)

Schell Center for Human Rights, Yale Law School (February 2005)

University of Toronto Law School (October 2004)

International Law Association, International Law Weekend, New York (October 2004)

Workshop on Democratic Institutions, Governance and Civil War, Rockefeller Center, Bellagio, Italy (June 2004)

Whittier Law School (Senior Visiting Fellow) (January 2004)

International Law Association, International Law Weekend, New York (October 2002)

Thomas J. Watson Center, Brown University, Conference on Post-Conflict Peace Building (April 2002)

University of Denver, Conference on International Law After September 11 (March 2002)

American Society of International Law Annual Meeting (April 2001)

University of Wisconsin Law School Symposium on Election Monitoring (April 2001)

International Law Weekend-West (January 2001)

American Society of International Law Annual Meeting, (April 2000)

Cornell Law School (October 1997)

American Society of International Law Annual Meeting (April 1997)

University of Mannheim (April 1996)

Mount Holyoke College International Relations Lecture Series (April 1995)

Northwestern University Conference on the Moral Foundations of International Law (April 1994)

American Society of International Law Annual Meeting (April 1994)

Fletcher School of Law and Diplomacy Project on Nationalism, Self-Determination and Ethnic Conflict (April 1994)

SSRC-MacArthur Foundation Conference on Evolving Notions of State Sovereignty (April

1993)

Harvard Seminar on Ethics and International Affairs (October 1993)

Annual Meeting of the American Political Science Association (September 1993)

Lowenstein Symposium on Evolving Boundaries of Self-Determination, Yale Law School (May 1992)

American Society of International Law Annual Meeting (April 1992).