

MARKUS WAGNER

University of Miami School of Law – 1311 Miller Drive, Coral Gables, FL 33146
(305) 284-1129 – mwagner@law.miami.edu

PROFESSIONAL EXPERIENCE

- University of Miami School of Law**, Coral Gables, Florida January 2009 – Present
Associate Professor of Law
- Courses: International Law, International Economic Law, Comparative Law, Miami-Leipzig Seminar
Service: Entry-level Hiring Committee (2010); Scholarship Committee (2011); Graduate Programs Committee (2011-2012); Faculty Advisor, National Security & Armed Conflict Law Review (2011-2012); Faculty Advisor, Middle-Eastern Law Students Association (2009-2011).
- University of Leipzig, Faculty of Law**, Leipzig / Germany May – July 2011
Visiting Scholar
- Universidad Externado de Colombia, Facultad de Derecho**, Bogota / Colombia August 2011
Visiting Professor
- University of New South Wales Law School**, Sydney / Australia July / August 2012
Visiting Professor
- Wilmer Cutler Pickering Hale And Dorr**, Brussels, Belgium January – July 2007
Legal Consultant
- Supreme Court of Israel**, Jerusalem, Israel June – September 2006
Law Clerk, President emeritus, Honorable Aharon Barak
- Max Planck Institute for International Law**, Heidelberg, Germany July 2002 – July 2005
Research Fellow, International Economic Law, International Security Law & International Criminal Law
- Heidelberg Center Para America Latina**, Santiago de Chile, Chile, November/December 2004 and June/July 2005, Lecturer International Economic Law
- Permanent Mission of Germany to the United Nations**, New York, NY, May 2003, Legal Counsel
- International Centre for Criminal Law Reform & Criminal Justice Policy**, Vancouver 1998 – 1999
Visiting Fellow

ACADEMIC RECORD

- Law School, Maastricht University**, Maastricht, Netherlands
Doctoral candidate in International Economic Law, Private Conduct and State Responsibility in the Framework of the WTO
- Stanford Law School**, Stanford, California, Master of the Science of Law (JSM) May 2006
Scholarships: European Recovery Program and Lovells Exceptional Law Student Program
Activities: President, Advanced Degree Students Association
- Law School, University of Giessen**, Giessen, Germany
magister juris internationalis, with distinction 2004 – 2005
erstes juristisches Staatsexamen (J.D. equivalent), with distinction 1996 – 2002
Scholarship: German National Merit Foundation, 1996 – 2002
- Law School, University of British Columbia**, Vancouver, Canada August 1998 – May 1999
Academic exchange program
Scholarship: German National Merit Foundation, 1998 – 1999

LANGUAGES

German (native speaker), **English** (bilingual), **French** (fluent) and **Spanish** (intermediate)

INTERESTS

Cycling Without Borders, charity bike journey from Germany to China (March – December 2008), www.cyclingwithoutborders.org; bicycle touring; running; road & mountain biking; photography.

MEMBERSHIP & SERVICE

American Society for Comparative Law (ASCL)

Conference Chair, Younger Comparativists Committee Conference, Washington, DC, April 20, 2012

Scholarship Advisory Group, Younger Comparativists Committee, 2012-2013

Junior International Law Scholars Association (JILSA)

Co-chair, 2012-2014

We Robot, University of Miami School of Law

Conference Committee 2012

South Florida Bike Coalition, Secretary (2010-present)

community organization, working with local governmental agencies, private companies and other cycling groups to increase awareness and usability of alternative modes of transportation, increasing safety and increasing bike ridership

American Society for International Law (ASIL)

EU Expert Roster on the International Criminal Court

Göttingen Journal of International Law (GoJIL), Scientific Advisory Board (2010-present)

National Science Foundation, Reviewer (2011)

Society of International Economic Law (SIEL)

University of Miami UBike Committee (2011-present)

WORKS IN PROGRESS

The Dehumanization of International Humanitarian Law: Legal, Ethical and Political Implications of Autonomous Weapon Systems (draft).

Invited Speaker for panel entitled “When Drones Attack: The Legal and Political Implications of U.S. Policy”, St. John’s University School of Law, New York, NY, 13 April 2012.

Selected by conference entitled “We Robot 2012: Setting the Agenda”, for a panel on military robotics, Miami, FL, 22 April 2012.

Invited Lecture, Faculty of Law, University of Tasmania, Hobart / Australia, August 2012.

The Second Largest Force: State Responsibility and the Use of Private Military Firms (draft).

Giving Different Reasons: A Comparative Exercise Between International Trade Law and International Investment Law (draft), selected by the Society of International Economic Law for a panel entitled “Regulatory Review by Trade and Investment Tribunals”, Singapore, 14 July 2012.

PUBLICATIONS

Legal Perspectives and Regulatory Philosophies on Natural Monopolies in the United States and Germany, in: Günther Schulz, Mathias Schmoeckel and Will J. Hausman (eds), *Regulation between Legal Norms and Economic Reality: Intentions, Effects, and Adaption: The German and American Experiences* (Rechtsordnung und Wirtschaftsgeschichte, vol. 3), 2012 (forthcoming).

- Autonomy in the Battlespace: Independently Operating Weapons System and the Law of Armed Conflict*, in: Dan Saxon and Roger O'Keefe (eds), *The Law of Armed Conflict and the Changing Technology of War*, Martinus Nijhoff Publishers (forthcoming).
- Taking Interdependence Seriously: Reassessing the Precautionary Principle in International Trade Law*, 20 *Cardozo Journal of International and Comparative Law* ____ (2012) (forthcoming).
- Transnational Legal Communication: A Partial Legacy of Supreme Court President Aharon Barak*, 46 *Tulsa Law Review* ____ (2012) (forthcoming).
- Taking Humans Out of the Loop: Implications for International Humanitarian Law – A Response to Brendan Gogarty and Meredith Hagger*, 21 *Journal of Law, Information and Science* ____ (2011) (forthcoming), available at <http://ssrn.com/abstract=1874039>.
- Law Talk v. Science Talk: The Languages of Law and Science in WTO Proceedings*, 35 *Fordham International Law Journal* 151 (2011), available at <http://papers.ssrn.com/abstract=1966055>.
- Book Review: Thomas Cottier, Olga Nartova & Sadeq Z. Bigdeli (eds.), International Trade Regulation and the Mitigation of Climate Change, Cambridge University Press, 2009*, in: 5 *Global Trade and Customs Journal* 205 (2010), available at <http://papers.ssrn.com/abstract=1591380>.
- Article XIX GATT*, in: Rüdiger Wolfrum and Peter-Tobias Stoll (eds), *Max Planck Commentaries on World Trade Law – Trade in Goods*, 2010 (together with Jacques Bourgeois).
- Articles 11 and 16 Agreement on Subsidies and Countervailing Measures*, in: Rüdiger Wolfrum, Peter-Tobias Stoll and Michael Köbele (eds), *Max Planck Commentaries on World Trade Law – Trade Remedies*, 2008 (together with Jacques Bourgeois).
- Non-State Actors*, in: Rüdiger Wolfrum (ed.), *The Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2008-, online edition, available at www.mpepil.com.
- Temple of Preah Vihear Case*, in: Rüdiger Wolfrum (ed.), *The Max Planck Encyclopedia of Public International Law*, Oxford University Press, 2008-, online edition, available at www.mpepil.com.
- Update subsequent to the indication of provisional measures by the International Court of Justice, October 2011.
- Report on Consultation, Prior Information and Environmental Impact Assessment*, in: Ole-Kristian Fauchald and Jacob Werksman (eds), 15 *Yearbook of International Environmental Law* 221 (2006).
- Commentary on Articles I, III and XIII of the Marrakesh Agreement Establishing the World Trade Organization*, in: Rüdiger Wolfrum, Peter-Tobias Stoll and Karen Kaiser (eds), 2 *Max Planck Commentaries on World Trade Law – Institutions and Dispute Settlement* (together with Armin von Bogdandy).
- Commentary on the report entitled “The Future of the WTO – Addressing Institutional Challenges in the New Millennium”*, 2 *International Organizations Law Review* 167 (2005) (together with Armin von Bogdandy), available at <http://papers.ssrn.com/abstract=1586573>.
- reprinted in: “The ‘Sutherland Report’ on WTO Reform – A Critical Appraisal”, 3 *World Trade Review* 439 (2005).
- Report on Consultation, Prior Information and Environmental Impact Assessment*, in: Geir Ulfstein and Jacob Werksman (eds), 14 *Yearbook of International Environmental Law* 246 (2005).
- Book Review: Sanford Levinson, Torture: A Collection*, in: *Deutsch-Amerikanische Juristenvereinigung Newsletter* 35 (1/2005), available at <http://papers.ssrn.com/abstract=1586571>.
- There is no place for the State in the Bedroom of the Nation (Cont'd) – or: Same-sex Marriages in Canada* (German title: *There is no place for the State in the Bedroom of the Nation, Die Fortsetzung – oder: Die gleichgeschlechtliche Ehe in Kanada*), *Zeitschrift für Kanada-Studien* 143 (2004).

- Country Report: Canada*, in: Christian Walter/Silja Vöneky/Volker Röben/Frank Schorkopf (eds), *Terrorism as a Challenge for National and International Law: Security versus Liberty?*, Berlin – Heidelberg, 2004, 173, available at <http://papers.ssrn.com/abstract=1586568>.
- Economic Sanctions Imposed by the Security Council in the Fight Against Terrorism* (Wirtschaftliche Maßnahmen zur Terrorismusbekämpfung durch den Sicherheitsrat), in: Marc Bungenberg/Karl M. Meessen (eds), *International Economic Law after September 11* (Internationales Wirtschaftsrecht im Schatten des 11. September 2001), Stuttgart 2004, 183.
- Crimes Under the ICC-Statute*, in: Compendium for Participants, Seminar Series, Information and Ratification Campaign on the International Criminal Court in Central Asian Countries and Mongolia, Cologne, 2004, 32.
- The ICC and Its Jurisdiction – Myths, Misperceptions and Realities*, in: Armin von Bogdandy and Rüdiger Wolfrum (eds), 7 Max Planck Yearbook of United Nations Law 409 (2004), available at <http://papers.ssrn.com/abstract=1586566>.
- The Security Council's Economic Measures in the Aftermath of September 11, 2001 from an International Law Perspective – From Economic Sanctions to International Economic Law Making?* (Die wirtschaftlichen Maßnahmen des Sicherheitsrates nach dem 11. September 2001 im völkerrechtlichen Kontext – Von Wirtschaftssanktionen zur Wirtschaftsgesetzgebung?), 63 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht – Heidelberg Journal of International Law 879 (2003), available at http://www.zaoerv.de/63_2003/63_2003_4_a_879_920.pdf.
- The Justification of Torture. Some Remarks on Alan M. Dershowitz's Why Terrorism Works*, 4 German Law Journal 515 (2003), available at <http://papers.ssrn.com/abstract=1586564>.
reprinted in: 63 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht – Heidelberg Journal of International Law 817 (2003).
- Book Review: Helmut Volger, A Concise Encyclopedia of the United Nations*, Den Haag: Kluwer Law International, 2002, in: 62 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht – Heidelberg Journal of International Law 1152 (2002).
- Book Review: Christian Tomuschat, Völkerrecht*, Baden-Baden: Nomos, 2001, in: 62 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht – Heidelberg Journal of International Law 1151 (2002).
- Book Review: Lucius Caflisch/Torsten Stein/Christian Tomuschat, Eingriff in die inneren Angelegenheiten fremder Staaten zum Zwecke des Menschenrechtsschutzes*, Heidelberg: C.F. Müller, 2002, 62 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht – Heidelberg Journal of International Law 1142 (2002).
- The Procedure before the International Criminal Court – With a View to the Rights and Obligations of the Parties* (Das Verfahren vor dem Internationalen Strafgerichtshof unter Berücksichtigung der Rechte und Pflichten der Verfahrensbeteiligten), in: *The International Criminal Court – An Introduction* (Der Internationale Strafgerichtshof (IStGH) – Eine Einführung), Frankfurt, 2000, 82.
- The First Year of UNMIK* (Das erste Jahr der UNMIK), 48 Vereinte Nationen 132 (2000).
- Corporate Criminal Liability – National and International Responses*, 25 Commonwealth Law Bulletin 600 (1999).

(Co-)Editorship

- Associate Editor (with Armin von Bogdandy and J.H.H. Weiler), *European Integration – The New German Scholarship*, Jean Monnet Working Papers Series No. 9/03, available online at <http://www.jeanmonnetprogram.org/papers/03/030901.html>.

Co-Editor (with Jan Clauss, Hans Born, Lothar Rieth, Marin Scheid und Wolfhart Saul), *Compendium for Participants, Seminar Series, Information and Ratification Campaign on the International Criminal Court in Central Asian Countries and Mongolia*, Cologne 2004.

PRESENTATIONS

Panelist, *The Dehumanization of International Humanitarian Law: Legal, Ethical and Political Implications of Autonomous Weapon Systems*, “New Voices” panel, 106th Annual Meeting of the American Society of International Law, Washington, DC, 29 March 2012.

Commentator on paper by Anna Spain, *Contextual Sovereignty*, Junior International Law Scholars Association Annual Meeting, University of Georgia School of Law, Athens / GA, 10 February 2012.

Lecture, *Autonome Waffensysteme: Rechtliche, ethische und politische Überlegungen* (Autonomous Weapon Systems: Legal, Ethical and Political Challenges), Vortragsreihe „Gegenwartsfragen des Völkerrechts“ (Lecture Series, “Current Topics in International Law”), Faculty of Law, University of Freiburg, Freiburg / Germany, available at <http://www.jura.uni-freiburg.de/institute/ioeffr2/vortraege>, 5 December 2011.

Panelist, *Rechtsstaatliches Selbstverständnis des Völkerrechts? – Insbesondere gezielte Tötungen* (Rule of Law-based Self-understanding of Public International Law – With Special Regard to Targeted Killings), Deutsch-österreichisches Kolloquium: Gerechte Gewalt ohne Staat? – Das transnationale Schicksal des Rechtsstaats (German-Austrian Colloquium: Just Force Outside the Context of the State? – The Transnational Fate of the Rule of Law), Faculty of Law, University of Leipzig, Leipzig / Germany, 2 December 2011.

Panelist, *Law Talk v. Science Talk: The Languages of Law and Science in WTO Proceedings*, Buchmann Faculty of Law, Tel Aviv University, Tel Aviv / Israel, 30 November 2011.

Panelist, *Autonomous Weapon Systems: The Dehumanization of International Humanitarian Law*, New Technologies, Old Law: Applying International Humanitarian Law in a New Technological Age, Minerva Center of Human Rights, Faculty of Law, The Hebrew University of Jerusalem & The International Committee of the Red Cross, Jerusalem / Israel, 29 November 2011.

Lecture, *Militärische Drohnen und humanitäres Völkerrecht: Herausforderungen der fortschreitenden Autonomisierung von Waffensystemen* (Military Drones and Humanitarian Law: The Challenges Posed by the Increasing Autonomy of Weapon Systems), Faculty of Law, University of Göttingen, Göttingen / Germany, 14 July 2011.

Lecture, *International Law Discourses over Targeted Killings in Germany and the US: The Death of Osama bin Laden*, Faculty of Law, University of Leipzig, Leipzig / Germany, 13 July 2011.

Panelist, *First Amendment und Artikel 5: Wie frei ist die Presse in Deutschland und den USA? (First Amendment and Article 5 Basic Law: Freedom of the Press in Germany and the US)*, University of Leipzig, Leipzig / Germany, 4 July 2011.

Presentation, *Legal Perspectives and Regulatory Philosophies on Natural Monopolies in the United States and Germany*, Regulation between Legal Norms and Economic Reality: Intentions, Effects, and Adaptation: The German and American Experiences, German Historical Institute, Washington, DC, 29 April 2011.

Presentation, *Transnational Legal Communication 2.0: The Legacy of Supreme Court President Aharon Barak*, Tulsa Law Review Symposium Honoring the Work of The Honorable Aharon Barak, University of Tulsa College of Law, Tulsa, OK, 26 March 2011.

Panelist, *Law Talk v. Science Talk: The Languages of Law and Science in WTO Proceedings*, Yale Journal of International Law Young Scholars Conference & Junior International Law Scholars Association Annual Meeting, Yale Law School, New Haven, CT, 25 February 2011.

- Presentation, *Thinking Beyond the State: Private Conduct and the Law of the World Trade Organization*, International Law Seminar Series Spring / Summer 2011, International Law Association – British Branch, London, United Kingdom, 16 February 2011.
- Lecture, *The Battlefield from Afar: Independently Operating Weapons System and the Law of Armed Conflict*, Oxford Institute for Ethics, Law and Armed Conflict (ELAC) & Changing Character of the War Programme, Oxford, United Kingdom, 15 February 2011.
- Presentation, *Oklahoma v. “The Citizen of the World”: The Constitutional Amendment in Oklahoma regarding “Sharia Law” and International Law*, Appreciating and Engaging William Twining, Coral Gables, FL, 21 January 2011.
- Presentation, *WTO Law, the Precautionary Principle and Scientific Evidence*, Facultad de Derecho, Universidad Externado de Colombia, Bogota, Colombia, 14 December 2010.
- Presentation, *Law Talk v. Science Talk: The Languages of Law and Science in WTO Proceedings*, International Economic Law in a Time of Change: Reassessing Legal Theory, Doctrine, Methodology and Policy Prescriptions, American Society of International Law/International Economic Law Interest Group (IECLIG), Minneapolis, MN, 20 November 2010.
- Presentation, *Legal Aspects of Cooperatives in Comparative Perspective*, Organização das Cooperativas do Estado de São Paulo, Cooperatives: Legal Aspects, Miami, FL, 25 October 2010.
- Presentation, *Situating the Private within a Transformative Public*, Private Law Theory – A Workshop, XVIIIth International Congress of Comparative Law, Washington, DC, 28 July 2010.
- Presentation, *Tales of International Law in Canada and the US: Seen Through the Eyes of Two Supreme Courts*, Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL, 1 August 2010.
- Presentation and Panelist, *Taking Interdependence Seriously: Reassessing the Precautionary Principle in International Trade Law*, American Society of International Law/International Economic Law Interest Group (IECLIG) Research Forum, Chicago-Kent College of Law, Illinois Institute of Technology, Chicago, IL, 5 December 2009.
- Presentation, *WTO Members and 'Private Regulation': Attributing Private Conduct in the Framework of the WTO*, Faculty Workshop, University of Auckland, 30 October 2009.
- Presentation and Panelist, *Taking Interdependence Seriously: Reassessing the Precautionary Principle in International Trade Law*, New Zealand Centre for International Economic Law: Trade Agreements: Where Do We Go From Here?, Wellington, 23 October 2009.
- Presentation and Panelist, *The Second Largest Force: State Responsibility and the Use of Private Military Firms*, Cardozo School of Law: Obligation, Delegation and the Sovereign, New York, NY, 1 May 2009.
- Presentation, *Of Walls and Barriers, Suicide Attacks and ... Trying to Find a Way Out – The Conflict in the Middle East* (Mauern und Barrieren, Selbstmordattentätern und der Versuch einer Lösung - Der Konflikt im Nahen Osten), Hessische Landeszentrale für politische Bildung, Frankfurt, 1 September 2007.
- Presentation, *How Courts Look at International Human Rights Law: Comparing Canada, Germany and the United States*, Stanford Law School, Stanford, CA, 5 May 2006.
- Presentation, *The Danish Caricatures and the Islamic World: Is there Room for Dialogue?*, Advanced Degree Students Association, Stanford Law School, Stanford, 14 March 2006.
- Presentation and Panelist, *The Daschner Case and Torture – Legality and Legitimacy under the German Constitution and International Law*, European Law Students Association, Passau, 2 June 2005.
- Presentation and Panelist, *The Debate on Torture in Germany and the United States*, En Temps Réel, Paris, 26 May 2005.
- Presentation and Panelist, *Torture – On the Question of Exceptions to the Prohibition of Torture under US Law* (Ausnahmen vom Folterverbot im Rechtsstaat? Die Diskussion in den USA), German American Lawyers' Association, Mainz, 29 September 2004.

- Presentation and Panelist, conferences and roundtables during the project *Information and Ratification Campaign on the International Criminal Court in Central Asian Countries and Mongolia*; organization and preparation of the material (conferences in Ukraine – 2000; Kyrgyzstan – 2004, Tajikistan – 2004; Uzbekistan – 2004; Kazakhstan – 2004; Moldavia – 2004; Mongolia – 2004).
- Presentation and Panelist, *New World Order – A New Role for the United Nations Security Council?* (Neue Weltordnung - neue Rolle des Sicherheitsrates?), Seminar entitled „Between the Hindukush and the Persian Gulf: The Background and Current Developments of the Conflicts in Afghanistan and Iraq“ (Zwischen Hindukusch und Golf: Hintergründe und aktuelle Entwicklung der Konflikte in Afghanistan und Irak“), Hessische Landeszentrale für politische Bildung, Wiesbaden, 5 March 2004.
- Presentation and Panelist, *September 11 and Its Aftermath: The UN and International Law in the Fight Against Terrorism* (Der 11. September und die Folgen: Die UNO und die völkerrechtlichen Aspekte des Kampfes gegen den internationalen Terrorismus), Seminar entitled „Between the Hindukush and the Persian Gulf: The Background and Current Developments of the Conflicts in Afghanistan and Iraq“ (Zwischen Hindukusch und Golf: Hintergründe und aktuelle Entwicklung der Konflikte in Afghanistan und Irak“), Hessische Landeszentrale für politische Bildung, Wiesbaden, 3 March 2004.
- Presentation and Panelist, *International Legal Problems Concerning the Middle East Conflict* (Völkerrechtliche Aspekte des Nahostkonfliktes), Hessische Landeszentrale für politische Bildung, Frankfurt, 4 October 2003.
- Presentation and Panelist, *Economic Sanctions in the Fight Against Terrorism* (Wirtschaftssanktionen zur Terrorismusbekämpfung), Conference on International Economic Law and Global Terrorism, Jena/Germany, 4 – 6 July 2003.
- Presentation, *The Role of the United Nations in Times of Crisis and Conflict* (Rolle der Vereinten Nationen in Krisen- und Konfliktfällen), Annual Meeting of the Max Planck Society, Hamburg, 2 – 5 June 2003.

REFERENCES

Honorable Aharon Barak

President emeritus, Supreme Court of Israel
Radzyner School of Law
Interdisciplinary Center Herzliya
Kanfei Nesharim St.
P.O.Box 167
Herzliya, 46150 Israel
barak@idc.ac.il
Phone: +972.9.9602838

Dean and Professor Larry Kramer

Dean, Stanford Law School and Richard E. Lang
Professor of Law
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305
lkramer@law.stanford.edu
Phone: +1.650.723.4455

Professor David Luban

Georgetown University Law Center
600 New Jersey Ave. N.W.
Washington D.C. 20001
david.luban@gmail.com
Phone: +1.202.662.9806

Professor Dr. Rüdiger Wolfrum

International Tribunal for the Law of the Sea and
Am Internationalen Seegerichtshof 1
22609 Hamburg, Germany
wolfrum@mpil.de
Phone: +49.40.356070

Professor Marco Bronckers

Partner, Vermulst, Verhaeghe, Graafsma, &
Bronckers
Professor, University of Leiden
Barricadenplein 13 Place des Barricades
1000 Brussels, Belgium
marco.bronckers@wilmerhale.com
Phone: +32.2.285.4904