

**REBECCA M. BRATSPIES**

**CUNY School of Law**

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Flushing, NY 11367

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**ACADEMIC EMPLOYMENT**

CUNY SCHOOL OF LAW

Associate Professor of Law, July 2004-Present

Courses Taught: Environmental Law, Property, Administrative Law, Lawyering

MICHIGAN STATE LAW SCHOOL

Visiting Associate Professor of Law, 2003-2004 Academic Year

Courses Taught: Natural Resources, Environmental Clinic, International Environmental Law, Regulation of Hazardous Substances

UNIVERSITY OF IDAHO COLLEGE OF LAW

Associate Professor of Law, July 2001-June 2003

Courses Taught: Environmental Law, Property, Globalization & Law, Administrative Law

NEW YORK UNIVERSITY SCHOOL OF LAW

Acting Assistant Professor of Law and Lawyering, 1998-2001

Courses Taught: Lawyering

**EDUCATION**

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, J.D. *cum laude*, 1992

*Honors and Activities:* Order of the Coif  
Green Memorial Prize for Excellence in Torts  
Legal Writing Fellow

WESLEYAN UNIVERSITY, B.A. Biology 1987

*Honors and Activities:* Pennsylvania Scholar  
West African Famine Relief Coordinator  
Junior Year Abroad: Jerusalem, Israel

**PUBLICATIONS**

**BOOKS AND CHAPTERS**

PROGRESS IN INTERNATIONAL LAW (edited with Russell Miller) (forthcoming Martinus Nijhoff 2008)

*Reconciling the Irreconcilable: Progress Toward Sustainable Development*, in PROGRESS IN INTERNATIONAL LAW (R. Miller and R. Bratspies eds.) (forthcoming Martinus Nijhoff 2008)

*Farming the Genetically Modified Seas—The Perils and Promise of Transgenic Aquaculture*, in THE INTERNATIONAL GOVERNANCE OF FISHERIES ECOSYSTEMS: LEARNING FROM THE PAST, FINDING

SOLUTIONS FOR THE FUTURE (B. Taylor, M. Schechter and N. Leonard eds.) (forthcoming Spring 2008)

*Environmental Constitutionalism*, in COMPARATIVE CONSTITUTIONALISM AND RIGHTS: A GLOBAL PERSPECTIVE (P. Andrews ed.) (forthcoming 2008)

*Can Transgenic Fish Save Fisheries?* in GLOBALIZATION: EFFECTS ON FISHERIES RESOURCES (B. Taylor and M. Schechter eds.) Cambridge University Press (2007)

TRANSBOUNDARY HARM IN INTERNATIONAL LAW: LESSONS FROM THE TRAIL SMELTER ARBITRATION (with Russell Miller) (Cambridge University Press: 2006)

*The Trail Smelter Arbitration's (semi)Precautionary Legacy*, in TRANSBOUNDARY HARMS IN INTERNATIONAL LAW: LESSONS FROM THE TRAIL SMELTER ARBITRATION, (R. Bratspies and R. Miller eds.) Cambridge University Press (2006)

*Greener Pastures: The Yankees in New York*, in COURTING THE YANKEES: LEGAL ESSAYS ON THE BRONX BOMBERS. Carolina Academic Press (2003)

#### **LAW REVIEW ARTICLES**

*The American Approach to Regulating Genetically Modified Organisms*, 16 Kansas Journal of Law & Public Policy 393 (2007)

*Rethinking Decisionmaking in International Environmental Law: A Process-Oriented Inquiry into Sustainable Development*, 32 Yale Journal of International Law 363 (2007)

*The New Discovery Doctrine: Some Thoughts on Property Rights and Traditional Knowledge*, 31 American Indian Law Review 315 (2007)

*Glowing in the Dark: How America's First Transgenic Animal Escaped Regulation*, 6 Minn. J. L. Sci. & Tech. 457(2005)

*Organs of Society: A Plea for Human Rights Accountability for Environmental Crimes*, 7 Mich. State J. Int'l L. (2005)

*Consuming (F)ears of Corn: Public Health and Biopharming*, 30 Am. J. L. & Med. 550 (2004)

*Building Confidence in GM Crops: Voluntary Environmental Measures*, 44 Jurimetrics 63 (2003)

*Myths of Voluntary Compliance: Lessons from the StarLink Corn Fiasco*, 27 Wm. & Mary Env'tl. L. & Pol'y Rev. 593 (2003)

*The Illusion of Care: Regulation, Uncertainty and Genetically Modified Food Crops*, 10 N.Y.U. Env. L. J. 297 (2002)

*Finessing King Neptune: Fisheries Management and the Limits of International Law*, 25 Harv. Env. L. Rev. 213 (2001)

*Splitting the Baby: Apportioning Environmental Liability Among Triggered Insurance Policies*, 1999 B.Y.U. Law Rev. 1215

## OTHER SCHOLARLY WORKS

*International Institutions, History of; and Universal Postal Union*, in THE MAX PLANCK INSTITUTE'S ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW (forthcoming Oxford University Press: 2007)

*Trail Smelter*, in THE ENCYCLOPEDIA OF CORPORATE CRIME (2006)

*Ecoviolence and the Law*, a book review of Laura Westra's ECOVIOLENCE, 9 Journal of International Wildlife Law & Policy 140 (2006)

*The Devil in the Details: A Reaction to Wu Changhua's* Improving the Legal and Policy Foundation for Public Access to Environmental Information in China, 24 Temple Journal of Science, Technology, & Environmental Law 287 (2005)

*The Impact of Water Security on Fisheries Ecology and Management: A Multinational Perspective*, co-published with William Taylor, Tracy Dobson, Jack Liu, Nancy Leonard, Shauna Oh and Ouyang Zhiyun in the Proceedings of the 4<sup>th</sup> World Fisheries Congress (2004)

*Biotechnology Primer for Lawyers*, 28 ALI\_ABA Business Law 5 (August 2004)

*This Too Shall Pass: A Response to Robert Kagan's Power and Weakness*, 4 German Law Journal, September 2004, available at [www.germanlawjournal.org](http://www.germanlawjournal.org).

*Past as Prologue?: Lessons from the Montana Smoke Wars*, review of Donald MacMillian, SMOKE WARS: ANACONDA COPPER, MONTANA AIR POLLUTION AND THE COURTS, 1890-1920, review published on H-Law@h-net.msu.edu (May 2002)

## CONFERENCES ORGANIZED

FREE TRADE OR FAIR? THE SOFTWOOD LUMBER DISPUTE AND BEYOND, Coeur d'Alene, ID (March 2007) Three day symposium featuring keynote address from Frank Garcia, as well as panel presentations focusing on the intersection of trade and environmental and human rights.

INDIGENOUS PEOPLES UNDER INTERNATIONAL LAW, Coeur d'Alene, ID (March 2006) Three day symposium featuring keynote address from James Anaya as well as panel presentations focusing on the Dann litigation before the Inter-American Commission on Human Rights and other indigenous property rights claims under international law. The proceedings gave rise to a symposium edition of the *American Indian Law Review*.

PROGRESS IN INTERNATIONAL INSTITUTIONS, Coeur d'Alene, ID (March 2005) Three day symposium featuring keynote addresses from Professors Barry Carter, Abe Sofaer and Jordan Paust, as well as panel presentations from more than twenty international scholars surveying the current state of international institutions. The proceedings gave rise to a book published by Martinus Nijhoff Press.

POST-CONFLICT JUSTICE: FROM MALMEDY TO HALABJA, Coeur D'Alene, ID (March 2004) Three day symposium featuring keynote address from the Hon. Pierre-Richard Prosper, U.S. Ambassador for War Crimes Issues, and dedicated lecture and panel presentations from more than twenty international scholars with expertise in International Law, Political Science and Sociology. The proceedings gave rise to a symposium edition of the *Michigan State University Journal of International Law*.

TRANSBOUNDARY HARM IN THE 21<sup>ST</sup> CENTURY: LESSONS FROM THE TRAIL SMELTER ARBITRATION, Coeur d'Alene, ID (March 2003) Three day symposium featuring a keynote address from Professor and former ILC Chair Stephen McCaffrey and panel presentations from more than twenty international scholars with expertise in International Law, History and Environmental Science. The proceedings gave rise to a book published by Cambridge University Press.

## PRESENTATIONS, TALKS AND PANELS

*Biotechnology, Science and Ethics*, panel chair at Drake Summer Institute in Intellectual Property, Biotechnology and Agriculture (May 19, 2008)

*Progress in International Law*, invited panelist at the American Society of International Law Annual Meeting (April 12, 2008)

*Trust in Regulation*, St. John's Faculty Forum (March 3, 2008)

*Can Market Incentives Promote Sustainable Agriculture*, invited paper at AALS Annual Meeting (January 6, 2008)

*The Importance of Trust in Regulatory Systems*, University of Louisville Conference on Law Ethics and the Life Sciences (October 25, 2007)

*The American Approach to Regulating GMOs*, invited speaker at University of Kansas Symposium on GMOs (March 15, 2007)

*Lessons from the New Haven School*, invited panelist at Yale Journal of International Law Symposium (March 10, 2007)

*Can Fisheries Survive Free Trade?* At Free Trade or Fair, University of Idaho (March 3 2007)

*Trying to Save Fisheries Through Regional Conservation Management*, invited paper at AALS Annual Meeting (January 5, 2007)

*Farming the Genetically Modified Seas*, 4<sup>th</sup> Academy of Environmental Law, Pace University (October 10, 2006)

*Regulating the Genetically Modified Seas*, American Fisheries Congress (September 19, 2006)

*The Trail Smelter Arbitration*, invited talk at Whittier Law School (April 3, 2006)

*What is Property*, at Indigenous People under International Law, University of Idaho (March 2006)

*Engineering the Mermaid*, at Feminism and Legal Theory Project, Emory University (January 27-28 (2006)

*Can Constitutional Provisions Protect the Environment?* at Comparative Constitutionalism and Rights: Global Perspectives, University of Kwazulu-Natal (December 10-13, 2005)

*What is Property-An Exploration of TRIPS' Colonial Implications?* at 'The Right to Food at the Nexus of Trade and Technology, University of Ottawa (October 11-12, 2005)

*Environmental Constitutionalism*, at Reflections on Rights Enforcement: Comparative Perspectives, University of Saskatchewan (September 23, 2005)

*Transnational Corporations and the Environment: Lessons from La Oroya Peru*, at Law and Society, (June 4, 2005)

*Regulating Transgenic Fish*, at Issues on the Frontiers of Law and Science, University of Minnesota (May 20, 2005)

*How Information is Changing International Institutions*, at Progress in International Institutions, University of Idaho (March 4, 2005)

*Corporate Criminal Responsibility Under International Law*, at International Law Weekend, West, Whittier Law School (February 4 2005)

*Regulatory Challenges Posed by Transgenic Fish*, invited paper at Aquaculture America, New Orleans, LA (January 20, 2005)

*Comparative and International Perspectives on Stem Cell Research*, at The Stem Cell Debate in the United States & Germany Conference, Catholic University (October 4, 5 2004)

*Temple University United States- China Environmental Law and Policy Roundtable*, invited participant, Philadelphia, PA (July 2004)

*Traditional Knowledge*, panel chair, at the Intellectual Property, Sustainable Development and Endangered Species Conference, Michigan State School of Law (March 26, 27 2004)

*Corporate Accountability for International Crimes*, at From Malmedy to Halebjá: Post-Conflict Justice, University of Idaho (March 18-20 2004)

*Excepting Plant Genetic Materials from the Rush Toward Patents*, at the 2004 Law, Culture and Humanities Conference, Hartford, CT (March 12, 2004)

*Legal Challenges for Regulating GMOs*, invited lecture at the Institute for Health and Environmental Leadership Conference's Symposium entitled, At Risk: Genetically Modified Organisms, Human Health and the Environment, Denver, CO (December 4, 2003)

*Environmental Regulation of Genetically Modified Crops*, invited lecture presented at University of Missouri Biotechnology and Society Program lecture, (October 13, 2003)

*Introduction to Genetic Engineering: Demystifying the Science*, invited lecturer at ALI-ABA Biotechnology: Environment, Health and Safety Regulation, Washington D.C. (October 16, 2003)

*This Too Shall Pass: A Response to Robert Kagan's Power and Weakness*, invited paper at the German Law Journal Symposium on Trans-Atlantic Relations, Heidelberg, Germany (August 1, 2003)

*Privatizing the Genome*, presented as part of a panel on Globalization and Privatization, at the 2003 Law and Society Conference, Pittsburgh, PA (June 5-8, 2003)

*GM Crops As Transboundary Harm?* presented at Transboundary Harms in the 21<sup>st</sup> Century: Lessons from the Trail Smelter Arbitration, University of Idaho (March 21, 2003) ( conference co-organizer)

*An Introduction to the Trail Smelter Arbitration: International Law in Our Backyard.* Special Lecture with Professor Russell Miller, University of Idaho College of Law, Moscow, Idaho, February 26, 2000

*Building Confidence in GM Crops: Voluntary Environmental Measures*, presented at the Conference on Confidence-Building Measures for Genetically Modified Foods, Arizona State University College of Law (December 6, 2002)

*Lessons from the StarLink Corn Fiasco*, presented at the Central States Law School Association, University of Kentucky College of Law, September 27, 2002.

*Ground Zero—Past Present and Future*, presented at Perspectives on September 11: Security, Civil Liberties, and the Rule of Law, University of Idaho (September 11, 2002)

*Ecoterrorism: Terrorism and Social Policy*, invited talk at the Fifth Annual Inland Northwest Philosophy Conference (April 5-7, 2002)

## **AWARDS AND FELLOWSHIPS**

PSC CUNY GRANT (2007)

Received a \$6000 grant to facilitate a project exploring the conflict between aboriginal claims to biodiversity and natural resources being developed for ecotourism

CUNY FACULTY DEVELOPMENT FUND RESEARCH GRANT, 2004-2005, 2005-2006, 206-2007, 2007-2008

IDAHO HUMANITIES COUNCIL, Spring 2004

Received a \$2000 grant towards putting on symposium entitled *Post-Conflict Justice: From Malmédy to Halabja*

UNIVERSITY OF IDAHO SEED GRANT, 2003-2004 academic year

Received an \$8000 grant to organize a symposium entitled: *Post-Conflict Justice: From Malmédy to Halabja*

PROVOST'S LAW FACULTY INITIATIVES FUND AWARD, 2002-2003 academic year

Received a \$15,000 grant to organize a symposium entitled *Transboundary Harm in the 21<sup>st</sup> Century: Lessons from the Trail Smelter Arbitration* held March 20-21, 2003.

UNIVERSITY OF PENNSYLVANIA FELLOW, Summer 1996

Selected by the law school faculty as one of two University of Pennsylvania Fellows for the 1996 Salzburg Seminar on International Human Rights.

HENRY LUCE FOUNDATION SCHOLAR, Taipei, Taiwan 1994-1995

GREEN MEMORIAL PRIZE FOR EXCELLENCE IN TORTS, 1992

University of Pennsylvania Law School

## **OTHER PROFESSIONAL EXPERIENCE**

DECHERT PRICE AND RHOADS

Associate, Philadelphia, PA 1995-1998

Practice areas included complex environmental, commercial and class action litigation, and environmental compliance work. Major pro bono experience included two successful class action suits challenging Pennsylvania's implementation of welfare reform.

REPUBLIC OF CHINA ENVIRONMENTAL PROTECTION ADMINISTRATION

Henry Luce Foundation Scholar, Taipei, Taiwan 1994-1995

Served as a legal advisor to Taiwan's Environmental Protection Administration. Interpreted international treaties, represented TEPA in settlement negotiations, advised on American laws and practices, presented seminars on United States constitutional jurisprudence. Also served as a special adjunct attorney in Taiwan's Ministry of Justice.

HON. C. ARLEN BEAM, UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Judicial Law Clerk, Lincoln, NE 1992-1994

UNIVERSITY OF TEXAS, Department of Botany, Austin, TX 1987-1989

Researched the genetic mechanisms by which plants respond to wounding and infection; taught introductory molecular genetics.

### **OTHER INFORMATION**

Admitted to the Pennsylvania Bar

Language: Conversational Mandarin (a bit rusty)

Hobbies: Square-rigged sailing, diving and travel

