

**ALLEN S. WEINER**

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**PROFESSIONAL ACTIVITIES**

**SENIOR LECTURER IN LAW AND DIRECTOR, STANFORD PROGRAM IN INTERNATIONAL AND COMPARATIVE LAW, Stanford Law School (since September 2007)**

- Teach and conduct research in the fields of public international law, international conflict resolution, the law of armed conflict, confronting misinformation online, United States foreign relations law, international criminal law, terrorism
- As Director of the Stanford Program in International and Comparative Law, coordinate with the Law School Dean, Associate Deans, and international law faculty colleagues to provide overall direction and supervision of the international law program and curriculum at Stanford Law School
- As founding Director, Stanford Humanitarian Program, direct research projects that employ interdisciplinary approaches to support practicable, research-based solutions to help minimize harm to communities during ongoing humanitarian crises
- As Director, Stanford Center on International Conflict and Negotiation, coordinate activities of a center dedicated to interdisciplinary research and teaching about international conflict resolution, include “Track II” engagement with representatives of societies embroiled in violent conflict (e.g., Northern Ireland, Israel-Palestine, Tunisia) to promote peaceful outcomes
- Law School Courses taught: International Law; The Law of War; Ethics and Law of War; Rules of War; Face of Battle; International Conflict Resolution; Confronting Misinformation Online; International Criminal Law; Terrorism; International Legal Issues: Advanced Problems and Practice
- Current research interests: international law rules governing the use of force and contemporary security challenges; the international law of armed conflict; just war theory; the effects on harmful online narratives in exacerbating harms in crisis settings and armed conflicts; the effects of international legal norms on conflict resolution efforts; the role of intragroup dynamics in conflict resolution processes; international legal aspects of terrorism; international arbitration; transitional justice and accountability for human rights atrocities; the influence of international law on U.S. foreign policy decision-making

**WARREN CHRISTOPHER PROFESSOR OF THE PRACTICE OF INTERNATIONAL LAW AND DIPLOMACY AND ASSOCIATE PROFESSOR OF LAW (TEACHING), Stanford University (2003-2007)**

- As the inaugural holder of this joint visiting faculty appointment at Stanford Law School and the Freeman Spogli Institute for International Studies at Stanford, taught and conducted research in the fields of public international law, foreign relations law of the United States, national security law, and international conflict resolution

**UNITED STATES DEPARTMENT OF STATE, Washington, D.C., and The Hague, Netherlands (1990-2001)**

- As Counselor for Legal Affairs (1998-2001) and, prior to that, Attaché (1996-1998), at the American Embassy, The Hague, served as the United States Government’s principal legal representative to a number of international legal institutions in the Netherlands

- As a practicing Department of States attorney-adviser based in Washington, D.C. (1990-1996), advised United States Government actors on a wide range of international law and U.S. foreign relations law issues, participated in international negotiations, and engaged in litigation before international tribunals
- Additional details of responsibilities as a Department of State employee are detailed in the “Previous Professional Activities” section below

## **SCHOLARLY PUBLICATIONS**

### **Books**

- INTERNATIONAL LAW (8th ed. 2023) (with Duncan B. Hollis & Chimène I. Keitner)
- INTERNATIONAL LAW (7th ed. 2018) (with Duncan B. Hollis)
- INTERNATIONAL LAW (6th ed. 2011) (with Barry E. Carter)
- INTERNATIONAL LAW (5th ed. 2007) (with Barry E. Carter & Phillip R. Trimble)

### **Articles/Book Chapters/Monographs**

- *War and the Words: The International Use of Force in the United Nations Charter Era*, in IS THE INTERNATIONAL LEGAL ORDER UNRAVELING? (David Sloss ed. 2022) (with Lauren Sukin)
- *Negotiating With Those Like Me: Similarity Salience Increases Positive Attitudes in Imagined Negotiation With an Out-Group Member*, PEACE AND CONFLICT: JOURNAL OF PEACE PSYCHOLOGY (June 9, 2022), at <http://dx.doi.org/10.1037/pac0000621> (with Jeremy S. Pollack, Elizabeth J. Parks-Stamm, and Noah Shaw)
- *The Rule of Law and the Role of Strategy in U.S. Nuclear Doctrine*, 45(4) INTERNATIONAL SECURITY 126 (2021) (with Scott D. Sagan)
- *Authoritarian International Law, the Use of Force, and Intervention*, 114 AJIL UNBOUND 220 (2020)
- *Why the Atomic Bombing of Hiroshima Would be Illegal Today*, 76 BULLETIN OF THE ATOMIC SCIENTISTS 157 (2020) (with Katherine E. McKinney and Scott D. Sagan)
- *Book Review: The Use of Force and International Law, by Christian Henderson*, 113 AMERICAN JOURNAL OF INTERNATIONAL LAW 856 (2019)
- *Just War Theory & the Conduct of Asymmetric Warfare*, 146 DAEDALUS, Winter 2017, at 59
- *Ending Wars, Doing Justice: Colombia, Transitional Justice, and the International Criminal Court*, 52 STANFORD JOURNAL OF INTERNATIONAL LAW 211 (2016)
- *Governments, Publics, and Enemies: Intragroup Dynamics as Barriers to Conflict Resolution*, 7 DYNAMICS OF ASYMMETRIC CONFLICT: PATHWAYS TOWARD TERRORISM AND GENOCIDE 198 (2014) (with Gilat Bachar)
- *Prudent Politics: The International Criminal Court, International Relations, and Prosecutorial Independence*, 12 WASHINGTON UNIVERSITY GLOBAL STUDIES LAW REVIEW 545 (2013)
- *Constitutions as Peace Treaties: A Cautionary Tale for the Arab Spring*, 64 STANFORD LAW REVIEW ONLINE 8 (2011)
- *The Protection of Human Rights in the United States*, 16 AUSTRIAN REVIEW OF INTERNATIONAL AND EUROPEAN LAW 33 (2011)
- *Working the System: A Comment on André Nollkaemper’s System Criminality in International Law*, 8 SANTA CLARA JOURNAL OF INTERNATIONAL LAW 353 (2010)
- *Hamdan, Terror, War*, 11 LEWIS & CLARK LAW REVIEW 997 (2007)

- *Enhancing Implementation of U.N. Security Council Resolution 1540: Report of the Center on International Security and Cooperation* (September 2007) (with Chaim Braun, Michael May & Roger Speed)
- *The Iran-United States Claims Tribunal: What Lies Ahead?*, 6 LAW AND PRACTICE OF INTERNATIONAL COURTS AND TRIBUNALS 89 (2007)
- *Book Review: War and the Law of Nations: A General History*, by Stephen Neff, 101 AMERICAN JOURNAL OF INTERNATIONAL LAW 241 (2007)
- *Law, Just War, and the International Fight Against Terrorism: Is It War?*, in INTERVENTION, TERRORISM, AND TORTURE: CONTEMPORARY CHALLENGES TO JUST WAR THEORY (Steven P. Lee, ed.) (2007)
- *The Use of Force and Contemporary Security Threats: Old Medicine for New Ills?*, 59 STANFORD LAW REVIEW 415 (2006)
- *Indirect Expropriations: The Need for a Taxonomy of “Legitimate” Regulatory Purposes*, 5 INTERNATIONAL LAW FORUM 166 (2003)

## **OTHER WRITING**

- *Humanitarian Notification in Gaza is Broken: How to Document and Respond When Things Go Wrong*, JUST SECURITY (July 2, 2024) (with Bailey Ulbricht), available at <https://www.justsecurity.org/97384/humanitarian-notification-gaza/>
- *Tipping Points: Mediation and Peacebuilding in Changing and Challenging Times* (May 2024) (with Lord John Alderdice and Julian Weinberg)
- *The Lack of a Legal Prohibition Against Making Threats to Use Force in a Manner that Violates International Humanitarian Law*, in Proceedings of the Conference: Nuclear Weapons and International Law: The Renewed Imperative in Light of the Ukraine War, GEORGETOWN JOURNAL OF INTERNATIONAL LAW ONLINE (November 8, 2023), available at <https://www.law.georgetown.edu/international-law-journal/on-line/>
- *Israel’s Contentious “Judicial Overhaul” Legislation* (July 26, 2023) (Q&A with Monica Schreiber), available at <https://law.stanford.edu/2023/07/26/slss-allen-weiner-discusses-israels-contentious-judicial-overhaul-legislation/>
- *Russia’s Invasion of Ukraine and the Laws of War* (Feb. 21, 2023) (Q&A with Sharon Driscoll), available at <https://law.stanford.edu/2023/02/21/stanfords-allen-weiner-on-russias-invasion-of-ukraine-and-the-laws-of-war/>
- *The Russian Invasion of Ukraine* (Feb. 24, 2022), available at <https://law.stanford.edu/2022/02/24/stanfords-allen-weiner-on-the-russian-invasion-of-ukraine/> (Q&A with Sharon Driscoll)
- *U.S. Withdrawal from Afghanistan and the Fall of Kabul* (August 16, 2021), available at <https://law.stanford.edu/2021/08/16/stanfords-allen-weiner-on-the-u-s-withdrawal-from-afghanistan-and-the-fall-of-kabul/> (Q&A with Sharon Driscoll)
- *Would the U.S. Really Answer Cyberattacks with Nuclear Weapons?*, WASH. POST, July 11, 2021 (with Scott D. Sagan)
- *A Strategic American Commitment to Accountability and the Rule of Law Includes the International Criminal Court*, American Bar Association “Arguendo Experts Roundtable” (May 24, 2021), available at <https://www.international-criminal-justice-today.org/arguendo/>
- *The Illegality of Targeting Civilians by Way of Belligerent Reprisal: Implications for U.S. Nuclear Doctrine*, JUST SECURITY (May 10, 2021) (with Scott D. Sagan), available at <https://www.justsecurity.org/76049/the-illegality-of-targeting-civilians-by-way-of-belligerent-reprisal-implications-for-u-s-nuclear-doctrine/>

- *Humanitarian Notification Systems & Intentional Attacks Against Hospitals*, ARTICLES OF WAR (April 15, 2021) (with Bailey R. Ulbricht), available at <https://lieber.westpoint.edu/humanitarian-notification-systems-intentional-attacks-against-hospitals/>
- *Hiroshima and the Myths of Military Targets and Unconditional Surrender*, LAWFARE (Aug. 21, 2020) (with Katherine E. McKinney and Scott D. Sagan), available at <https://www.lawfareblog.com/hiroshima-and-myths-military-targets-and-unconditional-surrender#>
- *When My Daughter Called Israel an Apartheid State, I Objected. Now, I'm Not So Sure*, HAARETZ, Jul. 5, 2020 (with Katie A. Weiner)
- *Bolton's Illegal War Plan for North Korea*, N.Y. TIMES, Apr. 6, 2018 (with Scott D. Sagan)
- *The \$400 Million Payment to Iran was American Diplomacy at Its Finest*, WASH. POST, Aug. 11, 2016 (with Duncan Pickard)
- *The United States and the International Criminal Court: Building Support for the International Rule of Law*, American Bar Association "Arguendo Experts Roundtable" (June 20, 2014), available at <http://www.aba-icc.org/arguendo/>
- *Why the Middle East Needs America*, INT'L HERALD TRIB., March 1, 2013, at 6
- *The U.S. Shouldn't Sell Out Human Rights in Vietnam*, WASH. POST, Aug. 27, 2012, at A13
- Petition, *In re: Dang et al.* (United Nations Working Group on Arbitrary Detention) (July 25, 2012) and subsequent pleadings
- *The Torture Memos and Accountability*, American Society of International Law "Insight" (May 15, 2009), available at <https://www.asil.org/insights/volume/13/issue/6/torture-memos-and-accountability>
- Co-drafter, Amicus Brief, *Al-Marri v. Spagone* (United States Supreme Court, No. 08-368) (merits brief) (October 2008 term)
- Co-drafter, Amicus Brief, *Sanchez-Llamas v. Oregon* and *Bustillo v. Johnson* (United States Supreme Court, Nos. 04-10566 & 05-51) (merits brief) (October 2005 term)
- *Hussein's Trial, Iraq's Future*, L.A. TIMES, Dec. 4, 2005, at M5
- Co-drafter, Amicus Brief, *Medellin v. Dretke* (United States Supreme Court, No. 04-5928) (petition for certiorari and merits briefs) (October 2004 term)
- *It's the Law – Even in War*, L.A. TIMES, June 9, 2004, at B13
- *The Case for International Justice*, SAN JOSE MERCURY NEWS, Dec. 24, 2003, at B9

### **SELECTED PUBLIC PRESENTATIONS (SINCE 2020)**

- "Gaza Conflict: Governance, Rebuilding, and Legal Challenges," Stanford Legal Podcast (March 6, 2025)
- "International War Crimes: The Israel-Gaza Conflict," Commonwealth Club-World Affairs, Los Altos (lecture) (June 2024)
- "Overcoming Barriers to Conflict Resolution: Transforming Enemy Relationships," University of California at Davis (panel presentation) (March 2024)
- "The Rules of War in the Israel/Hamas Conflict," Stanford Law School (panel presentation) (November 2023)
- "Threatening to Use Force Illegally," New York State Bar Association conference (panel presentation) (November 2023)
- "Barriers to International Conflict Resolution: Seeking Solutions to Intractable Conflicts," Stanford Law School (lecture) (October 2023)
- "Russia's Invasion of Ukraine," Stanford Law School (lecture) (April 2023)

- “War Crimes: What Are They? How Can They Be Prosecuted?” Palo Alto Great Decisions Group (lecture) (March 2023)
- “The International Legal Implications of Russia’s Invasion of Ukraine,” San Francisco Jewish Bar Association (lecture) (April 2022)
- “Russia’s Invasion of Ukraine,” Leavitt Institute for International Development (lecture) (March 2022)
- “The Rule of Law and the Role of Strategy in U.S. Nuclear Doctrine,” George Washington University Elliot School of International Affairs (lecture) (December 2021)
- “War and Words: The International Use of Force in the United Nations Charter Era,” American Society of International Law Virtual Midyear Meeting (panel presentation) (November 2021)
- “Healing a Conflicted Humanity,” Hong Kong University (panel presentation) (January 2021)
- “Hiroshima Atomic Bombing Raising New Questions 75 Years Later,” National Public Radio (interview excerpt) (August 2020)
- “The United States and the ICC,” Stanford Law School (comment) (February 2020)
- “International Humanitarian Law Roundtable: The U.S. and Iran,” Stanford Law School (panel presentation) (February 2020)
- “Legal Aspects of the Killing of Qassem Soleimani,” Stanford Law School (address) (January 2020)

## **PREVIOUS PROFESSIONAL ACTIVITIES**

### **LEGAL COUNSELOR, U.S. EMBASSY, The Hague, Netherlands (1996-2001)**

- As Counselor for Legal Affairs (1998-2001) and, prior to that, Attaché (1996-1998), served as the United States Government’s principal legal representative to the following international legal institutions:

#### **International Criminal Tribunal for the Former Yugoslavia (ICTY)**

- Served as the principal U.S. Government official responsible for carrying out United States policy towards the ICTY on a day-to-day basis
- Drafted U.S. Government submissions for litigation involving challenge to lawfulness of detention of an ICTY indictee by the NATO Stabilization Force (SFOR) (*Prosecutor v. Todorovic* case, Trial Chamber III and Appeals Chamber), drafted *amicus* submission on issues such as the competence of the Security Council to establish the ICTY and ICTY jurisdiction over internal armed conflict (*Prosecutor v. Tadic* case, Appeals Chamber)
- Represented official U.S. Government witnesses during testimony in ICTY cases
- Negotiated conditions for use of sensitive U.S. Government information with both prosecution and defense teams in various ICTY cases
- Coordinated provision of U.S. Government investigative, information, operational, financial, and policy support
- Analyzed and reported on activities at the ICTY, including substantive international humanitarian law and procedural developments

#### **International Court of Justice (ICJ)**

- Participated in the development of U.S. litigation strategies in cases before the ICJ
- Advised Washington agencies on ICJ jurisprudence and procedural law
- Drafted contributions to U.S. briefs filed with the ICJ

- Member of the U.S. Government litigation teams at the following ICJ hearings: *Case Concerning Oil Platforms (Iran v. United States)*, Jurisdiction phase (September 1996) (allegedly illegal destruction by U.S. Force of Iranian oil platforms in the Persian Gulf during the Iran-Iraq war); *Case Concerning Vienna Convention on Consular Relations (Paraguay v. United States)*, Provisional Measures phase (April 1998) (allegedly illegal execution of a Paraguayan national not informed of his right to consular access at the time of his arrest by Virginia law enforcement officials); *Case Concerning Legality of Use of Force (Federal Republic of Yugoslavia v. United States)*, Provisional Measures phase (May 1999) (allegedly illegal use of force against the Federal Republic of Yugoslavia (FRY) during 1999 NATO campaign to end FRY human rights abuses against Kosovar Albanians); *LaGrand Case (Germany v. United States)*, Merits phase (November 2000) (allegedly illegal execution of two German nationals not informed of their right to consular access at the time of their arrest by Arizona law enforcement officials)

#### **Iran-United States Claims Tribunal**

- Served as United States Agent to the Tribunal, an international arbitral body established at the conclusion of the Iranian hostage crisis to resolve disputes between the Iranian and United States Governments, as well as disputes between U.S. nationals and the Government of Iran
- Participated in the development of U.S. litigation strategies in cases before the Tribunal
- Advised Washington agencies on Tribunal jurisprudence and procedural law; reviewed and signed all U.S. Government filings before the Tribunal
- Participated in negotiations with senior Iranian officials on the possible settlement of pending claims
- Member of the U.S. Government litigation teams at the following Tribunal hearings: *Iran v. United States*, Case A/11 (Shah's assets case) (February 1998); *Iran v. United States*, Case A/28 (Security Account replenishment case) (November 1999)
- Represented the U.S. Government before the Tribunal's Appointing Authority in connection with multiple challenge proceedings against Tribunal arbitrators
- Advised private United States claimants on litigation strategies for cases before the Tribunal as well as Tribunal jurisprudence and procedural law
- Represented the U.S. Government on budget and administrative issues

#### **Scottish Court in the Netherlands (Lockerbie trial)**

- U.S. negotiator during Dutch, British, and American discussions leading to the establishment of the Scottish Court in the Netherlands to try the two Libyan nationals indicted for the bombing of Pan Am Flight 103 over Lockerbie (summer 1998)

#### **Hague Conference on Private International Law**

- Represented U.S. Government on budget and administrative issues
- Member of U.S. delegation to negotiations on proposed Convention on Jurisdiction and Recognition of Foreign Judgments in Civil and Commercial Matters (multiple sessions)
- Co-head of U.S. delegation to Working Group on Collateral Securities (January 2001)

#### **Permanent Court of Arbitration**

- Represented U.S. Government on budget and administrative issues

ATTORNEY-ADVISER, Office of the Legal Adviser, U.S. Department of State (1990-1996)

- **Office of Politico-Military Affairs (1995-1996)**

Advised on international and U.S. foreign relations law related to weapons of mass destruction and missile technology proliferation, including sanctions legislation. Advised on export control regulations for both military items (State Department-administered International Trafficking in Arms Regulations) and sensitive dual-use goods and technologies (Commerce Control Regulations). Advised on international humanitarian law issues. Chaired multilateral working group that adopted confidentiality of information rules for the Wassenaar Arrangement (conventional weapons non-proliferation regime). Advised on multilateral arms control treaties, including the Chemical Weapons Conventions, the Conventional Forces in Europe Treaty, and Protocols (open to the declared nuclear powers) to the African Nuclear Weapons Free Zone. Advised on interpretation of United States foreign and security assistance legislation. Advised on intelligence law issues.

- **Office of Inter-American Affairs (1992-1995)**

Advised on international and U.S. foreign relations law issues arising in Latin America and the Caribbean, including U.S. litigation and treaty negotiations arising out of the 1994 Haitian and Cuban migration crises. Advised on application of Treasury Department Foreign Assets Control Regulations (primarily with respect to Cuba). Participated in development of U.S. Government's regulatory and policy structure for the renewal of telecommunications services between the United States and Cuba pursuant to the Cuban Democracy Act. Advised on human rights and humanitarian law issues related to the Salvadoran peace process. Negotiated with the Mexican Government on conditions for the provision of U.S. loans to assist Mexico during its 1995 financial crisis. Negotiated status of forces agreements for the temporary stationing of U.S. military personnel. Advised on implementation of the Panama Canal Treaties. Served as Clinton Administration lawyer during negotiations with the Congress on the Cuban Liberty and Democratic Solidarity Act (the "Helms-Burton" Act).

- **Office of International Claims and Investment Disputes (1990-1992)**

Prepared U.S. Government pleadings for various cases before the Iran-United States Claims Tribunal, including case concerning the status of diplomatic and consular properties in the United States and Iran. Represented U.S. Government in negotiations leading to a \$190 million claims settlement agreement with Germany for property claims of U.S. citizens against the former German Democratic Republic. Participated in formulation of U.S. legal position for Executive Branch suggestion of interest in *Nelson v. Saudi Arabia*, 507 U.S. 349 (1993) (interpreting Foreign Sovereign Immunities Act). Advised on Treasury Department Foreign Assets Control Regulations with respect to Iran.

**JUDICIAL CLERK**, Judge John Steadman, District of Columbia Court of Appeals, Washington, D.C. (1989-1990)

- Assisted the judge in the performance of his judicial duties by conducting legal research, drafting legal memoranda and judicial opinions, and advising on draft opinions by other Court of Appeals judges

## **AFFILIATIONS**

- Member, American Society of International Law (2003 - )
  - Member, Executive Council (2011 - 2014)
  - Co-chair, 2010 Annual Meeting Program Committee (2009 - 2010)

- Member, 2009 Annual Meeting Program Committee (2008 - 2009)
- Member, Council on Foreign Relations (2009 - )
- Trustee, Sequoia Union High School District Governing Board (2011 - 2020)
- International Advisory Board, Kuwait International Law School (2010 - 2018)
- Member, Pacific Council on International Policy (2006 - 2018)
- Member of the Board of Directors, Immigrant Legal Resource Center (2007 - 2024)
- Member of the Board of Directors, Palo Alto University (2010 - 2015)

## **AWARDS/HONORS**

- Honorable Mention, Associated Students of Stanford University Annual Teaching Award (2006)
- Three-time recipient of State Department Superior Honor Awards (individual award – 1992; group awards – 1995 and 1999)
- Federal Bar Association Younger Federal Lawyer Award (1997)

## **EDUCATION**

### **STANFORD LAW SCHOOL, J.D., 1989**

- Order of the Coif (top ten percent of graduating class)
- Graduation with Distinction
- Article Editor, Stanford Law Review
- Jessup International Moot Court Competition
- Semi-finalist, Kirkwood Moot Court Competition

### **HARVARD COLLEGE, A.B., 1985**

- Magna Cum Laude in Social Studies, an interdisciplinary Honors Concentration
- Bennett Prize for Senior Honors thesis