

# DAVID WIPPMAN

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## EMPLOYMENT

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**Current Position:** Vice Provost for International Relations and Professor of Law, Cornell University

**Summary of Prior Professional Experience:** As a director at the National Security Council, assisted in the formulation of U.S. policy on war crimes, the International Criminal Court, UN political issues, and economic sanctions. In private practice, represented developing countries in litigation, arbitration, legislative lobbying and political consulting on public and private international law issues.

### Prior Professional Affiliations:

1992-present Professor, Cornell Law School

2004 Associate Dean, Cornell Law School

1998-1999 Director, Office of Multilateral and Humanitarian Affairs, The National Security Council

1991-1992 Managing Partner  
Reichler & Soble  
Washington, DC

1984-1990 Partner  
Reichler, Appelbaum & Wippman  
Washington, DC

1983-84 Associate  
Powell, Goldstein, Frazer & Murphy  
Washington, DC

### Clerkship:

1982-83 Law Clerk to Hon. Wilfred Feinberg  
Chief Judge, United States Court of Appeals for the Second Circuit

## **EDUCATION**

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- 1982 J.D., Yale Law School  
Editor in Chief, THE YALE LAW JOURNAL -- Volume 91
- 1978 M.A., Yale Graduate Program in English Literature  
Yale University Fellowship
- 1976 B.A., Princeton University  
Summa Cum Laude, Phi Beta Kappa

## **PUBLICATIONS**

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*The Nine Lives of Article 2(4)*, U. MN. J. INT'L L. (2007).

CAN MIGHT MAKE RIGHTS? BUILDING THE RULE OF LAW IN THE WAKE OF MILITARY INTERVENTIONS (with Jane Stromseth and Rosa Brooks) (Cambridge University Press 2006).

INTERNATIONAL LAW: NORMS, ACTORS, PROCESS (with Jeffrey Dunoff and Steven Ratner) (Aspen Publishers) (2d ed. 2006)

TEACHER'S MANUAL TO INTERNATIONAL LAW: NORMS, ACTORS, PROCESS (with Jeffrey Dunoff and Steven Ratner) (Aspen Publishers) (2d ed. 2006)

*The Costs of International Justice*, 100 Am. J. INT'L L. 861 (2006).

*Redefining Combatants*, 39 CORNELL INT'L L.J. 699 (2006)

*Exaggerating the ICC*, in BRINGING POWER TO JUSTICE: THE PROSPECTS OF INTERNATIONAL CRIMINAL LAW (Joanna Harrington, Michael Milde, and Richard Vernon eds., 2006).

NEW WARS, NEW LAWS? (Editor & Contributor (with Matthew Evangelista)) (Transnational Publishers) (2005).

*Sharing Power in Iraq*, 39 NEW ENGLAND L. REV. 29 (2004).

*The Role of Law and Politics in the Negotiations over the International Criminal Court*, in THE POLITICS OF LAW IN INTERNATIONAL RELATIONS (Cambridge University Press 2004).

Book Review of *Rethinking Humanitarian Intervention: A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions* (Lepard), in 97 AM. J. INT'L L. 457 (2003).

*Changing the Legal Regime: Iraq and the Use of Force*, CORNELL LAW FORUM (2003).

INTERNATIONAL LAW: NORMS, ACTORS, PROCESS (with Jeffrey Dunoff and Steven Ratner) (Aspen) (2002).

Teacher's Manual, *International Law: Norms, Actors, Process* (with Jeffrey Dunoff and Steven Ratner) (2002).

*Limiting Attacks on Dual-Use Facilities Performing Indispensable Civilian Functions*, 3 CORNELL INT'L L. J. (2002) (with Henry Shue).

*Pro-Democratic Intervention in Africa*, in PROC. 96TH ANN. MEETING AM. SOC'Y OF INT'L L. (2002).

*Symbolic Justice: The Past and Future of War Crimes Prosecutions*, 5 THE INTERNATIONAL JOURNAL OF HUMAN RIGHTS 90 (2001).

*Kosovo and the Limits of International Law*, 25 FORDHAM INT'L L.J. 129 (2001).

*Secession, Territory and the Indeterminacy of Self-Determination*, YALE J. INT'L L. (Summer 2000).

*Can an International Criminal Court Prevent and Punish Genocide?*, in PROTECTION AGAINST GENOCIDE (Neal Riemer ed.) (Praeger 2000).

*Pro-Democratic Intervention by Invitation*, in DEMOCRATIC GOVERNANCE AND INTERNATIONAL LAW (Fox & Roth eds.) (Cambridge University Press 2000).

*Atrocities, Deterrence, and the Limits of International Justice*, 23 FORDHAM INT'L L.J. 473 (1999).

*NATO Intervention in Kosovo and the Boundaries of International Law*, AFRICAN SOC'Y INT'L & COMP. LAW, PROC. 11<sup>TH</sup> ANN. CONF. (1999).

Book Review of *AUTONOMY: FLEXIBLE SOLUTIONS TO ETHNIC CONFLICT* (Lapidoth), in 93 AM. J. INT'L L. 744 (1999).

*Practical and Legal Constraints on Internal Powersharing*, in INTERNATIONAL LAW AND ETHNIC CONFLICT (D. Wippman ed.) (Cornell University Press 1998).

*Introduction: Ethnic Claims and International Law*, in INTERNATIONAL LAW AND ETHNIC CONFLICT (D. Wippman ed.) (Cornell University Press 1998).

*Defending Democracy Through Foreign Intervention*, Instituto de Investigaciones Juridicas, Universidad Nacional Autonomo de Mexico and in 19 U. HOUSTON INT'L L.J. 659 (1997).

*The Evolution and Implementation of Minority Rights*, 66 FORDHAM L. REV. 597 (1997).

Book Review of *MANAGING GLOBAL CHAOS* (Crocker, Hampson & Aall), in 91 AM. J. INT'L L. 560 (1997).

*The UN, Peace Accords, and International Law*, AFRICA NOTES 4 (March 1997).

*Military Intervention, Regional Organizations, and Host-State Consent*, 7 DUKE J. COMP. & INT'L L. 209 (1996).

*Powersharing as a Response to Cultural Dominance*, in PROC. 90TH ANN. MEETING AM. SOC'Y OF INT'L L. (1996).

*Change and Continuity in Legal Justifications for Military Intervention in Internal Conflicts*, 27 COLUM. HUM. RTS. L. REV. 435 (1996).

*International Law and Ethnic Conflict on Cyprus*, 31 U. TEXAS INT'L L. 141 (1996).

*Treaty-Based Intervention: Who Can Say No?*, 62 U. CHI. L. REV. 607 (1995).

*Hearing Voices Within the State: Internal Conflicts and The Claims of Ethno-national Groups*, 27 N.Y.U. J. INT'L L. & POL. 585 (1995).

*Legal Aspects of Peace Enforcement in Africa*, AFRICA NOTES 1 (May 1995).

*International Law, Ethnic Conflict, and the Example of Cyprus*, 22 CORNELL L. FORUM 9 (1995).

Book Review of PEOPLES AND MINORITIES IN INTERNATIONAL LAW (Brölmann, Lefeber and Zieck 1993) in 88AM. J. INT'L L. 388 (1994).

*Enforcing The Peace: The Liberian Civil War*, in ENFORCING RESTRAINT: COLLECTIVE INTERVENTION IN INTERNAL CONFLICTS (L. Damrosch ed. 1994).

*United States Armed Intervention in Nicaragua: A Rejoinder*, 11 YALE J. INT'L L. 462 (1986) (with Paul S. Reichler).

Note, *Worker Ownership and Section 8(a)(2) of the National Labor Relations Act*, 91 YALE L.J. (1982).

## **SELECTED PRIVATE PRACTICE EXPERIENCES**

- Expert witness for plaintiffs in Holocaust claims litigation involving the Republic of Austria
- Consultant to the World Bank on issues pertaining to the formation of international organizations
- Representation of the Republic of the Philippines and its National Power Corporation in a lawsuit, and concomitant arbitration proceedings before the International Chamber of Commerce, against Westinghouse Electric Corporation over the procurement, design and construction of an allegedly defective nuclear power plant;

- Representation of the Interim Government of National Unity of the Republic of Liberia in litigation in New York and New Jersey relating to control of funds collected in Liberia's maritime program;
- Representation of the Republic of Nicaragua in litigation in the International Court of Justice in The Hague, as a result of which the Court declared illegal the U.S. mining of Nicaragua's harbors and U.S. support for irregular forces seeking to overthrow the Nicaraguan government;
- Representation of the Nigerian Airports Authority in litigation in U.S. federal court in New York concerning the alleged conversion of a DC 8 passenger aircraft;
- Representation of the National Electrification Institute of Guatemala in litigation in the national courts of various countries against a consortium of transnational corporations over the design and construction of a faulty hydroelectric power facility;
- Representation of the Republic of Zambia and one of its principal parastatal enterprises in U.S. federal court litigation with a U.K. based transnational corporation concerning the enforcement of an arbitral award arising out of a commercial dispute;
- Representation of Nicaragua in international arbitration proceedings, in Venezuela and Mexico, against private U.S. mining companies to determine the compensation due such companies as a result of the nationalization of their Nicaraguan properties and the amounts owed to Nicaragua by these companies for unpaid income taxes;
- Representation of Nicaragua's banana export corporation in a multi-million dollar lawsuit in U.S. federal court in San Francisco against a U.S. based transnational company on breach of contract and expropriation claims relating to the latter's termination of its Nicaraguan banana operations;
- Legislative lobbying on behalf of Guatemala in efforts to increase levels of economic assistance from the United States; the Philippines in efforts to defeat protectionist legislation; and Liberia in efforts to obtain diplomatic recognition and reconstruction assistance.

## **SELECTED PRO BONO ACTIVITIES**

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- Consultant to Human Rights Watch on legal issues surrounding accountability for a former African head of state accused of torture and crimes against humanity;
- Consultant to the Office of the High Commissioner on National Minorities on minority rights issues;
- Consultant to Ambassador Martin Lutz, Head of the Working Group on Regional Issues, Office of the High Representative;

- Preparation of briefs for the Bosnian Human Rights Chamber;
- Counsel to the Government of Estonia (with the Public International Law and Policy Group) on issues pertaining to state continuity and the negotiation of a new border treaty with the Russian Federation;
- Local counsel to Yale Legal Services Organization in successful class action brought against the U.S. Parole Commission by over 1200 prisoners in federal correctional institutions alleging denial of equal protection in parole treatment;
- Representation of the Atlanta Legal Aid Society in dispute with the Legal Services Corporation over a denial of funding in contravention of applicable federal legislation, resulting in eventual restoration of full program funding;
- Representation of the African National Congress, the Fund for Korean Democracy, and the Fund for Burmese Democracy in establishing and operating 501(c)(3) fund-raising entities;
- Counsel to the Development Resources Centre, a non-profit institution based in South Africa and devoted to servicing non-governmental organizations providing development assistance to southern Africa.

## **COURSES TAUGHT**

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Public International Law, International Human Rights, International Humanitarian Law, International Criminal Law, Public International Law Clinic, Free Speech and Minority Rights, Sovereignty, Self-Determination and Secession, International Law and Ethnic Conflict

## **PROFESSIONAL ACTIVITIES AND AFFILIATIONS**

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Co-Director, Cornell-Paris I Summer Institute of International & Comparative Law, 1999-2004

Executive Committee, American Society of International Law, 2001-2003

Grant Review Committee, MacArthur Foundation, 2003-04

Visiting Scholar, University of Ulster, Northern Ireland, 2000-2003

Board of Editors, Human Rights & Human Welfare

Co-Chair, American Society of International Law Annual Meeting Program Committee, 1997-98

Member, Public International Law and Policy Group