

MELISSA J. DURKEE

Washington University in St Louis
One Brookings Drive
MSC 1120-250-258
St. Louis, Missouri 63130-4899
+1.314.935.3387

Email: mjdurkee@wustl.edu

Cell: +1.203.605.9392

Papers: <http://ssrn.com/author=1563490>

LinkedIn: <https://www.linkedin.com/in/mj-durkee-3a960282/>

Twitter/X: [@mjdurkee](https://twitter.com/mjdurkee)

Bluesky: [@mjdurkee.bsky.social](https://bsky.app/profile/mjdurkee.bsky.social)

CURRENT APPOINTMENT

Washington University in Saint Louis

Professor of Law, 2023-present

PRIOR ACADEMIC APPOINTMENTS

University of Georgia School of Law, Athens, Georgia

Associate Dean for International Programs, 2021-23

Director, Dean Rusk International Law Center, 2021-23

Allen Post Professor, 2020-23

J. Alton Hosch Associate Professor, 2019-20

Associate Professor, 2018-19

University of Georgia Terry School of Business

Professor by Courtesy, 2019-2023

University of Washington School of Law, Seattle, Washington

Associate Professor (with tenure), 2017-18

Assistant Professor, 2013-17

Columbia Law School, New York, NY

Associate in Law, 2011-13

Yale University Philosophy Department

Teaching Fellow, Ancient Philosophy, 2003-4

COURSES TAUGHT

International Business Transactions

Corporations

Transnational Law

International Environmental Law

Public International Law

Global Governance (summer school)

Space Law (mini course)

EDUCATION

Yale Law School, J.D., 2004

Yale Law Journal, Editorial Board

Yale Journal of International Law, Submissions Editor

Universidad de Chile & Universidad Diego Portales (Yale Law School exchange)

Westmont College, B.A. in Philosophy and English, *summa cum laude*, 2000

Honors Thesis in Philosophy

Highest Departmental Honors in both majors

Oxford University, Keble College, 1998-99

Oxford Honors Exchange Program

PUBLICATIONS

BOOK

STATES, FIRMS, AND THEIR LEGAL FICTIONS: ATTRIBUTING IDENTITY AND RESPONSIBILITY TO ARTIFICIAL ENTITIES ([Cambridge University Press](#), forthcoming February 2024)

ARTICLES

The Pledging World Order, 48 YALE J. INT'L L. 1 (2023) (pledging is a trans-regime, trans-substantive ordering device that appears both inside and outside of law) ([SSRN](#))

Industry Groups in International Governance: A Framework for Reform, 14 J. HUM. RTS. & ENV'T 1 (2023) (peer reviewed) (invited contribution) ([SSRN](#))

Interpretive Entrepreneurs, 107 VA. L. REV. 431 (2021) (interpretation can be a form of “post hoc” international lawmaking; private entities participate) ([SSRN](#))

Interstitial Space Law, 97 WASH U. L. REV. 423 (2019) (activities of private actors that are attributed to the state can have customary international lawmaking consequences) ([SSRN](#))

International Lobbying Law, 127 YALE L.J. 1742 (2018) (diverse rules governing private sector access to international governance are best understood and reformed as a body of international lobbying law) ([SSRN](#))

Translated into Portuguese and reprinted as *Direito Internacional do Lobby* in *Revista Direitos Fundamentais e Alteridade* (2023)

Astroturf Activism, 97 STAN. L. REV. 201 (2017) (accreditation rules exclude businesses from consulting with international officials, with pernicious consequences) ([SSRN](#))

Featured on *JOTWELL (Journal of Things We Like (Lots))*: Verity Winship, *Business Lobbying Goes Global*, Jan. 18, 2017, at <http://intl.jotwell.com/business-lobbying-goes-global/>

The Business of Treaties, 63 UCLA L. REV. 264 (2016) (influence of business in international treaty-making is significant, sometimes beneficial, and under-regulated) ([SSRN](#))

Featured in *Dialectic: Discussing Treaties with Professor Melissa Durkee*, UCLA L. REV. (Mar. 30, 2016), <https://www.uclalawreview.org/episode-3-discussing-treaties-with-professor-melissa-durkee/>

Persuasion Treaties, 99 VA. L. REV. 63 (2013) (treaties have divergent compliance problems: “persuasion” treaties must attract support of relevant business entities) ([SSRN](#))

Beyond the Guantánamo Bind: Pragmatic Multilateralism in Refugee Resettlement, 42 COLUM. HUM. RTS. L. REV. 697 (2011) ([SSRN](#))

CHAPTERS & ESSAYS

Private Sector Participants in International Rulemaking: Governance Models, in IMPROVING INCLUSIVENESS OF IO RULE-MAKING (forthcoming 2024) (invited contribution for publication by the Organization of Economic Development (OECD)) ([SSRN](#))

The Ambivalent Logics of Business Representation in International Organizations, in DEMOCRATIC REPRESENTATION IN AND BY INTERNATIONAL ORGANIZATIONS (Samantha Besson, ed.) (forthcoming 2024) (invited chapter) ([SSRN](#))

Rethinking Participation in Global Governance: Challenges and Reforms in Financial and Health Institutions (Joost Pauwelyn, Ayelet Berman, Tim Bütke & Martino Maggetti, eds.) (Review) 117 AM. J. INT'L L. __ (forthcoming January 2024) ([SSRN](#))

Space Law as Twenty-First Century International Law, 1 J. LAW & INNOVATION 1 (2023) (invited contribution for U. Pennsylvania Carey Law symposium on "The Emerging Commercial Space Age") ([SSRN](#))

Privatizing International Governance, 116 ASIL PROC. 147 (2023) ([SSRN](#))

International Environmental Law at its Semicentennial: The Stockholm Legacy, 50 GA. J. INT'L & COMP. L. 748 (2022) ([SSRN](#))

Introduction to the Symposium on Frédéric Mégret, "Are There 'Inherently Sovereign Functions' in International Law?", 115 AJIL UNBOUND 299 (2021) ([SSRN](#))

Welcoming Participation, Avoiding Capture: A Five-Part Framework, 114 ASIL PROC. 39 (2021) ([SSRN](#))

The Future of Space Governance, 48 GA. J. INT'L & COMP. L. 711 (2020) ([SSRN](#))

Global Lawmakers: International Organizations in the Crafting of World Markets, Susan Block-Lieb & Terence C. Halliday (Review) (2017), 113 AM. J. INT'L L. 422 (2019) ([SSRN](#))

Industry Lobbying and "Interest Blind" Access Norms at International Organizations, 111 AJIL UNBOUND 119 (2017) (standard rules international organizations use to govern lobbying access by industry associations and NGOs can have unexpected consequences) ([SSRN](#))

Introduction to Symposium on Industry Associations in Transnational Legal Ordering, 111 AJIL UNBOUND 103 (2017) (with Gregory Shaffer) ([SSRN](#))

REPORT

Parsing Teleglobe: Attorney/Client Privilege Rules for Jointly Represented Corporate Entities, WALL ST. LAWYER, Nov. 2007 (with Lisa M. Schweitzer), Reprinted in SEC. LITIG. REPORT, Jan. 2008 *14

IN PROGRESS

The Customization Continuum (extension of the *Pledging World Order* project, focusing on degree of customization as a dimension of international agreement design).

Space Enterprises as International Lawmakers: Lobbying, Regulatory Disruption, and other Bottom-Up Modalities, in PRIVATE ENTERPRISES IN SPACE (Jędrzej Górski & Yun Zhao, eds.) (forthcoming 2024) (invited chapter)

LEADERSHIP & APPOINTMENTS

Board of Editors, *American Journal of International Law*, 2020-

Chair, ASIL International Legal Theory Interest Group, 2023-26

Vice Chair, 2020-23

Past American Society of International Law Appointments:

- Executive Council, 2020-23
- Member, ASIL Women in International Law Scholarship Prize Committee, 2022-23
- Co-Chair, ASIL Climate Change Signature Topic Steering Committee, 2020-21
- Vice Chair, Membership Committee, 2019-20
- Book Awards Committee, 2017-18
- Site Selection Committee, 9th & 11th Annual Research Forums
- Co-Chair, 7th Annual Research Forum, 2016
- Program Committee, 110th Annual Meeting, 2016

Co-Chair, Transnational Legal Ordering Collaborative Research Network, Law and Society Association, 2022-24

Co-Chair, American Branch of the International Law Association's International Law Weekend Centennial Conference, 2022

Supervising Editor, AJIL UNBOUND, 2020-2022

Managing Editor, 2016-2018

Associate Managing Editor, 2015-16

Co-Chair, Junior International Law Scholars Association, 2014-16

Convener, JILSA Annual Meeting, 2017

Referee, American Journal of International Law, Canadian Journal of International Law, Law & Social Inquiry, Law & Society Review, Oxford University Press, Regulation & Governance, Routledge Books, Social Problems, Yale Law Journal, Harvard Law Review, and other student-edited journals

AWARDS

Richard O. Kummert Outstanding Contribution Award, Washington Law Review, 2018

Pacific Coast Banking School Award for Excellence in Faculty Scholarship, 2017

University of Washington Faculty Scholarship Award for Excellence in Law Review Articles, 2016

PRESENTATIONS *(since 2013)*

- Roundtable on Improving Inclusiveness of IOs Rulemaking, Partnership of International Organisations for Effective International Rulemaking (IOP), Organization for Economic Cooperation & Development (OECD), Paris (November 2023)
- Theories of Participation in International Governance: Between Representation and Expedience, American Society of International Law Midyear meeting, Pittsburg (November 2023)
- The Orbital Mechanics of the Space Governance System: Issues of international Space Law, Canadian Council on International Law Annual Conference, Ottawa, Canada (November 2023)

- The Ambivalent Logics of Corporate Representation in International Organizations, Conference on Democratic Representation in and by International Organizations, College of France, Paris (June 2023)
- The Pledging World Order, Faculty Workshop, Leiden University Grotius Centre of International Legal Studies, Leiden, Netherlands (June 2023)
- Space Law as Twenty-First Century International Law, Symposium on The Emerging Commercial Space Age: Legal and Policy Implications, University of Pennsylvania Carey Law School (February 2023)
- The Pledging World Order, Brooklyn Colloquium on International Economic Law, by the Block Center for International Business Law, Brooklyn Law School (January 2023)
- Inclusion and Exclusion of For-Profit Stakeholders in IO Rulemaking, Roundtable on Improving Inclusiveness of International Organization RuleMaking, by the Organisation for Economic Co-operation and Development and the Leuven Centre for Global Governance Studies (January 2023)
- The Pledging World Order, Faculty Workshop, Fordham Law School (November 2022)
- The Pledging World Order, American Society of International Law Research Forum, University of Miami School of Law (November 2022)
- The Pledging World Order, Faculty Workshop, Washington University School of Law (September 2022)
- The Logics of Inclusion and Exclusion in International Participatory Structures, International Organizations Interest Group Workshop, European Society of International Law Annual Meeting, Utrecht, Netherlands (September 2022)
- The Technology of Inclusion in International Climate Law, International Environmental Law Interest Group Workshop, European Society of International Law Annual Meeting, Utrecht, Netherlands (August 2022)
- The Pledging World Order, Transnational Orders of Finance, Trade and Investment panel, Annual Meeting on Law & Society, Lisbon, Portugal (July 2022)
- Interpretive Entrepreneurship: How firms use international legal interpretation to modify their compliance obligations, Legal Interpretation and Ambiguity panel, ComplianceNet, University of Amsterdam (July 2022)
- The Pledging World Order, International law, Global and Regional Communities panel, 2022 Annual Conference of ICON•S, the International Society of Public Law (virtual) (July 2022)
- Plenary, International Law, National Security, and Corporate Law, National Business Law Scholars Conference, University of Oklahoma College of Law (June 2022)

- The Pledging World Order, at William & Mary Law School International Law Workshop (April 2022)
- International Law and the Ukraine-Russia Conflict, Georgia Law (February 2024)
- International Lobbying by Industry and Trade Groups: Context, Laws, Reforms; North South University Faculty of Law, Dhaka, Bangladesh (virtual) (November 2021)
- Outsourcing International Responsibility, American Branch of the International Law Association's International Law Weekend (October 2021)
- International Legal Interpretation as Lawmaking, International Society for Public Law Annual Conference: ICON-S Mundo (July 2021)
- Interpretive Entrepreneurs: Business, Interpretive Lobbying, and International Legal Change, Annual Meeting of the Law & Society Association (June 2021)
- Interpretive Entrepreneurs, International Law Colloquium, St. John's University School of Law (November 2020)
- Business Engagement in Global Governance: Boon or Peril?, International Law Association's International Law Weekend (October 2020)
- Interpretive Entrepreneurs, International Law in Theory Panel, American Society of International Law Midyear Meeting (October 2020)
- Interpretive Entrepreneurs, UGA-Emory Faculty Workshop (July 2020)
- Between Participation and Capture: Non-state Actor Participation in International Rule-Making, American Society of International Law Annual Meeting (June 2020)
- Accountability in Domestic & International Law, Annual Meeting on Law & Society (June 2020)
- Interpretive Entrepreneurship, ASIL International Economic Law Interest Group Biennial Conference, "Designing International Economic Law: Challenges and Opportunities," Miami (February 2020)
- Corporate Families Panel, International Law Association International Law Weekend, Fordham Law School (October 2019)
- Attributed Customary International Law: States, Corporations, and the Global Commons, International Environmental Law Interest Group Forum, ESIL Annual Meeting, Aristotle University, Greece (September 2019)
- Interstitial Space Law, Faculty Workshop, Notre Dame Law School (April 2019)
- Interstitial Space Law, International Law Colloquium, Loyola University Chicago School of Law (April 2019)
- Interstitial Space Law, International Law Colloquium, Temple University Beasley School of Law (April 2019)
- Interstitial Space Law, Faculty Workshop, University of British Columbia Allard School of Law (January 2019)

- Functional Sovereignty: Private Authority in Global Governance, Vanderbilt International Law Roundtable, Vanderbilt Law School (November 2018)
- Functional Sovereignty: Private Authority in Global Governance, Brooklyn Law School International Business Roundtable, Brooklyn Law School (November 2018)
- Functional Sovereignty: Private Authority in Global Governance, American Society of International Law Research Forum, UCLA School of Law (November 2018)
- Functional Sovereignty: Private Authority in Global Governance, Private Law and Transnational Legal Ordering Panel, Annual Meeting on Law & Society, Toronto (June 2018)
- International Lobbying Law, Contemporary Scholars Workshop, Yale Law School (October 2017)
- International Lobbying Law, American Society of International Law Seventh Annual Research Forum, Washington University School of Law, St. Louis (October 2017)
- International Lobbying Law, University of Georgia International Law Colloquium, University of Georgia School of Law (March 2017)
- International Lobbying Law, UC Berkeley Colloquium on International Law & Politics, UC Berkeley School of Law (February 2017)
- Astroturf Activism & International Lobbying Law, ASU International Law Colloquium, Arizona State University School of Law (February 2017)
- Astroturf Activism, Brigham Young University Law, Entrepreneurship, and Innovation Colloquium, BYU Law School (February 2017)
- International Lobbying Law, Junior International Law Scholars Association Annual Meeting, University of Washington School of Law (January 2017)
- Astroturf Activism, International Organizations & Governance Panel, American Society of International Law Seventh Annual Research Forum, Seattle, Washington (November 2016)
- Astroturf Activism, Faculty Workshop, University of Illinois College of Law (October 2016)
- Astroturf Activism, Plenary Session, Business and Human Rights Scholars Workshop, University of Washington School of Law (September 2016)
- Industry Associations and Law Making, International Organizations Interest Group (IOIG) of the American Society of International Law and Rutgers Law School Center for Corporate Law and Governance: The Trade Associations and Transnational Governance Conference, Rutgers Law School (June 2016)
- Astroturf Activism, Rulemaking, National and International Panel, Corporate and Securities Law in Society Collaborative Research Network, Law and Society Association Annual Meeting, New Orleans, LA (June 2016)

- Astroturf Activism, Faculty Colloquium, University of Washington School of Law (May 2016)
- Astroturf Activism and the Business of Treaties, Junior International Law Scholars Association Annual Meeting, University of Pennsylvania School of Law (January 2016)
- Law for the (Private) Lawmakers: Regulating Business Roles in Treatymaking, American Society of International Law Research Forum, Washington DC (October 2015)
- The Business of Treaties, Faculty Workshop, Seattle University Law School (September 2015)
- The Business of Treaties, New Insights on Law and Regulation's Evolution and Efficacy Panel, Corporate and Securities Law in Society Collaborative Research Network, Law and Society Association Annual Meeting, Seattle, WA (May 2015)
- The Business of Treaties, Northwest Junior Faculty Forum, Seattle University Law School (March 2015)
- The Business of Treaties, Junior International Law Scholars Association Annual Meeting, University of Miami (January 2015)
- The Business of Treaties, International Organizations Interest Group Workshop, American Society of International Law, Columbia Law School (December 2014)
- Corporate Chaos Theory, Associates & Fellows Workshop, Columbia Law School (January 2014)
- International Business Transactions Roundtable, Washington & Lee School of Law (January 2014)
- Persuasion Treaties, Expressive Meaning of Silence in International Law Panel, International Conference on Law and Society, Boston, MA (June 2013)

CONVENING & COMMENTATING

- *Moderator*, Prevention as an Objective and Strategy in Standards and Policies of International Organizations, ASIL IOIG Roundtable, virtual (October 2023)
- *Convener, Moderator*, How Does International Law Change? Theories and Concepts of Legal Change, Annual Meeting of the American Society of International Law, Washington, DC (April 2023)
- *Moderator, Discussant*, Innovations in Space and War panel, The Intersection of Law & Technology Conference, University of Georgia School of Law (March 2023)
- *Moderator*, Responsibilities of Corporations panel, Climate Change Innovation: Stakeholders & Tools, 35th Annual Red Clay Conference (Feb 2023)

- *Convener, Moderator*, Space Law Speaker Series, Georgia Law (Jan & Feb 2023)
- *Discussant*, Where We're Headed panel, The Law of Global Economic Statecraft Conference, Georgia Law (October 2022)
- *Convener*, The Next 100 Years of International Law Conference, International Law Weekend, American Branch of the International Law Association, New York (October 2022)
- *Chair*, Keynote on The Biden Administration's Approach to International Justice, delivered by Ambassador Beth Van Schaack, New York (October 2022)
- *Moderator*, The Globalization of Legal Education: A Critical Perspective, sponsored by ASIL Teaching International Law & International Legal Theory Interest Groups (Virtual) (August 2022)
- *Convener, Moderator*, Privatizing International Governance, American Society of International Law Annual Meeting, Washington DC (April 2022)
- *Discussant*, Climate Change panel, American Society of International Law Midyear Research Forum (November 2021)
- *Convener, Moderator*, The Stockholm Declaration at 50: Reflecting on a Half-Century of International Environmental Law, American Society of International Law and UGA Law (October 2021)
- *Convener, Moderator*, The Law and Logics of Attribution: Constructing the Identity and Responsibility of States and Firms, ASIL International Legal Theory Interest Group & UGA Law (September 2020)
- *Discussant*, Global and Transnational Lawmaking, Annual Meeting on Law & Society (June, 2020)
- *Convener*, The Future of Space Governance conference (October 2019)
- *Commentator*, ASIL Southeast, Junior-Senior Scholarship Workshop, Washington & Lee Law School (May 2019)
- *Discussant*, Global Lawmakers: International Organizations in the Crafting of World Markets, Author-Meets-Reader book session, Annual Meeting on Law & Society, Toronto (June 2018)
- *Moderator/Discussant*, The Regulation of Corruption, Finance and Extractive Industries: The Transnational Context Panel, Annual Meeting on Law & Society, Toronto (June 2018)
- *Discussant*, Non-State Actors Panel, American Society of Law Seventh Annual Research Forum, Washington University School of Law, St. Louis (October 2017)
- *Convener, Commentator*, Junior International Law Scholars Association Annual Meeting, University of Washington School of Law (January 2017)
- *Moderator/Discussant*, Treaties Panel, American Society of International Law Sixth Annual Research Forum, Seattle, Washington (November 2016)

- *Co-Organizer/Commentator*, Junior International Law Scholars Association Annual Meeting, University of Pennsylvania School of Law (January 2016)
- *Delegate*, Law Schools Global League Plenary, University of Cape Town, South Africa (July 2015)
- *Discussant*, Emerging International and Corporate Law Questions panel, Corporate and Securities Law in Society Collaborative Research Network, Law and Society Association Annual Meeting, Minneapolis, MN (June 2014)
- *Convener/Presenter*, International Law Scholarship Mentoring Session, ASIL Annual Meeting, Washington DC (April 2015)
- *Co-Organizer/Commentator*, Junior International Law Scholars Association Annual Meeting, University of Miami (January 2015)
- *Delegate*, International Congress of Comparative Law, Vienna, Austria (July 2014)
- *Convener/Presenter*, International Law Scholarship Mentoring Session, ASIL Annual Meeting, Washington DC (April 2014)
- *Moderator/Commentator*, Junior International Law Scholars Association Annual Meeting, UC Berkley School of Law (February 2014)
- *Discussant/Panel Chair*, Expressive Meaning of Silence in International Law Panel, International Conference on Law and Society, Boston, MA (June 2013)
- *Commentator*, Junior International Law Scholars Association Annual Meeting, New York, NY (February 2013)

INSTITUTIONAL SERVICE

Washington University School of Law

Promotion and Tenure Committee (2023-24)

University of Georgia

Advisory Committee, The Center for International Business Education, Terry College of Business (2021-23)

Human Space Exploration Working Group (2019-23)

University of Georgia School of Law

Associate Dean for International Programs and Director, Dean Rusk International Law Center (2021-23)

Chair, Global Partnerships Strategic Planning Committee (2021-23)

Chair, Dean Rusk International Law Center Faculty Committee (2021-23)

Instructor, Global Governance Summer School (2023)

Chair, Diversity of Faculty Strategic Planning Committee (2020-2022)

Advisor, *Georgia Journal of International and Comparative Law* (2019-2021)

Advisor, Environmental Law Students Association (2020-2021)

Member, Appointments Committee (2020-2021; 2019-2020)

Member, Dean Rusk International Law Center Committee (2018-2019)

University of Washington School of Law

Chair, Faculty Colloquium Committee (2017-18)

Advisor, *Washington International Law Journal* (2015-18)

Advisor, *Global Business Law Program* (2016-18)

Member, Appointments Committee (2015-16)

Member, Faculty Colloquium Committee (2016-17; 2013-14)

Member, Curriculum Committee (2014-2015)

Member, Joan Fitzpatrick Fellowship Selection Committee (2015-18)

Member, Global Business Law Program Faculty Working Group (2014-15)

Member, Visiting Assistant Professor Program Ad Hoc Committee (2014-15)

Advisor, *Philip C. Jessup International Law Moot Court Team* (2015-16)

Dissertation Committees: Fnu Herliana, Yiwen Wang, Wen-Ning Chang, Huaxia Lai

Columbia University School of Law

Chair, Associates & Fellows Workshop

LEGAL PRACTICE

Cleary Gottlieb Steen & Hamilton, LLP, New York, NY

Associate, International Litigation and Arbitration, 2007-2011

Selected matters: Defended the Republic of Argentina in extensive sovereign debt litigation in U.S. federal court; litigated a \$40 billion attempted hostile takeover in Canada by the world's largest mining company; represented Brazil Telecom in a corporate control dispute before an International Chamber of Commerce arbitral tribunal; represented a major energy company in a bankruptcy litigation challenging the transaction price of an oil and gas subsidiary; represented, pro bono, detainees held at the military base in Guantánamo Bay, Cuba.

U.S. District Court for the SDNY, New York, NY

Law Clerk to Sidney H. Stein

U.S. Court of Appeals for the 9th Circuit, Pasadena, CA

Law Clerk to Kim McLane Wardlaw

Morrison & Foerster LLP, New York, NY

Summer Associate

New York State Attorney General, New York, NY

Legal Intern, Environmental Protection Bureau

PROFESSIONAL AFFILIATIONS

Admitted to Practice in New York & California (inactive)

Memberships:

American Society of International Law

(International Environmental Law, International Economic Law, International Legal Theory, International Organizations interest groups)

European Society of International Law

(International Economic Law, International Environmental Law, International Organizations interest groups)

American Branch of the International Law Association

Law and Society Association

(Corporate and Securities Law in Society, Transnational and Global Legal Ordering collaborative research networks)

The International Society of Public Law (ICON•S)