

JUDGE JOAN E. DONOGHUE

International Court of Justice

Previous position:

United States Department of State

2007-2010: *Principal Deputy Legal Adviser*: Senior career attorney of the Department of State; Acting Legal Adviser, January to June 2009 (advice to Secretary Clinton and President Obama on all aspects of international law); Advice on development, interpretation and application of international humanitarian law and human rights law; United States submissions in advisory proceedings in *Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo* (International Court of Justice); Advice on drafting, negotiation and implementation of resolutions of the Security Council, General Assembly and other United Nations bodies; Oversight of legal work related to the law of the sea, Antarctica, the Arctic, fisheries and the environment; Supervision of United States advocacy in Iran-United States Claims Tribunal and North American Free-Trade Agreement (NAFTA) investor-state arbitration; Head of delegation, bilateral claims negotiations with Iraq; Legal advice and congressional testimony regarding 2008 United States-Iraq Security Agreement and Strategic Framework Agreement; Implementation of President Obama's Executive Orders on Guantanamo, detention and interrogation; Oversight of treaty approval process, including testimony for advice and consent of United States Senate; Representative to United States-European Union Legal Dialogue; Representative to Council of Europe Committee of Legal Advisers.

Previous international law positions:

George Washington University School of Law (2005): *Adjunct Professor, Public International Law*.

United States Department of State

2000-2001: *Deputy Legal Adviser*: oversight of bilateral law enforcement co-operation; Implementation of legislation on foreign assistance and economic sanctions; Supervision of international economic issues, including legal aspects of bilateral investment treaty (BIT) negotiation and formulation of model BIT provisions.

1994-1999: *Assistant Legal Adviser for Economic and Business Affairs*: legal adviser in negotiation of understandings with the European Community regarding United States economic sanctions and conflicts of jurisdiction; Litigation regarding United States state and local sanctions (*Crosby v. National Foreign Trade Council*, United States Supreme Court); Legal adviser and supervisor in investment negotiations (bilateral investment treaties and Organization for Economic Cooperation and Development (OECD) Multilateral Agreement on Investment); Legal advice regarding OECD Anti-Corruption Convention; Formulation of United States positions in NAFTA investor-state cases (*Loewen Group, Methanex*); Legal adviser in bilateral aviation negotiations.

1993-1994: *Assistant Legal Adviser for African Affairs*: legal advice on the transition to democracy in South Africa, including work with United States Congress to revise federal law and work with United States states to repeal state sanctions; Advice on international humanitarian law, including on the establishment of the International Criminal Tribunal for Rwanda; Advice on recognition and state succession.

Council on Foreign Relations International Affairs Fellow and visiting professor, Boalt Hall School of Law, University of California at Berkeley (1992): research and writing on international environmental law and immunities law; Teaching of United States foreign relations law and international environmental law.

Georgetown University Law Center (1991): *Adjunct Professor, Foreign Relations Law*.

United States Department of State

1989-1991: *Assistant Legal Adviser for Oceans, Environment and Science*: legal adviser, negotiation of United Nations Framework Convention on Climate Change; Legal adviser, negotiation of Protocol Concerning Specially Protected Areas and Wildlife to the Cartagena Convention; Legal Adviser, Meeting of the Consultative Parties to the Antarctic Treaty; Formulation of positions in General Agreement on Tariffs and Trade dispute settlement (*Tuna-Dolphin* and *Turtle-Shrimp*); Submission to United States

Senate of United States-USSR treaty on maritime boundary; Representative to legal expert groups on liability for environmental damage; Head of delegation and legal adviser in fisheries negotiations. 1986-1989: *Director, Office of Diplomatic Law and Litigation*: head of office responsible for foreign state immunity, head of state immunity, immunity of diplomats and special missions immunity; Litigation and legislation regarding United States Foreign Sovereign Immunities Act; Litigation regarding immunity of Heads of State, diplomats and other personnel; Congressional testimony regarding diplomatic immunity; Negotiation of international agreements governing privileges and immunities.

1986: *Attorney, Office of Law Enforcement and Intelligence*: negotiation of extradition and mutual legal assistance agreements; Legal advice related to international narcotics issues.

1984-1986: *Attorney, Office of Inter-American Affairs*: member, United States team in *Nicaragua v. United States* (International Court of Justice); United States-Cuba migration negotiations; Legal advice regarding implementation of Panama Canal Treaty; Legal adviser in negotiation of Commission for the Study of Alternatives to the Panama Canal (United States-Panama-Japan).

Other professional experience:

Freddie Mac, *General Counsel and Corporate Secretary* (2003-2005); *Associate General Counsel, Legislative and Regulatory Affairs* (2001-2003): leadership of Office of General Counsel after Board of Directors replaced the most senior executives in 2003 (initially as Acting General Counsel); Oversight of all litigation in regulatory and judicial proceedings; Overhaul of corporate governance; Elected Member of Board of Directors.

United States Department of the Treasury (1999-2000), *Deputy General Counsel*: supervision of all aspects of Department's legal work; Oversight of legal advice regarding regulations, licences and litigation under the International Emergency Economic Powers Act; Supervision of legal work with respect to international financial institutions; Management of litigation against Department of the Treasury.

Covington & Burling, Washington, D.C. (1981-1984) Federal court and administrative litigation.

Education:

Boalt Hall School of Law, University of California, Berkeley, J.D., 1981; University of California, Santa Cruz, B.A. with Honours in Russian Studies; BA with Honours in Biology, 1978;

Publications:

"The public face of private international law: prospects for a convention on foreign State immunity", *57 Law and Contemporary Problems* 305 (1994); "International law and policy-making about global change", in *The Ecological and Social Dimensions of Global Change* (David D. Caron, Terry Chapin, Joan Donoghue, Mary Firestone, John Harte and Lisa Wells, eds., Institute of International Studies, University of California at Berkeley, 1994); Book review, *The International Politics of the Environment*, by Andrew Hurrell and Benedict Kingsbury, *88 American Journal of International Law* 411 (1994); "EC participation in the protection of the marine environment", *17 Marine Policy* 515 (1993); "Taking the 'sovereign' out of the foreign sovereign immunities act: a functional approach to the commercial activities exception", *17 Yale Journal of International Law* 489 (1992); "The trade provisions of international environmental agreements: can they be reconciled with the GATT?", *86 American Society of International Law Proceedings* 233 (1992); "Perpetual immunity for foreign diplomats? A response to 'the Abisinino Affair: a restrictive theory of diplomatic immunity?'" , *27 Columbia Journal of Transnational Law* 615 (1989).

Selected honours and awards:

Distinguished Honor Award (highest award given by the Secretary of State) (2009);
Presidential Rank Award (Meritorious Executive) (2009); Younger Federal Lawyer
(awarded by the Federal Bar Association) (1988).

Other information:

Member, American Society of International Law; Member, District of Columbia Bar
Association; Studied Russian, Arabic, Spanish and French.