

Cymie R. Payne

Rutgers University – School of Environmental and Biological Sciences
Department of Human Ecology
55 Dudley Road
New Brunswick, NJ
payne@sebs.rutgers.edu

ACADEMIC APPOINTMENTS

Rutgers University

Assistant Professor, SEBS, Department of Human Ecology, 2011-present
Assistant Professor, Rutgers University, Camden, School of Law (by courtesy), 2011-present
Assistant Professor, Rutgers University, Bloustein School of Public Policy and Planning (by courtesy), 2011-present
- Courses Taught: Environmental Law and Policy; International Environmental Law; Climate Governance

Lewis and Clark Law School

Distinguished Environmental Law Scholar, 2010-2011
- Course Taught: Deepwater Horizon Blowout Seminar

University of California, School of Law, Berkeley

Lecturer, 2006- 2010
- Courses Taught: Climate Change Law & Policy; International Environmental Law; International Courts and Tribunals.

University of California, School of Law, Berkeley

Director, Global Commons Project, Associate Director, Center for Law, Energy and the Environment,* 2006-2009

- Steering Committee, Berkeley Cal Climate Action Partnership
- Member, Center for Catastrophic Risk Management (Engineering, Business, Law Schools).
- Researcher with NSF-funded “Assessing and Managing Failure Vulnerabilities of Infrastructure Systems: Resilience and Sustainability of The California Sacramento Delta Region Interconnected Critical Infrastructure Systems”

EXPERIENCE IN PRACTICE

International Union for Conservation of Nature and Natural Resources (IUCN), Gland, Switzerland, 2010, Counsel

- Oral and written submissions to Seabed Disputes Chamber of International Tribunal for the Law of the Sea in Case No. 17, Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area (Request for Advisory Opinion submitted to the Seabed Disputes Chamber). Transcripts, webcasts and documents available at www.itlos.org.

United Nations Security Council (UN Compensation Commission), Geneva, Switzerland, 1999-2005, Senior Legal Officer (Team Leader), Legal Officer

- Management of legal team reviewing environmental reparations from 1990-1991 Gulf War.

* Formerly the California Center for Environmental Law and Policy (CCELP)

Goodwin, Procter, LLP, Boston, Massachusetts, 1998-1999, Attorney
- Legal services specializing in real estate, land use, wetlands, coastal zone, water, historic preservation and toxics matters.

United States Department of the Interior, Office of the Solicitor, Washington, D.C., 1997-1998, Attorney-Advisor, Solicitor's Honors Program

United States Department of the Interior, Office of the Secretary, Washington, D.C., 1996, Law Clerk/Assistant to Joseph Sax, Deputy Assistant Secretary for Policy

California Coastal Commission, San Francisco, California, 1995, Law Clerk/Analyst

Nuclear Claims Tribunal of the Marshall Islands, 1995-1996, Consultant

Earth Access, Cambridge, Massachusetts, 1989-94, Executive Director

EDUCATION

University of California, Berkeley, School of Law (Berkeley Law), Juris Doctor, May 1997

- Certificate of Specialization in Environmental Law
- Landis Writing Prize
- *Ecology Law Quarterly*

The Fletcher School of Law and Diplomacy, Master of Arts, May 1993

- *Praxis, The Fletcher School Journal of Environment and Development*

PUBLICATIONS

Book:

GULF WAR REPARATIONS AND THE UN COMPENSATION COMMISSION: ENVIRONMENTAL LIABILITY (Oxford University Press, 2011)(with Peter H. Sand)(Author: chapter 1, *The UNCC Program: Environmental Claims in Context*; chapter 5, *Tracking and Follow-Up Programmes for Environmental Awards; Guidance for Researchers*).

Chapters:

Legal Liability for Environmental Damage: The United Nations Compensation Commission and the 1990-1991 Gulf War, in STRENGTHENING POST-CONFLICT PEACEBUILDING THROUGH NATURAL RESOURCE MANAGEMENT, VOLUME 6: GOVERNANCE, NATURAL RESOURCES, AND POST-CONFLICT PEACEBUILDING (C. Bruch, C. Muffett, and S. Nichols, eds, forthcoming 2013).

Guide to Sources in The Iran-United States Claims Tribunal and the Process of International Claims Resolution with D.D. Caron, Crook, J., Caplan, L. (D.D. Caron and J.R. Crook eds., Transnational Publishers 2000)

Articles:

Argentina's ICSID Arbitrations and the UNCC Experience: Consistency and Capability in Mass Claims, 6 WORLD ARBITRATION AND MEDIATION REVIEW 427-61 (2012).

Mastering the Evidence: Improving Fact Finding by International Courts, 41 ENVIRONMENTAL LAW 1191-1220 (2011).

State Responsibility and Liability for Deep Seabed Mining in International Waters, ENVIRONMENTAL POLICY AND LAW (co-authored with Donald Anton and Robert Makgill, 2011). (*peer-reviewed*)

- Pulp Mills on the River Uruguay (Arg. v. Uru.)*, 105 AMERICAN JOURNAL OF INTERNATIONAL LAW 94 (January 2011). (peer-reviewed)
- Environmental Impact Assessment as a Duty under International Law: The International Court of Justice Judgment on Pulp Mills on the River Uruguay*, 3 EUR. J. OF RISK REGULATION 317 (2010). (peer-reviewed)
- Pulp Mills on the River Uruguay: The International Court of Justice Recognizes Environmental Impact Assessment as a Duty under International Law*, 14:9 AM. SOC. INT'L L. INSIGHTS (2010).
- Balancing the Risks: Choosing Climate Alternatives*, IOP CONF. SER.: EARTH ENVTL. SCI. 8 (2009). (peer-reviewed)
- State of Play: Changing the Climate in Copenhagen*, 13 AM. SOC. INT'L L. INSIGHTS (2009).
- Local Meets Global: The Low Carbon Fuel Standard and the WTO*, 34 NORTH CAROLINA JOURNAL OF INTERNATIONAL LAW & COMMERCIAL REGULATION 891 (2009).
- Introductory Note to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Compliance Procedures*, 46 INTERNATIONAL LEGAL MATERIALS 1174 (2007). (peer-reviewed)
- U.S. Supreme Court, Greenhouse Gas Regulation and Foreign Policy Considerations*, 11 AM. SOC. INT'L L. INSIGHTS (3 May 2007).
- Environmental Damage at the United Nations Compensation Commission*, 2 INTERNATIONAL ENVIRONMENTAL NEWS (Summer/Fall 2006).
- UN Commission Awards Compensation for Environmental and Public Health Damage from 1990-91 Gulf War*, AM. SOC. INT'L L. INSIGHTS (10 August 2005).
- Local Regulation of Natural Resources: Efficiency, Effectiveness, and Fairness of Wetlands Permitting in Massachusetts*, 28 ENVIRONMENTAL LAW 519 (1998).
- Foreword to Symposium: The Ecosystem Approach: New Departures for Land and Water*, 24 ECOLOGY LAW QUARTERLY 619 (1997).
- Rapporteur, *Panel on International Arbitration*, AM. SOC. INT'L L. Proc. (1996).
- Closing the Circle: Sustainable Communities*, SANCTUARY, J. MASS. AUDUBON SOC. (1994).
- Hard Choices in Tropical Woods*, ARCHITECTURAL RECORD 16 (1991).

Reviews:

- Abram Chayes & Antonia Handler Chayes' The New Sovereignty: Compliance with International Regulatory Agreements* 24 ECOLOGY LAW QUARTERLY 173 (1997) (book review).
- Gerard Piel, Only One World* 17 FLETCHER FORUM 224 (1993) (book review).

Briefs:

- Statement for International Union for the Conservation of Nature and Natural Resources, Commission on Environmental Law, *Advisory Opinion, Case No. 17: Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area* (filed with International Tribunal for the Law of the Sea on August 18, 2010).

PRESENTATIONS

- Virtual Scholarly Roundtable on the Use of International Arbitration for Adjudicating Mass Claims*, OGEMID Transnational Dispute Management listserv, July 2012.

- Jus Post Bellum and the Norm of Environmental Integrity*, “Jus Post Bellum”: Mapping the Normative Foundations, Grotius Centre for International Legal Studies at the University of Leiden, Peace Palace, The Hague, Netherlands, May 31- June 1, 2012.
- High-Value Natural Resources*, Lessons for Natural Resource Management in Post-Conflict Peacebuilding, Environmental Law Institute, UNEP & Columbia University, NY, Apr. 2012.
- Argentina’s ICSID Arbitrations and the UNCC Experience: Consistency and Capability in Mass Claims*, Institute for Transnational Arbitration Academic Council & American Society of International Law conference Arbitration in Times of Crisis, Washington D.C., March 2012.
- Faculty Workshop: International Reparations: Effective Institutions?*, Rutgers University, Camden Law, Jan. 2012.
- Inter-Governmental Issues in the Gulf of Mexico and Caribbean*, 2d International Offshore Oil and Gas Law Conference, New Orleans, Dec. 2011.
- Implementing the Seabed Disputes Chamber-ITLOS Advisory Opinion on Responsibilities and Obligations of States Sponsoring Activities in the International Seabed Area*, International Seabed Authority Seminar at the United Nations, Apr.2011.
- The International Court of Justice, Science and the Progressive Development of International Law*, American Society of International Law Annual Meeting, March 24, 2011.
- The BP Blowout Spill and Its Implications*, American Association of Law Schools Annual Meeting 2011.
- Post-Conflict Natural Resources Management: Lessons Learned*, Am. Soc. of Int’l Law Annual Meeting, March 25, 2010.
- An International Dilemma: The Tragedy of the Commons and International Environmental Law*, Duke University, Feb. 12, 2010
- Climate justice, ethics and the Copenhagen agenda: Roles of institutions, civil society and markets*, with former President of Ireland and former High Commissioner for Human Rights, Mary Robinson, Side Event at United Nations Climate Change Conference (COP15), December 14, 2009.
- UN Climate Change Negotiations*, Behavior, Energy and Climate Change Conference, Washington DC, sponsored by the University of California, Stanford University and American Council for an Energy-Efficient Economy, November 2009.
- US Progress on the Road to Copenhagen*, Annual Conference on German and American Law 2009 of the Deutsch - Amerikanische Juristen – Vereinigung (14 August 2009).
- Roundtable, The United States and the Post-Kyoto Climate Change Treaty*, Annual Meeting, American Society of International Law, March 2009
- Panel Chair, Scientific Whaling and International Law*, Annual Meeting, American Society of International Law, March 2009
- Balancing the Risks*, Beyond Kyoto: Addressing the Challenges of Climate Change – Science Meets Industry, Policy and the Public, Aarhus, Denmark, 6 March 2009.
- Plans and Prognoses for Climate Change: California, the US, the UN*, Cátedra Endesa de Fiscalidad y Cambio Climático, Instituto de Derecho y Ética Ambiental, Madrid, Spain, December 2008. (and CEU-Valencia, Endesa, Madrid).
- Intersection of International Trade Law with State Climate Regulation and Biofuels Policy*, The Greenhouse Gas Marketplace, University of North Carolina School of Law, November 15, 2008.
- Commentator: Climate Change and Marine Environment: Regulation of Carbon Sequestration*, Ocean Governance: Structures, Functions, and Innovation Conference, Law of the Sea Institute, University of California, Berkeley, and Inha University, November 2008.

Emissions Trading and Effective Kyoto Paths: Focus on Offsets, Beyond Kyoto Conference, University of California, Davis, February 2008.

Convenor, *Climate Scientists and Lawyers Roundtable* sessions on *Litigation and Climate Models*, *Modeling and Water Resources*, *Responding to Climate Change Skeptics*, UC Berkeley, 2007-08

Conference Chair, *Cap and Trade as a Tool for Climate Change Policy: An International Conference for Law, Business and Policy Practitioners*, UC Berkeley School of Law, February 2007.

Panelist, *Global Environmental Challenges and Opportunities*, Earth Day, Berkeley Institute of the Environment, April 2006

MEDIA CONTRIBUTIONS

Radio Appearance, Chevron-Ecuador Litigation, National Public Radio KQED, Jan. 10, 2012.

Radio Appearance, Liability & Compensation for the Deepwater Horizon Blowout, BBC, 2010.

BLOGS

Legal Planet

IntLawGrrls

BAR MEMBERSHIP & PROFESSIONAL ACTIVITIES

Member, Massachusetts State Bar (active), California State Bar (inactive), US Supreme Court Bar Executive Committee, Executive Council, American Society of International Law

Board of Editors, American Society of International Law, *Insights*

Co-Chair, Program Committee, American Society of International Law Annual Meeting 2012

Expert Reviewer, IPCC, Fifth Assessment Report, Working Group 3

IUCN Commission on Environmental Law, Specialist Groups: Oceans and Armed Conflict

Advisory Board, Center for Biological Diversity, Climate Law Institute

Board of Directors, International Rivers, Audit Committee (chair)

Rutgers Initiative on Climate and Society

International Law Association

European Society for International Law

Manuscript referee, Cambridge University Press

Co-Chair, Program Committee, American Society of International Law Annual Meeting 2012

American Society of International Law, International Environmental Law Interest Group (chair 2008-2011) Civil Society Observer, United Nations Climate Change Conference (2007-2009)

Issue Editor, *Issues in Legal Scholarship*, *Balancing the Risks* (Spring 2009)

LANGUAGES - French (United Nations *Certificat d'aptitudes linguistiques*); Spanish