

KEVIN CROW

ASB / MIT Sloan • kevin.crow@asb.edu.my • kevcrow@mit.edu • Malaysia / Germany / USA

CURRENT APPOINTMENTS

Asia School of Business, Kuala Lumpur, Malaysia

Assistant Professor of International Law and Ethics, August 2018 – Present

MIT Sloan School of Management, Boston, USA

International Faculty Fellow, February 2018 – Present

EDUCATION

Transnational Economic Law Centre / Universität Halle-Wittenberg, Halle, Germany

Ph.D., International Law, submitted December 2017, awarded *summa cum laude* July 2019

Thesis: *International Law and Consensus in South Asia, 1955-1995*; Doktorvater: Christian Tietje

London School of Economics and Political Science / University of Southern California Law School,

London, United Kingdom / Los Angeles, USA

J.D. / LL.M. (Legal Theory), *honors*, November / August 2013

University of Washington, Seattle, USA

B.A., Political Science, Phi Beta Kappa, *magna cum laude*, March 2010

ATTORNEY QUALIFICATION

State Bar of California, License # 305036

ATTORNEY AND ACADEMIC POSITIONS

Columbia University Freedom of Expression Initiative, New York City, USA

Affiliate Researcher, April 2015 – Present (pro re nata, U.S., German, Malaysian, and ECtHR cases)

Universität Halle-Wittenberg Law School, Halle, Germany

Lecturer & Senior Researcher, January 2015 – January 2018

Center of Excellence for International Courts (iCourts), Copenhagen, Denmark

Visiting Researcher, August 2017 – September 2017

Asia School of Business in Collaboration with MIT Sloan, Kuala Lumpur, Malaysia

Research Associate, August 2015 – February 2017; Postdoc, February 2018 – July 2018

Destination Justice, Phnom Penh, Cambodia / Annemasse, France

Affiliate Consultant, January 2015 – January 2017; Associate Legal Consultant, September 2013 – January 2015

- Worked with the Khmer Rouge Tribunal (ECCC); represented arbitrarily detained prisoners from a variety of jurisdictions before UN working groups.

ARTICLES

- *International Corporate Constituency as a Human Problem*, ____ TRANSNATIONAL LEGAL THEORY (2021).
- *International Law and Corporate Participation in Times of Armed Conflict*, 37 BERKELEY J. INT'L L. 64 (2019).
- *The Opacity of Proportionality in International Courts*, 51 GEO. WASH. INT'L L. REV. 289 (2019).
- *International Corporate Obligations, Human Rights, and the Urbaser Standard: Breaking New Ground?* (with Lina Lorenzoni Escobar), 36 B.U. INT'L L. J. 87 (2018).
- *The Concept of 'Development' in International Economic Law: Three Definitions and an Inquiry Into Origin*, 14 MANCHESTER J. INT'L ECON. L. 148 (2017).
- *The Merits or the Messenger?: Complementarity and the Referral Process in the ICC's Application of Article 17 of the Rome Statute*, 26 J. TRANSNAT'L L. & POL'Y 53 (2017).
- *The Emerging Neoliberal Penalty: Rethinking Foucauldian Punishment in a Profit-Driven Carceral System*, 52 CRIM. L. BULL. 1 (2016).

BOOKS

- INTERNATIONAL CORPORATE PERSONHOOD: BUSINESS AND THE BODYLESS IN INTERNATIONAL LAW (Routledge 2021).
- ACCEPTANCE, AGREEMENT, ACCESSION: THE STORY OF AN ASSUMPTION (monograph, revisions in progress).

BOOK CHAPTERS

- *International Law as Evangelism*, in Benjamin Porat & David Flatto (eds.), LAW AS RELIGION, RELIGION AS LAW (forthcoming, Cambridge 2021).
- *Bandung's Fate*, in Ingo Venzke & Kevin Jon Heller (eds.), CONTINGENCY IN INTERNATIONAL LAW: ON THE POSSIBILITY OF DIFFERENT LEGAL HISTORIES (Oxford 2021).
- *'Winds of Justice?': Post-Colonial Opportunism and the Rise of the Khmer Rouge*, in Morten Bergsmo, Wolfgang Kaleck & Kyaw Yin Hlaing (eds.), COLONIAL WRONGS AND ACCESS TO INTERNATIONAL LAW (TOAEP 2020).
- *Corporate Persons and Crimes Against Humanity*, in Katia Fach Gomez, Anastasios Gourgourinis & Catharine Titi (eds.), EUROPEAN YEARBOOK OF INTERNATIONAL ECONOMIC LAW: INTERNATIONAL INVESTMENT LAW AND THE LAW OF ARMED CONFLICT (Springer 2019).
- *DSB Supervision of Implementation at the WTO* (with Christian Tietje), MAX PLANCK EIPRO ENCYCLOPEDIA OF INTERNATIONAL LAW (Oxford 2020).
- *The Reform of Investment Protection Rules in CETA, TTIP, and Other Recent EU-FTAs: Convincing?* (with Christian Tietje), in Stefan Griller, Walter Obwexer & Erich Vranes (eds.), MEGA-REGIONAL AGREEMENTS: TTIP, CETA, TISA. NEW ORIENTATIONS FOR EU EXTERNAL ECONOMIC RELATIONS (Oxford 2017).

TEXTBOOK CONTRIBUTIONS

- *On the Confirmation of Charges Against Charles Ble Goude* (ICC), André Klip & Steven Freeland (eds.), ANNOTATED LEADING CASES OF INTERNATIONAL CRIMINAL TRIBUNALS ("ALC"), Vol. LXVI (forthcoming, Intersentia 2021).

- *Commentary on Prosecutor v. Duch* (ECCC), André Klip & Steven Freeland (eds.), ALC Vol. LX (Intersentia 2020).
- *The Scope of the ICC Registrar's Powers Under Regulation 135*, André Klip & Steven Freeland (eds.), ALC Vol. LVII (Intersentia 2019).
- *Commentary on Prosecutor v. Radovan Karadžić* (ICTY), André Klip & Steven Freeland (eds.), ALC Vol. LIV (Intersentia 2017).
- *Recent ICC Applications of Article 17 of the Rome Statute*, André Klip & Göran Sluiter (eds.), ALC Vol. LII (Intersentia 2016).

BOOK REVIEWS

- *Anne Saab, Narratives of Hunger in International Law: Feeding the World in Times of Climate Change*, 23 J. INT'L ECON. L. 1049 (2020).
- *Anthea Roberts, Is International Law International?*, 21 J. INT'L ECON. L. 739 (2018).
- *Diane Desierto, Public Policy in International Economic Law: The ICESCR in Trade, Finance, and Investment*, 21 J. INT'L ECON. L. 1 (2018).
- *Iryna Marchuk, The Fundamental Concept of Crime in International Criminal Law*, 15 J. INT'L CRIM. JUST. 2 (2017).

WORKS IN PROGRESS

- 'The Natural' in International Law
 - A broad multiyear international collaboration exploring 'states of nature' and 'forces of nature' assumed in judicial reasoning, legal texts, and market justifications in international law.
- Bowring's Legacies
 - An inquiry into the present implications of the 1855 Bowring Treaty between Great Britain and present-day Thailand, particularly its provisions on extraterritoriality and taxation.
- *From Traction to Treaty Bound: Erga Omnes and Jus Cogens in International Investment Arbitration* (with Lina Lorenzoni Escobar) (under review, forthcoming 2021-2022).
- *International Investment Law's Dominion* (with Lina Lorenzoni Escobar) (forthcoming 2022).

POLICY PAPERS & ONLINE PUBLICATIONS

- *The Use of 'Human Rights' and 'Development' by Evangelical Organizations*, OpenDemocracy (June 2018), <https://www.opendemocracy.net/en/how-us-evangelical-organizations-deploy-human-rights-and-development/>.
- *A Taxonomy of Proportionality in International Courts*, iCourts Working Paper Series No. 107 (November 2017), <https://jura.ku.dk/icourts/research-resources/working-papers/>.
- *Trump's Travel Ban v. Macron's Police Power Reforms*, Social Europe (June 2017), <https://www.socialeurope.eu/2017/06/trumps-travel-ban-v-macrons-police-power-reforms/>.
- *Four Key Features of the Emerging 'Trumpism'*, Social Europe (April 2017), <https://www.socialeurope.eu/2017/04/four-key-features-emerging-trumpism/>.
- *'Trumpism', the TPP, and the Politics of Uncertainty*, Pol'y Papers on Transnat'l Econ. L. No. 46, Transnational Economic Law Research Centre (TELC) (Feb. 2017), http://tietje.jura.uni-halle.de/sites/default/files/PolicyPaper/PolicyPaper_No46.pdf.

- *The TPP and Malaysia: Local Impact and Implications Following the Conclusion of the Partnership Negotiations*, Pol’y Papers on Transnat’l Econ. L. No. 44, TELC (Oct. 2015), http://tietje.jura.uni-halle.de/sites/default/files/PolicyPaper/PolicyPaper_No44.pdf.
- *The TPA in 2015: A Quick Look at the Latest Incarnation of the U.S. President’s ‘Fast Track’ Trade Negotiation Authority*, Pol’y Papers on Transnat’l Econ. L. No. 43, TELC (June 2015), <http://telc.jura.uni-halle.de/de/node/24>.

TEACHING

- **Asia School of Business**, Kuala Lumpur, Malaysia, 2018 – Present
 - Ethics & Corporate Legal Accountability, Fall 2018 – Present
 - Public International Law & the Private Sector, Spring 2020 – Present
 - Law & Ethics in Central Banking, Fall 2021
 - ASB Action Learning Projects Supervised:
 - ACM-Boeing (Alor Setar, Malaysia); Ancora (Jakarta, Indonesia); Online Pajak (Jakarta, Indonesia); Asia Development Bank (Manila, Philippines); Microsoft (Kuala Lumpur, Malaysia); PNB (Kuala Lumpur, Malaysia); Sime Darby (Kuala Lumpur, Malaysia); Green Packet (Kuala Lumpur, Malaysia); SOCAR (Kuala Lumpur, Malaysia).
- **Universität Halle-Wittenberg Law School**, Halle, Germany, 2015 – 2018
 - International Economic Law, ELSA/WTO Moot, Fall 2015 – 2017
 - International Human Rights Law (14-week lecture, 100+ students), Spring 2015
 - International Investment Law, Skadden FDI Moot, Spring 2016 – 2017
 - Introduction to U.S. Constitutional Law (14-week lecture, 200+ students), Fall 2015 – 2018
- **Executive Education**, ASB Iclif Executive Education Center, 2020 – Present
 - Ethics & Legal Accountability
 - Emerging Norms in Corporate Social Responsibility
 - International Law & Global Business Strategy

WORKSHOPS AND CONFERENCE PRESENTATIONS

- *Inequality, Silence, and ‘the Natural’ in International Law*, ANU Law School’s 60th Anniversary Conference: Public Law and Inequality, Canberra, December 2021.
- *Bowring’s Legacies*, Asian Legal History Conference, CUHK Law, Hue University, Hue, Vietnam, 24-25 July 2021 (remote participant).
- *Working Group on ‘The Natural’ in International Law*, Organizer / Participant, ICON•S Conference, ‘Public Law, (Dis)trust and Dissent’, Wrocław, 8-10 July 2021.
- *Solidarity and ‘The Natural’ in International Law*, 2020 ESIL Research Forum, ‘Solidarity: The Quest for Founding Utopias in International Law’, Catania, April 2021 (postponed, online).
- *Constituency and the International Corporate Person*, Transnational Law Institute, King’s College London, ‘Bringing the Human Problem Back: The Example of Corporate (Ir)responsibility’, October 2020.

- *From Traction to Treaty Bound: Erga Omnes, Multinationals, and the Arbitral Use of Judge-Made Law*, presented with Lina Lorenzoni-Escobar at the ESIL/Católica Global Law School conference, ‘Socially Responsible Foreign Investment Under International Law,’ Lisbon, October 2019.
- *Institutional Moralization and International Corporate Persons*, presented at the Taylor’s University Law School international conference, ‘The Future of Law & Legal Practice,’ Kuala Lumpur, October 2019.
- *The Individual Moralization of Corruption and the International Corporate Person*, presented at the EUI Conference on ‘Corruption, Democracy and Human Rights,’ Florence, June 2019.
- *International Anti-Corruption Law and the International Corporate Person*, Wharton/SciencesPo Conference on ‘The Transnationalization of Anti-Corruption Law,’ Paris, December 2018.
- *International Corporate Personhood: Future Roads*, UN 8th Annual Forum on Business & Human Rights, United Nations Palais des Nations, Geneva, November 2018.
- *Bandung’s Missed Legacies: Alternative Normative Approaches to International Law?*, ACIL Conference, ‘Contingency in International Law,’ Amsterdam, June 2018.
- *Redesigning International Adjudication*, Howard League, ‘Redesigning Justice,’ Oxford, March 2018.
- *International Human Rights Law as a Tool of Repression: International Evangelical Organizations, Development Funding, and LGBT Rights*, ARC Strategic Litigation Symposium, ‘The Use of Law by Social Movements & Civil Society,’ Brussels, March 2018.
- *Human Rights and the Fluctuation of Executive Powers in the U.S.: From Nixon to Trump*, ‘Populism, Nationalism, and Human Rights’ at Maastricht University, The Netherlands, January 2018.
- *Corporate Subjectivity and Crimes Against Humanity: Can Arbitrators Push the Boundaries of Investor-to-State Financial Liability?*, Colloquium on ‘International Investment Law and the Law of Armed Conflict,’ National University of Athens, Greece, October 2017.
- *Corporate Human Rights Obligations and International Investment Law: Urbaser’s Potential*, ESIL IHRL Interest Group at the 13th Annual ESIL Conference, Naples, September 2017.
- *Migrations of Power: International IP Law and the Implications of Eli Lilly*, ICON•S Conference, ‘Courts, Power, Public Law,’ Copenhagen, July 2017.
- *International Law as Evangelism: American Christianity and the UN Development Project*, Hebrew University, ‘Law as Religion, Religion as Law,’ Jerusalem, June 2017.
- *The ‘Proportionality’ Delusion in International Law*, LUISS Guido Carli University, ‘Constitutional Adjudication: Between Pluralism and Unity,’ Rome, May 2017.

INVITED TALKS AND PANELS

- 2nd UN South Asia Forum on Business and Human Rights, Online Forum, 15-19 March 2021.
- *Responsibility in Action*, Leadership Energy Summit Asia (LESA), Kuala Lumpur Malaysia, 16-18 November 2020, ASB Iclif Executive Education Center.
- *Comment on the ECCC and Colonialism and Post-Colonialism*, CILRAP Expert Meeting on Colonial Legacies and Access to International Law, Yangon, Myanmar, 16-17 November 2019, video available at <https://www.cilrap.org/cilrap-film/191117-crow/>.
- *The Evolving Status of Corporate Subjectivity to International Law: Developments in ISDS*, presented to the IFF Research Seminar Series at the MIT Sloan School of Management, February 2018.
- *A Taxonomy of Proportionality in International Courts*, presented to the iCourts Research Seminar at the University of Copenhagen Law School, 13 September 2017.
- *International Corporate Obligations, Human Rights, and the Urbaser Standard: Breaking New Ground?*, with Lina Lorenzoni Escobar, presented at the Law After Lunch Seminar Series at the University of Halle-Wittenberg Law School, 27 April 2017.

- *Is There a Better Way to Approach 'Judgment' in International Law?: International IP Law and the Case of Eli Lilly*, presented at the Asia School of Business, Research Seminar, 13 February 2017.
- *The Asymmetry of Investor-State Obligations Under International Investment Law*, presented to the World Bank in Kuala Lumpur as part of the Half-Baked Seminar Series, 6 December 2016.
- *Food Security and the Human Right to Knowledge*, presented to the Summer School on Food Security at the University of Halle-Wittenberg Law School, 15 September 2016.

ACADEMIC, PRO BONO, AND ADMINISTRATIVE SERVICE

- Peer Reviewer: AMERICAN BUSINESS LAW JOURNAL; EDWARD ELGAR PUBLISHING; JOURNAL OF BUSINESS ETHICS.
- Pro bono international lawyer for the Global Legal Action Network (GLAN).
- Pro bono lawyer for We The Action.
- Pro bono arbitrator for the Asian International Arbitration Centre (AIAC).
- Pro bono international lawyer for environmental groups: EDF, EIP, and EEB.
- Research Seminar Series, Co-Coordinator 2018 to 2019; Coordinator 2019 to 2021 (ASB).
- Ethical Research Review Board, Member (ASB, 2019 to present); MBA Values Committee, Chair (ASB, 2018 to present); Admissions Committee (ASB, 2020 to present).

PROFESSIONAL CERTIFICATES

- **University of Washington**, Dynamic Public Speaking, April – May 2017
- **Harvard Business School**, Case Method Teaching, March 2018

PROFESSIONAL MEMBERSHIPS

American Society of International Law (ASIL); Asian Society of International Law (AsianSIL); European Society of International Law (ESIL); Society for the Advancement of Socio-Economics (SASE); Society of International Economic Law (SIEL); International Society of Public Law (ICON•S); European Corporate Governance Institute (ECGI).

LANGUAGES

English: Native; German: B2 (proficient) (Goethe Institute); Indonesian: intermediate (U.S. State Dep't).

WEB

- [BePress Selected Works](#)
- [SSRN Author Page](#)
- [ASB Faculty Profile](#)
- [ECGI Profile](#)
- [Global FoE Profile](#)
- [Twitter](#)
- [Google Scholar](#)
- [Personal Website](#)