

Prof. Dr. Monika Polzin, LL.M. (NYU)

Juniorprofessorin für Öffentliches Recht mit einem Schwerpunkt im Völkerrecht
(Junior Professor for Public Law with a focus on Public International Law), University of
Augsburg, Universitätsstr. 24, 86159 Augsburg, Germany; e-mail: mch339@nyu.edu

EDUCATION

GOETHE-UNIVERSITY FACULTY OF LAW, Frankfurt a.M., Germany

Habilitation, February 2017

Habilitation Treatise: *Constitutional Identity: A Normative Concept of the Basic Law?* (in German)

Venia legendi: Public Law, Public International Law and European Law

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

LL.M. Degree in International Legal Studies, May 2007

Honors: Hugo Grotius Scholarship

BAVARIAN MINISTRY OF JUSTICE, Munich, Germany,

Second State Examination in Law, April 2006

Grade: *highly satisfactory* (top 5%)

CHRISTIAN ALBRECHTS UNIVERSITY FACULTY OF LAW, Kiel, Germany

Doctorate in Law, September 2004

Grade: *summa cum laude*

Doctoral Thesis: *Unilateral Interpretative Declarations to Multilateral Treaties* (in German)

**CHRISTIAN ALBRECHTS UNIVERSITY FACULTY OF LAW AND UNIVERSITY
OF HANNOVER FACULTY OF LAW**, Kiel and Hannover, Germany

First State Examination, December 2001

Grade: *good* (top 3 %)

UNIVERSITY OF SURREY, Guildford, England

Academic Exchange Program, Autumn Semester 1999

EXPERIENCE

GEORG-AUGUST-UNIVERSITY, Göttingen, Germany, since October 2018

Visiting Professor of International Law

POTSDAM UNIVERSITY, Potsdam, Germany, April - September 2018

Visiting Professor of International Law

HUMBOLDT UNIVERSITY BERLIN, Berlin, Germany, October 2017 - March 2018
Visiting Professor of International Law

UNIVERSITY OF AUGSBURG, Augsburg, Germany, September 2010 – the present
Junior Professor of Public Law with a focus on Public International Law

INTERNATIONAL LAW FIRMS, Munich, Germany, June 2007 - July 2010
Associate lawyer in arbitration/litigation and competition law

MUNICH HIGHER REGIONAL COURT, Munich, Germany, April 2004 - April 2006
Required Legal Clerkships ('Referendariat'), including a Clerkship at the German Embassy in Beijing

UNIVERSITY OF BASEL, Basel, Switzerland, February 2002 - March 2004
Research and Teaching Assistant to Professor Anne Peters, LL.M. (Harvard), Chair of Public International and Constitutional Law

LANGUAGE SKILLS

German – native; English – excellent; French – excellent

ACADEMIC MEMBERSHIPS

Member of the DVIR (the German Branch of the International Law Association)
Staatsrechtslehrervereinigung (the German Association of Public-Law Professors)

PEER REVIEWER

Göttingen Journal of International Law
Acta Politica

RESEARCH AREAS

Public International Law (in particular: Interpretation, International Treaty Law and International Economic Law)

Constitutional Law (in particular: Comparative Constitutional Law, Constitutional Identity, Relationship between Constitutional and International Law)

European Law (in particular: Constitutional Identity, European Economic Law)

PUBLICATIONS

Monographs

Verfassungsideutität: Ein normatives Konzept des Grundgesetzes? (Constitutional Identity: A Normative Concept of the German Basic Law?), Habilitation Treatise, Jus Publicum, Mohr Siebeck, Tübingen 2018.

Einseitige Interpretationserklärungen zu multilateralen Verträgen (Unilateral Interpretative Declarations to Multilateral Treaties), Duncker und Humblot, Berlin 2005.

[considered in the work of the International Law Commission: Report of the International Law Commission, 63rd session, (2011), General Assembly Official Records, 66th session, suppl. no. 10, S. 67 ff., 76 f.; 84; 191 f.; 420; 423; 549 ff.; 558 ff.; Report of the International Law Commission, 62nd session (2010), General Assembly Official Records, 65th session, suppl. no. 10, S. 94, 97, 105, 220 ff.; 230 f.]

Articles Peer-Reviewed (in English)

Constitutional Identity as a Constructed Reality and a Restless Soul, German Law Journal Special Issue, 'Constitutional Identity in the Age of Global Immigration', German Law Journal 2017, 1595-1616.

Constitutional Identity, Unconstitutional Amendments and the Idea of Constituent Power – the Development of the Doctrine of Constitutional Identity in German Constitutional Law, International Journal of Constitutional Law 2016, 411- 434.

International Law and the Settlement of Investment Disputes with Regard to China, Journal of International Economic Law 2008, 507-526 [Chinese translation published in: Journal of International Economic Law (China) (CSIEL), 2009, 48-69].

Articles Peer-Reviewed (in German)

Der verrechtlichte Ausnahmezustand: Art. 15 EMRK und die Rolle des Europäischen Gerichtshofs für Menschenrechte (The Legalised State of Exception: Article 15 ECHR and the Role of the European Court of Human Rights), accepted for publication: Heidelberg Journal of International Law.

Der Gesichtsschleier in der Schule, Fallbesprechung für Fortgeschrittene (in German: Niqabs in Schools, Written Examination for Advanced Students), Juristische Ausbildung (JURA) 2017, 1436-1443 (co-author: Katharina Doll).

Die Untätigkeitsklage im Asylverfahren: Bescheidungsklage möglich? (Proceedings for Failure to Act in German Asylum proceedings), Deutsche Verwaltungsblätter (DVBl.) 2017, 551-554.

Irrungen und Wirrungen um den pouvoir constituant, Die Entwicklung des Konzepts der Verfassungsideutität im deutschen Verfassungsrecht seit 1871 (Twists and Turns Regarding the *Pouvoir Constituant*: The Development of the Concept of Constitutional Identity within German Constitutional Law since 1871), Der Staat, 1/2014, 61-94.

Zukunft und Ermessen: Vorberücksichtigung von (potentiellen) zukünftigen Gesetzen? (Future and Discretionary Decisions: The Relevance of (Potential) Future Laws), Die öffentliche Verwaltung (DÖV) 2014, 1007-1013.

Die Finanzhilfen für Griechenland: Verfassungsrechtliche Schranken? (Financial Support for Greece: Constitutional Limits?), Die öffentliche Verwaltung (DÖV) 2011, 209-215.

Book Chapters

Zeitenwende in der Auslegungsmethodik des primären Unionsrechts: Geht der Trend zur subjektiven Auslegung? (A Paradigm Shift in the Interpretation of European Primary Law: Is There A Trend Towards Subjective Interpretation?), Aus Kiel in die Welt: Kiel's Contribution to International Law, Essays in Honour of the 100th Anniversary of the Walther Schücking Institute for International Law, edited by Jost Delbrück/Ursula Heinz/Kerstin Odendahl/Nele Matz-Lück/Andreas von Arnould, Berlin 2014, 877-900.

International Investment Law and Domestic Public Law – A Theoretical Appraisal, International Investment Law and Its Others edited by Christian Tams/Rainer Hofmann, Baden-Baden 2012, 191-202.

Unity and Diversity with Regard to International Treaty Law, Symposium Unity and Diversity in International Law, 90th Anniversary of the Walther Schücking Institute for International Law, Berlin 2006, 217-239.

Grundrechtsschutz und Umweltschutz (Human Rights and the Protection of the Environment), Anne Peters, Einführung in die Europäische Menschenrechtskonvention (Introduction to the European Convention on Human Rights), 1st. Edition, München 2003, 201-212 (co-author: Anne Peters).

Commissoned Articles

Art. 12 Abs. 1 GG – Eine Einführung: Die Berufsfreiheit und das Rauchverbot in Shisha-Bars, Art. 12 para. 1 German Basic Law – An Introduction: The Freedom to Pursue a Trade or Profession and the Smoking Ban in Shisha Cafes), Iurratio 2012, 18-21.

Le droit de l'environnement dans les relations euro-maghrébines (Environmental Law in the Relations between the EU and the Maghreb), Publications de la Révue Marocaine d'Administration Locale et de Développement, Thèmes Actuels No. 42 (2003), 165-170.

Die Rechtsprechung des Internationalen Strafgerichtshofes für das ehemalige Jugoslawien im Jahre 2000 (The Activities of the International Criminal Tribunal for the Former Yugoslavia in 2000), German Yearbook of international Law 2000, 324-354.

Die Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte im Jahr 1999 (Survey of the Jurisprudence of the European Court of Human Rights 1999), German Yearbook of International Law 1999, 569-606 (co-author: Julia Friedland).

Other Articles

Das Verhältnis von Unionsrecht und Verfassungsrecht nach der aktuellen Rechtsprechung des Bundesverfassungsgerichts (The Relationship between European Union Law and Constitutional Law According to the Recent Case Law of the German Constitutional Court), *Juristische Schulung* (JuS), 2012, 1-5.

Die Erhöhung von Kartellbußgeldern durch den Gerichtshof der Europäischen Union (The Competence of the Court of the European Union to Increase Cartel Fines), *Wirtschaft und Wettbewerb* (WuW) 2011, 454-462.

Die europäische Menschenrechtskonvention und das Recht zu sterben- EGMR, NJW 2002, 2851 (The European Convention on Human Rights and the Right to Die), *Juristische Schulung* (JuS) 2002, 957-958.

Review Articles and Blogs

Elke Cloots, National Identity in EU Law, *International Journal of Constitutional Law* 2015, 548-551.

Begrenzte Schiedsgerichte – Absicherung der Demokratie (Limited Arbitral Awards – Secured Democracy), *Beitrag Verfassungsblog*, April 2014.

Hat das Völkerrecht die (Atom-)Waffen gestreckt? Nordkorea und ein potentieller Militärschlag der USA, (North Korea and a Potential Military Intervention by the United States), *Beitrag Verfassungsblog*, September 2017.

PRESENTATIONS AND EXPERT HEARINGS (SELECTION)

2019

The Basic Structure Doctrine and its German and French Origins – A Tale about Migration, Integration and the Waters of Forgetfulness.

Symposium on the Origins, Migration and Influence of the Basic Structure Doctrine, Jindal Global Law School, Delhi, India, March, 21-22, 2019.

Participation on the Panel ‘Constitutional Identity, a panel in honor of Gary Jacobsohn.’

‘The Future of Constitutional Democracy’ Conference to be held at the University of Texas, Austin, February 21-23, 2019.

2018

Carl Schmitt als Strafrechtler [Carl Schmitt as a criminal lawyer]

‘1918 - Criminal Law Between Revolution and Republic’ Conference at the University of Augsburg, November 9-10, 2018.

Authentic Interpretations and International Courts – Like Calvin and Hobbes or Tom and Jerry?

Presentation at PluriCourts Workshop ‘The political and legal theory of international courts and tribunals’, University of Oslo, June 18-19, 2018.

2017

Der Topos der Unabhängigkeit im internationalen Investitionsschutzrecht [The Independence Topos in International Investment Law]

Presentation at the Workshop ‘Conditions of Independence’ under the direction of Dr. Daniel Fröhlich, Center for Advanced Studies, Ludwig-Maximilians-University Munich, September 8, 2017.

Eine zutreffende Dimension der Grundrechtsgeltung? - Zur Grundrechtsfähigkeit ausländischer Staatsunternehmen [Can Foreign State-Owned Companies Rely on Constitutional Rights?]

Inaugural Lecture, Faculty of Law, Goethe University Frankfurt a.M., May 17, 2017.

Menschenrechte im Ausnahmezustand: Der ‘état d’urgence’ in Frankreich und das Völkerrecht [Human Rights in a State of Emergency: The ‘état d’urgence’ in France and Public International Law]

Habilitation Presentation, Faculty of Law, Goethe University Frankfurt a.M., February 1, 2017.

2015

Auslegungserklärungen und Schiedsgerichte: Der goldene Weg zur Sicherung demokratischer Entscheidungsfreiheit? [Interpretative Declarations and Arbitral Tribunals: The Right Method to Safeguard Democracy?]

Presentation at the Annual Assembly of the German Branch of the International Law Association, Frankfurt, June 19, 2015.

2014

Rupture ou Révision Constitutionnelle: tous est possible

Presentation at the Max-Planck Institute for Comparative Public Law and Public International Law, Heidelberg, November 25, 2014.

Irrungen und Wirrungen um den Pouvoir Constituant: Die Entwicklung des Konzepts der Verfassungsidentität in der deutschen Verfassungsgeschichte seit 1871 [The Development of the Concept of Constitutional Identity in German Constitutional Law since 1871]

Presentation at the Faculty of Law, University of Augsburg, May 7, 2014.

2011

International Investment Law and Domestic Public Law

Presentation at the Frankfurt Investment Law Workshop 2011, International Investment Law and its Others, Frankfurt, March, 18/19, 2011.

2004

Unity and Diversity with Regard to International Treaty Law

Presentation at the Symposium Unity and Diversity of International Law, 90th Anniversary of the Walther Schücking Institute for International Law, Kiel, November 4-7, 2004.

Expert Hearings

Council of Europe, Parliamentary Assembly, Committee on Legal Affairs and Human Rights
Expert Hearing ‘*Jurisdictional immunity of international organizations and rights of their staff*’, Paris, December 13, 2016.

TEACHING EXPERIENCE

Winter term 2019/19 (Georg-August University, Faculty of Law, Göttingen)

- Public International Law (General Course, together with Prof. Paulus)
- Colloquium: International Law and the Law of Immunities
- Supervision - Philip C. Jessup Moot Court
- Recent Cases and Developments in International Law

Summer term 2018 (University of Potsdam, Faculty of Law, Potsdam)

- Public International Law (General Course)
- International Human Rights Law
- International Humanitarian Law
- Colloquium: International Law and the Use of Force

Winter term 2017/18 (Humboldt University, Faculty of Law, Berlin)

- Public International Law: Forms of International Cooperation
- Public International Law: Foundations of International Law
- Important Judgments of the European Court of Human Rights
- German Administrative Law for Exam Candidates

Summer term 2017 (University of Augsburg, Faculty of Law)

- Constitutional Law for Bachelor Students
- International Human Rights Law
- Colloquium: Immunity in International Law

Winter term 2016/17 (University of Augsburg; Faculty of Law)

- European and International Environmental Law
- German Constitutional History
- Colloquium: The European Convention on Human Rights

Summer term 2016 (University of Augsburg, Faculty of Law)

- Constitutional Law for Bachelor Students
- German Constitutional History
- International Human Rights Law
- Colloquium: The Prohibition of the Use of Force in Public International Law

Winter term 2015/16 (University of Augsburg; Faculty of Law)

- Public International Law
- Fundamental Rights for Exam Candidates
- Supervision - Philip C. Jessup Moot Court

Summer term 2015 (University of Augsburg, Faculty of Law)

- Constitutional Law for Bachelor Students
- Colloquium: The Peculiarities of the German Constitution of 1871

Winter term 2014/15 (University of Augsburg; Faculty of Law)

- German Constitutional History
- European and International Environmental Law
- Fundamental Rights for Exam Candidates
- Colloquium: European and International Environmental Law
- Supervision - Philip C. Jessup Moot Court

Summer term 2014 (University of Augsburg, Faculty of Law)

- Constitutional Law for Bachelor Students
- The Relationship between Constitutional Law, European Law and International Law

Winter term 2013/14 (University of Augsburg; Faculty of Law)

- European and International Environmental Law
- Colloquium: International Environmental Law

Summer term 2012 (University of Augsburg, Faculty of Law)

- Constitutional Law for Bachelor Students
- Administrative Law (General Course)

Winter term 2011/12 (University of Augsburg; Faculty of Law)

- European and International Environmental Law
- Supervision - Philip C. Jessup Moot Court

Summer term 2011 (University of Augsburg, Faculty of Law)

- Constitutional Law for Bachelor Students
- European Law for Exam Candidates
- Colloquium: WTO Law

Winter term 2010/11 (University of Augsburg; Faculty of Law)

- European and International Environmental Law
- The State as an Economic Actor
- Supervision - Philip C. Jessup Moot Court