

Assoc. Prof. Dr. Nilay ARAT



**Kadir Has University Faculty of Law
Department of Administrative Law
+90 212 533 6532/1488
nilay.arat@khas.edu.tr**

EDUCATION

Habilitation, Inter-university Council (2017): Habilitation Thesis: *Administrative Discretion under Turkish Law*

İstanbul University, İstanbul/Turkey (2003-2009): Ph.D. in Public Law

Ph.D. Thesis: “*Alternative Dispute Resolution under Turkish Administrative Law*”, Supervisor: Prof. Dr. İl Han ÖZAY

Bilgi University Faculty Of Law, İstanbul/Turkey (2003): Law of Economics Programme.

Tulane University Law School, New Orleans/USA (2001-2002): LL.M. in International and Comparative Law, Supervisor: Prof. Dr. Thomas CARBONNEAU

Oxford University Magdalen College, Oxford/UK (2000): Public International Law Programme, Supervisor: Prof. Dr. Chaloka BEYANI

İstanbul University, İstanbul/Turkey (1995-1999): LL.B.

PROFESSIONAL EXPERIENCE

- 2017-... : **Associate Professor** at Kadir Has University Faculty of Law, Department of Administrative Law
- 2010-2017 : **Assistant Professor** at Kadir Has University Faculty of Law, Department of Administrative Law
- 2003-2010 : **Research Assistant** at Istanbul University Faculty of Law, Department of Administrative Law
- 2002 Fall : **Legal Intern** at the United Nations Conference on Trade and Development, Geneva/Switzerland
- 2002 Summer : **Legal Intern** at the Turkish Permanent Mission to the United Nations, New York/USA

OTHER EXPERIENCES and MEMBERSHIPS

- Head of the Kadir Has University Vocational School of Justice, March 2018-onwards.
- Member of “Board of Directors” of Kadir Has University Faculty of Law, 2011- onwards.
- Member of “Social Sciences Institute Board”, Kadir Has University, 2011-2018.
- Member of “Kadir Has University Laws and Regulations Committee”, 2010-onwards.
- Vice-Dean, Kadir Has University Faculty of Law, 2011-2014.
- Member of the European Public Law Organisation, 2011.
- Member of Editorial Board of İstanbul University Faculty of Law Journal, 2008.
- Member of the Law Research and Analysis Bureau of the İstanbul University, 2006.
- Member of Istanbul Bar and Union of Turkish Bars since 2003.
- Member of Foreign Lawyers’ Association at Tulane, 2002.

MAIN AREAS OF RESEARCH

Administrative Law, Judicial Review of Administration, Law of Arbitration, Human Rights Law, Health Law

SCHOLARSHIPS

2006 :Research Scholarship of **Tinçel Foundation, İstanbul University Faculty of Law**, for research on Ph.D. thesis at the George Washington University School of Law.

RESEARCH

Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany.
Visiting Scholar, August –September 2013.

Institut Suisse de Droit Comparé, Lausanne, Switzerland.
Visiting Scholar, August –September 2011.

George Washington University Law School, Washington, D.C., USA.
Visiting Scholar, October 2006 - July 2007 (George Washington University waiver).

COURSES TAUGHT

GRADUATE COURSES

- Arbitration in Administrative Disputes (LL.M. in Public Law)
- Administrative Discretion and Its Judicial Review (LL.M. in Public Law)
- Liability of Health Institutions (LL.M. in Public Law, LL.M. in Private Law)
- Effects of ECtHR Case Law on Turkish Administrative Judicial Procedure (LL.M. in Public Law)
- Expropriation and Right to Property under the ECtHR Case Law (LL.M. in Public Law, LL.M. in Private Law)

UNDERGRADUATE COURSES

- Administrative Law (Faculty of Law)
- Administrative Judicial Procedural Law (Faculty of Law)
- Planning Law (Faculty of Law)
- Environmental Law (Faculty of Law)
- Introduction to Administrative Law (Faculty of Economics, Administrative and Social Sciences)

LANGUAGES

Turkish, English, French (*working knowledge*).

LIST OF SELECTED PUBLICATIONS

BOOKS

Türk İdare Hukuku'nda İdarenin Hukuk Sınırları İçinde Hareket Serbestisi "Takdir Yetkisi" ve Bunun Sınırları Üzerine Bir İnceleme (Administrative Discretion and Its Limits under Turkish Law), Beta, İstanbul 2015. (ISBN 9786053334699)

BOOK CHAPTERS

- 1- "Introduction to Human Rights Law", **Introduction to Law**, Ed. Gökhan GÜNEYSU, Anadolu University Publication, 2017 Eskişehir, p. 56-84.
- 2- "Introduction to Administrative Law", **Introduction to Law**, Ed. Gökhan GÜNEYSU, Anadolu University Publication, 2017 Eskişehir, p. 86-109.

ARTICLES

INTERNATIONAL JOURNALS

- 1- "The Executive Branch Under the Recent Constitutional Changes in Turkey", *European Review of Public Law*, Vol. 30, No.3, 2018, p.1005-1024.
- 2- "Right to Personal Liberty v. 'Administrative Detention'? The case of Immigrants under Turkish Administrative Law", *European Review of Public Law*, Vol.29, No.1, 2017, p. 273-289.
- 3- "Legal Framework of Discretion under Turkish Law in a Nutshell", *European Review of Public Law*, Vol.27, No.3, 2015, p. 1279-1299.
- 4- "Judicial and Political Power – Where is the Dividing Line? A General Assessment on the Turkish High Council of Judges and Prosecutors under the 2010 Constitutional Amendments", *European Review of Public Law*, Vol.27, No.1, 2015, p. 497-513.
- 5- "2010 Constitutional Amendments- 'Balance Sheet' of Constitutional Complaint Mechanism in the Light of Constitutional Court's Judgments on Cases from Administrative Courts", *European Review of Public Law*, Vol.25, No.3, 2013, p. 903-915.
- 6- "General Assessment Regarding the Relations of National and International Judges Turkish Perspective", *European Review of Public Law*, Vol.24, No.1, Esperia Publications, London 2012, p.503-519. (Co-author Aslı TOPUKCU).
- 7- "Ombudsman in Turkey, The Death and Birth Story of an Unborn Child", *European Review of Public Law*, Vol.23, No.4, 2011, p.1209-1227.
- 8- "The Place of Arbitration in Turkish Administrative Law as a Judicial Alternative Dispute Resolution Method", *European Review of Public Law*, Vol.22, No.3, Esperai Publications, London 2010, p.873-897.

NATIONAL JOURNALS

- 1- "Assesments On Legal Frame Work of Reproductive Rights - The Case Of Abortion Under International Standards And Turkish Legal System", Legal Hukuk Dergisi Özel Sayı Rona Aybay'a Armağan, 2014, s.337-355.
- 2- "Kamu Hizmeti İmtiyaz Sözleşmelerinden Kaynaklanan Uyuşmazlıklarda Tahkim Usulü", İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi, Yıl:4 No: 8 2005/2, s. 1-25. (Ortak yazar: Prof. Dr. Zehreddin Aslan)
- 3- "İdari Uyuşmazlıkların Alternatif Uyuşmazlık Çözüm Yöntemleri ile Halli Önündeki Engeller", İstanbul Üniversitesi Hukuk Fakültesi Mecmuası Prof. Dr. İl Han ÖZAY'a Armağan Sayısı, Cilt 69, Sayı 1-2, 2011, s. 891-906.

PRESENTATIONS SUBMITTED and PUBLISHED IN INTERNATIONAL CONFERENCES

- 1- "Public Law Responses to Economic Crises", European Review of Public Law, Vol.25, No.1, 2013, p.553-577.
- 2- "Alternative Dispute Resolution Methods on Relations Between Public Authorities and Private Parties", L'influence du droit européen en Suisse et en Turquie, Lausanne 2015, p.285-299.
- 3- "Freedom of Religion in Turkey and Its Constitutional and Administrative Consequences: Is There a Need to Develop a New Understanding?", Proposte Per Un Diritto Del Terzo Millenio 4 Atti Del Convegno "Visioni Del Giuridico 2014, Vol. II., UNIVALI, Perugia, 2015, s. 20-33. (Ortak yazar: Aslı TOPUKCU).
- 4- "The Economic Reforms in Turkey and the Challenges of the Crisis", Sovereign Debt Crisis and the New Boundaries of the State, European Public Law Series, Volume CIII, p.93-105, Esperia Publications, London 2012.

PRESENTATIONS IN INTERNATIONAL CONFERENCES

- 1- "Where Has the Separation of Power Gone After the Fall of the Berlin Wall?" Transition of Legal Systems, Iustinianus Primus Faculty of Law, Ss. Cyril and Methodius University, 8-9.11.2019, Skopje/Macedonia.
- 2- "Liability and Accountability of Judges and Prosecutors: Turkish Case within a Comparative Perspective", Rule of Law as a Promoter of Human Rights and Economic Growth, 9-10.10.2019, EPLO and Titu Maiorescu University, Bucharesti/Romania.
- 3- "Proposals on Drafting a New Public Management in Turkish Constitution", Regional Conference-Constitutional Challenges and Constitution Making, The Center for Constitutional Studies at Ilia State University, 11-12 June 2015, Tbilisi Georgia.
- 4- "Public Arbitration-Private Arbitration: Foreign Investment Arbitration and Public Contracts under Turkish Administrative Law", Lex Mercatoria Publica Project , Max Planck Institute for Comparative Public Law and International Law, 21-22 November 2014, Heidelberg, Germany.
- 5- " How is Proportionality as a Common Law Principle of Public Law Being Applied in Turkish Administrative Law", 5-6 December 2013, "National Administrative Law as a Tool for the Implementation of European Law", Petru Major University, Tirgu Mureş, Romania.

- 6- "Public Law v. Private Law A Distinction or an Interaction?", 100 Yearsof Justice and Doctrine, 9 May 2013, Tirana University School of Law, Albania.

PRESENTATIONS IN NATIONAL CONFERENCES

- 1- "Doğal Afetlerden Kaynaklanan Zararlar Kapsamında İdarenin Sorumluluğu" ("Liability of State for Damages Arising Out Of Natural Disasters"), **Afet Risk İdaresinde Çok Aktörlü Disiplinlerarası Yaklaşım**, 24-25.04.2019, Marmara Üniversitesi, İstanbul.
- 2- "Biyotıp Sözleşmesi Perspektifinde Sağlık Hizmetlerine ErişimdeAdalet" ("Justice in Reaching Health Care Services under Oviedo Convention"), **IV. Ulusal Sağlık Hukuku Sempozyumu "Biyoloji ve Tıbbın uygulanması Bakımından İnsan Hakları ve İnsan Haysiyetinin Korunması Sözleşmesi"**, 14.03.2018, Kadir Has Üniversitesi, İstanbul.
- 3- "İdari Yargıcın Hukuk Yaratması Üzerine Düşünceler" ("Thoughts on Law Making Capacity of Administrative Judges"), Hukuka Felsefi ve Sosyolojik Bakışlar - VII", Hukuk Felsefesi ve Sosyolojisi Arkivi & İstanbul Barosu, 4-7 Kasım 2014, İstanbul.
- 4- "Kamu Kudretinin Özel Kişilere Devri Sorunu" ("Problematic of Vested Public Power to Private Persons"), Adli Kolluk İdari Kolluk Ayırımının Gerekliği ve Anayasal Temeli, Kadir Has Üniversitesi, 22 Mart 2014, İstanbul.
- 5- "Ulusal İnsan Hakları Kurumları" ("National Human Rights Institutions"), **10 Aralık Dünya İnsan Hakları Günü Etkinliği**, Milli Eğitim Bakanlığı İstanbul İlçe Milli Eğitim Müdürlüğü, 10 Aralık 2012, İstanbul.
- 6- "Yerel İdareler ve Yaşlı Hakları Hakkında Atılması Gereken Hukuksal Adımlar" ("Local Administrations and Elder Law"), **II. Yaşlı Hakları Sempozyumu**, 4 Şubat 2011, Kadir Has Üniversitesi & KASEV, İstanbul.

TRANSLATIONS

- 1- "Resolving Citizens' Disputes – Alternatives To Litigation: Common Law Perspective" Martin Partington, Trans. Nilay Arat, Commemorative for Prof. Dr. Hüseyin Hatemi, Vedat Publication, İstanbul 2009, Vol 2, p.1683-1700.
- 2- Kerstin André "Ombudsman-Meeting Today's Changing Needs", Trans. Nilay Arat, University of Istanbul School of Law Journal, Vol. LXV, Number. 2, 2007, p. 417-428.

BLIND REVIEWED JOURNALS

Annales de la Faculté de Droit
İstanbul University Faculty of Law Journal
Turkish Justice Academy Journal
The Journal of International Relations
Marmara Journal of European Studies

PROJECTS

National Consultant, Council of Europe Project on “Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State”, 2019-...