

## Jonathan Worboys

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**Jonathan has a versatile practice, specialising in public international law, European law and international trade, international arbitration and commercial law. Since joining the Bar, Jonathan has:**

- acted as counsel and legal adviser to States, corporations, private individuals and NGOs in some of the most significant recent legal matters (e.g. EU withdrawal, the ICJ *Chagos Request for an Advisory Opinion* and *Micula v Romania* enforcement proceedings);
- developed a unique public international law advisory practice, where he works with clients on an ongoing and long-term basis to find solutions to complex legal and policy issues;
- represented clients in cases at all levels of the English courts (High Court, Court of Appeal and Supreme Court);
- acted for clients in arbitration proceedings under most of the major arbitral rules (e.g. ICC, UNCITRAL, LCIA);
- acted against States in arbitration enforcement proceedings before the English Courts, and acted for private parties in arbitration-related court proceedings;
- acted for Governments, opposition groups and private parties during multiple high stakes international negotiations, peace processes and cases before the UN (e.g. Sudan's peace process and the Syrian peace process; cases before the UN Working Group on Arbitrary Detention, UN Special Rapporteurs and Universal Periodic Reviews);
- been engaged by the Foreign & Commonwealth Office to advise on a continuing basis as an Assistant Legal Adviser for more than two years in relation to the law of treaties and EU Withdrawal.

Jonathan is ranked in Legal 500 for his work on EU withdrawal and European law where he is commended by Silks for “*the way he sparks off ideas*”. His work with the Public International Law & Policy Group on the documentation of international crimes against the Rohingya has recently been cited by the International Criminal Court more than 20 times during the Court's *Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in Bangladesh/Myanmar*, and was cited by the Prosecutor more than 50 times in her request to commence an investigation.

Jonathan is a Visiting Lecturer in public international law at King's College London and a Senior Legal Adviser with the Public International Law & Policy Group in Washington DC. He has published and spoken widely on a variety of areas within international law and is a leading expert on peace processes and the peaceful resolution of major international and non-international



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armed conflicts.

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## Areas of Expertise

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### Commercial Law

Jonathan represents clients in a range of commercial disputes including those relating to business investments, the sale and supply of goods and service, product liability, group actions, occupiers' liability and personal injury. His work often focuses on cases with an international dimension and he frequently acts as counsel in cases raising questions of jurisdiction and / or applicable law. Since joining the Bar, Jonathan worked on cases with Cypriot, German, Greek, Iraqi, Korean and Kuwaiti governing law. He is familiar at advising on issues of service and enforcement against States.

Current and recent work includes:

- ***Palram v LG Chem Limited (Commercial Court)*** – junior counsel for a defendant in an application to set aside service of the Claim Form and Particulars of Claim out of the jurisdiction (common law rules, parallel proceedings, complex questions as to the applicable law).
- ***Volkswagen NOx Emissions Group Litigation (2018-2019)*** – junior counsel to Volkswagen.
- ***Dana UK Axle Ltd v Freudenberg Sealing Technologies GmbH & Co (Commercial Court)*** – junior counsel for a Claimant in a claim for £7m+ in respect of a defective product.
- ***Defective products*** – claims and trials relating to allegedly defective products, including washing machines and defective vehicles.
- ***Commercial Agents Regulations*** – advising a French company on the application of the Commercial Agents Regulations – (ongoing).
- ***A franchise dispute*** – advising on a potential franchise dispute following purchase of a franchise (potential claim in excess of £100k).
- ***A telecommunications-based dispute*** – acting for a Claimant in respect of a telecommunications-based dispute – (ongoing)
- ***Enforcement of a personal guarantee*** – acting for a Defendant in respect of a claim for enforcement of a personal guarantee (ongoing).
- ***Insurance disputes*** – acting for insurers in defending claims relating to losses arising out of damage to property and claims for diminution in value (approximately 10+ cases or County Court appeals).
- ***Micula & Others v Romania (Commercial Court; Court of Appeal; Supreme Court)*** – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20 (led by Sir Alan Dashwood QC and Patrick Green QC).
- ***A v State B (Commercial Court) (sole counsel)*** – acting for a claimant in relation to a \$25m arbitration enforcement. Complex questions as to State Immunity and service (details confidential).
- ***A section 69 Arbitration Act Appeal*** – acting for a major UK entity in an appeal on a point of law under section 69 of the Arbitration Act 1996.

### European Law and International Trade

Jonathan is ranked in Legal 500 for his work on EU withdrawal and European law, being commended by Silks for “*the way he sparks off ideas*”. Jonathan is highly experienced working with UK Government departments in responding to complex legal and policy issues arising out of the UK's withdrawal from the EU.

Current and recent work includes:

- ***Micula & Others v Romania (Commercial Court; Court of Appeal; Supreme Court)*** – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20 (led by Sir Alan Dashwood

QC and Patrick Green QC).

- **Sanctions** – advising the Foreign & Commonwealth Office in relation to various EU law sanctions issues (led by Sir Alan Dashwood QC).
- **EU withdrawal** – advising and acting for the Foreign & Commonwealth Office and other United Kingdom Government departments (including MOJ and DEFRA) on a continuing basis in respect of complex legal and policy issues arising out of the UK's withdrawal from the EU, including advising on issues relating to *the Agreement on the withdrawal of the UK from the EU and European Atomic Energy Community* (2017 to present).
- **Competition law and State aid** – advising commercial parties on questions of EU competition law and State aid.
- **Commercial Agents Regulations** – advising a French company on the application of the Commercial Agents Regulations – (ongoing).
- **Customs Cooperation and Mutual Administration Assistance Agreements** – advising UK Government departments on questions relating to customs related issues and CCMAAs with third countries (sole counsel).
- **Free trade agreements and WTO engagement** – working on various aspects UK – third country trade and association agreements post EU withdrawal and engagement with the World Trade Organization post EU withdrawal (details confidential).
- **A Permanent Mission of a State to the WTO** – adviser to the Permanent Mission of a State to the World Trade Organization and other economic institutions.
- **Jurisdiction and applicable law** – advising on and dealing with cases relating to the Brussels Recast Regulation, Rome I and II Regulations.

## International Arbitration

Jonathan acts as counsel for commercial parties, private individuals and States in high-profile arbitrations under the LCIA, ICC, ICSID, UNCITRAL and AAA rules. He also acts in arbitration related court proceedings before the English courts, in particular enforcement matters, where he is experienced acting against States in cases raising questions ranging from service to sovereign immunity.

Current and recent work includes:

- **Micula & Others v Romania (Commercial Court; Court of Appeal; Supreme Court)** – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20 (led by Sir Alan Dashwood QC and Patrick Green QC).
- **A v State B (Commercial Court)** – acting for a claimant in relation to a \$25m arbitration enforcement. Complex questions as to State Immunity and service (details confidential) (sole Counsel).
- **Lazareva v Kuwait (Kuwait – Russia 1994 BIT)** – working with Crowell & Moring on aspects of the *Lazareva v Kuwait* ICSID administered investment claim (claims arising out of a series of measures by Kuwaiti authorities, including unsubstantiated charges against the claimant, her harassment and improper detention).
- **A London seated UNCITRAL arbitration** – acting for a claimant in a \$150m London seated UNCITRAL arbitration against a State arising out of contract disruption due to an armed conflict (led by George Spalton).
- **A London seated LCIA London arbitration** – representing a gaming company in a London seated LCIA arbitration against a European State in relation to a dispute regarding a gaming license (led by Wendy Miles QC).
- **A DIFC seated ICC arbitration** – representing a sub-contractor in an ICC arbitration arising out of the construction of a Middle East airport (led by Wendy Miles QC).
- **A London seated LCIA arbitration** – representing a gaming company in a London seated LCIA arbitration arising out of a share purchase agreement (led by Wendy Miles QC).
- **A domestic ad hoc – commercial arbitration** – advising in relation to a potential domestic ad hoc commercial arbitration arising out of failure to pay for services provided (sole counsel).
- **A section 69 Arbitration Act Appeal** – acting for a major UK entity in an appeal on a point of law under section 69 of the Arbitration Act 1996 (led by Prashant Popat QC).

## International Human Rights

Jonathan is a specialist in international human rights law and UN engagement. He has extensive experience in cases before UN Special Procedures (such as the Working Group on Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms), as well as



working on Human Rights Council matters, including the Universal Periodic Review.

Current and recent work includes:

- ***An individual v a European State*** – counsel to an individual in potential complaints to international human rights bodies, including the UN Working Group on Arbitrary Detention, UN Special Rapporteurs and Human Rights Committee (led by Cherie Blair CBE QC).
- ***Marsha Lazareva v Kuwait*** – counsel to Marsha Lazareva in her human rights complaints against Kuwait. Marsha Lazareva is a Russian national and businesswoman who is detained in Kuwait on charges of embezzlement. Complaints submitted to the UN Working Group on Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms and engagement with the UN through the Universal Periodic Review (led by Cherie Blair CBE QC).
- ***An individual v a European State*** – advising on the extra-territorial application of the ECHR and the merits of a potential application to the ECHR (led by Cherie Blair CBE QC).
- ***Universal Periodic Review*** – strategic and legal advice to a State in respect of various aspects of its Human Rights Council Universal Periodic Review (led by Cherie Blair CBE QC).
- ***The Permanent Mission of Sierra Leone to the UN Human Rights Council*** – legal adviser to the Permanent Mission of Sierra Leone to the UN Human Rights Council. Attended 23rd, 24th and 27th sessions of the UN Human Rights Council as a member of Sierra Leone’s delegation. Acted in negotiations resulting in the first ever UN resolution on early and child forced marriage.

## Public International Law

Jonathan has a substantial public international law practice focusing on long-term advisory work, litigation and arbitration. Jonathan is highly experienced working with clients on a long-term basis to develop solutions to complex legal and policy issues across all areas under public international (including international criminal law, international human rights and peace processes). In addition, Jonathan, has more than two years of experience working for the Foreign & Commonwealth Office as an Assistant Legal Adviser on issues relating to the law of treaties, EU withdrawal and overseas territories and maritime law.

Jonathan is a Visiting Lecturer in public international law at King’s College London and a Senior Legal Adviser with the Public International Law & Policy Group in Washington DC. He has published widely on a variety of areas within international law and is a leading expert on peace processes and the peaceful resolution of major international and non-international armed conflicts.

Example of current and recent public international law litigation and arbitration include:

- ***Chagos Request for an Advisory Opinion (ICJ)*** – junior counsel for the United Kingdom before the International Court of Justice.
- ***Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in Bangladesh/Myanmar (International Criminal Court)*** – investigation into crimes against the Rohingya cited more than 20 times in the Court’s decision and more than 50 times by the Prosecutor in her request to commence an investigation.
- ***Lazareva v Kuwait (Kuwait – Russia 1994 BIT)*** – working with Crowell & Moring on aspects of the *Lazareva v Kuwait* ICSID administered investment claim (claims arising out of a series of measures by Kuwaiti authorities, including unsubstantiated charges against the claimant, her harassment and improper detention).
- ***Micula & Others v Romania (Commercial Court: Court of Appeal: Supreme Court)*** – junior counsel for the First Claimant in enforcement proceedings arising out of the Award in ICSID Case No. ARB/05/20 (led by Sir Alan Dashwood QC and Patrick Green QC).
- ***A v State B (Commercial Court)*** – acting for a claimant in relation to a \$25m arbitration enforcement. Complex questions as to State Immunity and service (details confidential) (sole counsel).
- ***Bancoult (No 5) and Chagosian Committee Seychelles v. Secretary of State for Foreign and Commonwealth Affairs*** – acting for the Foreign and Commonwealth Office in judicial review proceedings arising out of UK policy regarding the British Indian Ocean Territory; focus of work on PII.
- ***Cyprus Colonial litigation*** – junior counsel for the Foreign & Commonwealth Office in claims relating to alleged historic abuse.

Examples of current and recent long-term and significant public international law advisory work include:

- **EU Withdrawal** – advising and acting for the Foreign & Commonwealth Office and other United Kingdom government departments (including MOJ and DEFRA) on a continuing basis in respect of complex legal and policy issues arising out of the UK’s withdrawal from the EU, including advising on issues relating to the *Agreement on the withdrawal of the UK from the EU and European Atomic Energy Community* (2017 to present).
- **Sanctions** – advising the Foreign & Commonwealth Office on various sanctions issues (led by Sir Alan Dashwood QC).
- **Treaty law** – advising various UK Government departments on complex treaty issues relating to approximately 30+ treaties. Issues advised on have included questions relating to form and substance, termination, suspension, revival, reservations and declaration, entry into force, State succession, territorial application and dispute resolution.
- **An unprecedented, large-scale and comprehensive investigation into international crimes that have taken place in Myanmar against the Rohingya** – acting as part of a team that conducted an investigation into crimes that have been committed against the Rohingya and drafting a full report (led by Dr Paul R. Williams and Michael P. Scharf).
- **Marsha Lazareva v Kuwait (human rights complaints)** – counsel to Marsha Lazareva in her human rights complaints against Kuwait. Marsha Lazareva is a Russian national and businesswomen who is detained in Kuwait on charges of embezzlement. Complaints submitted to the UN Working Group on Working Group on Arbitrary Detention, Special Rapporteurs, UN Reprisals mechanisms and engagement with the UN through the Universal Periodic Review (led by Cherie Blair CBE, QC).
- **Sudan’s peace process** – legal adviser to parties to Sudan’s peace process on various technical legal and process related issues including ceasefires, accountability mechanisms and resource sharing. Working closely with the Peace Commission of Sudan; the UN Mediation Support Unit; and South Sudan Mediation throughout (2019 – present) (led by Dr Paul R. Williams).
- **Yemen’s peace process** – advising parties to Yemen’s peace process on a variety of transition issues, including state structure, constitutional drafting processes and UN engagement (2018 – present) (led by Dr Paul R. Williams).
- **Syria’s peace process** – advising members of the Syrian opposition during Geneva peace negotiations and the UN led Constitution drafting processes with the Government of Syria (2016 – present) (led by Dr Paul R. Williams).
- **Burma’s peace process** – advising the United Nationalities Federal Council of Burma during peace negotiations with the Government of Burma, including ceasefires, State structure and resource sharing (led by Dr Paul R. Williams).
- **An African State** – counsel to an African State on issues relating to the investigation and prosecution of international crimes (2016 – present).
- **A maritime boundary delimitation** – acting for a State (details confidential).
- **Treaty ratification** – advising a group of States on various aspects of ratifying a protocol to a multilateral treaty (details confidential).
- **Customs Cooperation and Mutual Administration Assistance Agreements** – advising UK Government departments on questions relating to customs related issues and CCMAAs with third countries (sole counsel).
- **A Permanent Mission of a State to the WTO** – adviser to the Permanent Mission of a State to the World Trade Organization and other economic institutions.
- **The Permanent Mission of Sierra Leone to the UN Human Rights Council** – legal adviser to the Permanent Mission of Sierra Leone to the UN Human Rights Council. Attended 23rd, 24th and 27th sessions of the UN Human Rights Council as a member of Sierra Leone’s delegation. Acted in negotiations resulting in the first ever UN resolution on early and child forced marriage.
- **An Individual v a European State** – advising on the extra-territorial application of the ECHR and the merits of a potential application to the ECHR (led by Cherie Blair CBE QC).
- **Universal Periodic Review** – strategic and legal advice to a State in respect of various aspects of its Human Rights Council Universal Periodic Review (led by Cherie Blair CBE QC).

## Qualifications & Memberships

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### Education

- Bachelor of Civil Law, University of Oxford (2011).
- Bachelor of Laws, King’s College London (First Class Honours) (2009) (Russian Law prize).

### Book Chapters



- *The Interpretation and Application of Peace Agreements*, International Law and Peace Settlements (Cambridge University Press) (forthcoming).
- *Elections and Electoral Law*, Handbook on Post-Conflict State Building (Edward Elgar Publishing) (forthcoming).

### **Law Journal**

- *Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Islamic Republic of Afghanistan* (29(2) ILM, 280 – 301 (2020)).
- *Reflections on a Potential Peace Treaty for the Korean Peninsula* YJIL Forum (August 2018) (co-authored).
- *Belhaj v. Straw* (Eng. Wales Ct. App.) (54(6) ILM, 1069 – 1114 (2015)).
- *Report on the Protection of Civilians in the Non-International Armed Conflict in Iraq: UNHRC Res S-22/1; UNSCRs 2170 and 2178* (54(2) ILM 306 – 346 (2015)).
- Book Review: *Customary International Law in Times of Fundamental Change* (25 (2) KLJ (2014)).
- *Preventing Mass Atrocity Crimes: The Responsibility to Protect and the Syria Crisis*, 45 (1 and 2) CWRJIL (2012) (co-authored)).

### **Policy Articles and Op-Eds**

- *The Legal Case for Using Force to Prevent a Government from Employing Chemical Weapons to Commit Mass Atrocities*, The Atlantic Council, Sept. 2012 (co-authored).
- *Chemical Red Lines on Syria*, Foreign Policy, Dec. 2012 (co-authored).
- *Preventing Atrocity Crimes*, The Atlantic Council, Sept. 2012 (co-authored).

### **Invited Lectures and Other Speaking Engagements**

- *Human Rights in Saudi Arabia*, the UN Human Rights Council, June 2018.
- *Burma's Constitutional Reform Process*, PILPG and DLA Piper, Dec. 2013.
- *International Law and Transitional Justice*, Integrity Research and Consulting, Dec. 2013.
- *Peace Agreements in International Law*, 9 Bedford Row International, Dec. 2012.
- *State Interventions: Somalia to Libya*, George Washington University, Nov. 2012.
- *International Law and the English Legal System*, American University J.D/M.A, Oct. 2012.
- *The Responsibility to Protect*, Georgetown University, Sept. 2012.