

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

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 Chagossian 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 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).
 - ***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

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.