

## PROFESSOR MALCOLM N. SHAW QC

### Appointments

- 2013 –** Emeritus Sir Robert Jennings Professor of International Law, University of Leicester
- 2010 -** Senior Fellow, Lauterpacht Research Centre for International Law, University of Cambridge
- 2016 -** Visiting Professor of Law, Hebrew University of Jerusalem, Israel
- 2009 (Feb/March)** Visiting Professor, Université de Paris Ouest, Nanterre-La Défense, France
- 2005** Visiting Fellow, Lauterpacht Research Centre for International Law, University of Cambridge
- 1994 - 2011** The Sir Robert Jennings Professor of International Law, University of Leicester
- 1983 - 86** Founder and Director, Human Rights Centre, University of Essex

### Qualifications

- 1988** Called to the Bar at Gray's Inn; appointed QC in 2002
- 1979** PhD, Keele University
- 1972** Law Society Solicitors' Finals
- 1971** LLM ( with distinction ), Hebrew University of Jerusalem, Israel
- 1968** LLB Hons ( upper second ), Liverpool University

### Professional Experience

Practising Barrister at Essex Court Chambers, London; appointed QC, 2002;

Clients have included the Governments of Chad (Chad v Libya, International Court of Justice, 1990-3); Cameroons (Cameroons v Nigeria, International Court of Justice, 1994-2002); Cyprus (European Court of Human Rights 1995-2001; European Commission of Human Rights, 1995-9; European Court of Human Rights, 1999-2002); Quebec, 1992, 1995, 1997-8 and 2001-2; Treasury Solicitor 1995, 1998 and 1999; Westland Helicopters Ltd (Westland v AOI, 1994); Crown Prosecution Service/Government of Spain, (Re Pinochet,1998); Crown Prosecution Service (Re

Operation January, 2001); Crown Prosecution Service (R v Jones, 2004-6); Treasury Solicitors (Noor Khan, 2012); Government of Ireland (Horgan v An Taoiseach, 2003); Government of Singapore (2003 - 6 ); Government of Azerbaijan (Strasbourg cases and various legal opinions); Government of Serbia (Kosovo advisory opinion, International Court of Justice); Government of Malaysia (two applications to the ICJ); Government of the UAR (ICAO and CERD cases before the ICJ); expert opinions given in and other governments covered by confidentiality; international organisations and private clients

Issues covered include territorial disputes; law of the sea; state succession; state immunity; recognition of foreign governments and states; human rights; war crimes; self-determination; international organisations; treaties; international humanitarian law.

### Other Information

Co-Editor-in-Chief, Israel Law Review, 2017 –

Associé of the Institut de Droit International, 2013 –

Trustee of the British Institute of International and Comparative Law, 2010 – 6

Member, Levehulme Law Prize Committee, 2010

Member of the Advisory Council of the British Institute of International and Comparative Law, 2006 – 10

Member of the AHRB Law Review Panel, 2004-5

Founding Member of Curatorium, Xiamen Academy of International Law, 2005 -

Awarded the decoration of “Officier de l’Ordre de la Valeur” by the Republic of Cameroon, Spring 2003

Member of the Higher Education Funding Councils' Law Assessment Panel for the 2001 Research Assessment Exercise for British Universities

Member of the Higher Education Funding Councils' Law Assessment Panel for the 1996 Research Assessment Exercise for British Universities

### Membership of Committees

Member of the Editorial Committee of the British Year Book of International Law

Member of the International Advisory Board of Editors of the International Journal on Group Rights

Member of the Editorial Board of Global Society

Member of the Advisory Board of Israel Law Review 2013-6

Member of the Comité Scientifique of the Revue Générale des Sciences Juridiques [Cameroon]

Member of the Advisory Board of the International Community Law Review, 2006

Member of the Advisory Board of Non-State Actors and International Law

## Publications

### (1) **Books**

*Rosenne's Law and Practice of the International Court of Justice* (5<sup>th</sup> edition) for Brill/Nijhoff (2016)

*International Law*, 9th ed. 2021, Cambridge University Press, 1050 pp. Earlier editions translated into Polish, Hungarian, Portuguese, Chinese and Turkish

*Title to Territory in Africa: International Legal Issues*, 1986, Oxford University Press, 428 pp.

*External Debt* (as co-editor with D. Carreau), Hague Academy of International Law, 1995, Nijhoff Publications, 721 pp.

*Title to Territory* (as editor), Library of Essays in International Law, Ashgate Publishing, 2005, 522pp., ISBN 1 84014 463 7

*Common Values in International Law: Essays in Honour of Christian Tomuschat* (as co-editor with Sommermann, Fassbender and Dupuy), N.P. Engel Verlag, Kehl, 2006, 1184 pp., ISBN – 3-88357-136-9

### **In preparation:**

*The International Law of Territory: Selected Essays by Malcolm Shaw* for Cambridge University Press

### (2) **Contributions to Books**

“Article 62”, *The Vienna Convention on the Law of Treaties: A Commentary*, Oxford, OUP, 202\*, (with C. Fournet) (pending)

“Territory” chapter for *Oppenheim's International Law* (10<sup>th</sup> edition) for Oxford University Press (pending)

“Article 21 of the Statute of the International Court of Justice” in A. Zimmermann, C. Tomuschat and K. Oellers-Frohnm, *Commentary on the Statute of the International Court of Justice*, 3rd ed., Oxford: OUP, 2019, pp. 482-98

“Articles 22 of the Statute of the International Court of Justice” in A. Zimmermann, C. Tomuschat and K. Oellers-Frohnm, *Commentary on the Statute of the International Court of Justice*, 3rd ed., Oxford: OUP, 2019, pp. 499-507

“Self-Determination, Uti Possidetis and Boundary Conflicts in Africa” in Chia-Jui Chen, *The International Legal Order: Essays Commemorating the 10th Anniversary of the Xiamen Academy of International Law*, The Hague, Brill, 2016, chapter 5.

“The International Court of Justice and the Law of Territory”, in C.J. Tams and J. Sloan, *The Development of International Law by the International Court of Justice*, Oxford, OUP, 2013, pp. 151-76; ISBN 978-0-19-965321-8

“Article 21 of the Statute of the International Court of Justice” in A. Zimmermann, C. Tomuschat and K. Oellers-Frohnm, *Commentary on the Statute of the International Court of Justice*, 2<sup>nd</sup> ed., Oxford: OUP, 2012

“Articles 22 of the Statute of the International Court of Justice” in A. Zimmermann, C. Tomuschat and K. Oellers-Frohnm, *Commentary on the Statute of the International Court of Justice*, 2<sup>nd</sup> ed., Oxford: OUP, 2012

“Boundary Treaties and Their Interpretation” in *Evolving Principles of International Law: Studies In Honour of Karel Wellens*, (ed. E. Rieter and H. de Waele), Martinus Nijhoff, 2012; ISBN 978 90 04 19226 3, pp. 239-63.

“Article 62”, *The Vienna Convention on the Law of Treaties: A Commentary*, Oxford, OUP, 2011, (with C. Fournet); ISBN 978-0-19-954664-0, pp. 1411-36

“Self-Determination, Human Rights and the Attribution of Territory” in *Essays in Honour of Bruno Simma*, (ed D. Khan), Oxford, OUP, 2011, ISBN13: 9780199588817/ISBN10: 0199588813; pp. 590-608

“Settling Territorial Disputes” in *Liber Amicorum Jean-Pierre Cot*, Bruylant, 2009, ISBN - 978-2-8027-2723-1, pp. 255-81.

“Territorial Administration by Non-Territorial Sovereigns” in *The Allocation of Authority in International Law* (eds. Broude and Shany), Hart Publications, 2008, ISBN - 1841137979 / 9781841137971, pp. 369-415.

“Acquisition of Territory in Nineteenth Century Africa: Some Thoughts” in Dupuy, Fassbender, Shaw and Sommermann (eds), *Essays in Honour of Christian Tomuschat*, Kehl, NP Engel Verlag, 2006, 1184 pp. ISBN – 3-88357-136-9, at 1029 – 1049.

“Article 21 of the Statute of the International Court of Justice” in A. Zimmermann, C. Tomuschat and K. Oellers-Frohnm, *Commentary on the Statute of the International Court of Justice*, [Oxford: OUP, 2006, 1662 pp. ISBN-10: 0-19-926177-6] at 375 – 89.

“Articles 22 of the Statute of the International Court of Justice” in A. Zimmermann, C. Tomuschat and K. Oellers-Frohne, *Commentary on the Statute of the International Court of Justice*, [Oxford: OUP, 2006, 1662 pp. ISBN-10: 0-19-926177-6] at 391 - 98

“Self-Determination and the Use of Force” in N. Ghanea and A. Xanthaki (eds), *Minorities, Peoples and Self-Determination*, Martinus Nijhoff, Leiden, 2004, pp. 35-54 ISBN 90 04 14301 7

"The International Law of Territory: An Overview" in Shaw (Ed.), *Title to Territory*, Library of Essays in International Law, Ashgate Publishing, 2005, pp. xi- xxxv, ISBN 1 84014 463 7

“The International Court, Responsibility and Remedies” in Fitzmaurice, M and Sarooshi, D. *Issues of State responsibility before International Judicial Institutions* [Oxford: Hart Publications, 2004, 236 pp. ISBN: 1841133892] at 19 – 34

“Article 62” in Olivier Corten et Pierre Klein (Eds.), *Les Conventions de Vienne de 1969 et de 1986 sur le droit des traités: Commentaire article par article*, Bruxelles, Bruylant, 3 vols, 2006, ISBN - 2-8027-2182-8, (with C. Fournet) pp. 2229-2261.

“The Role of Recognition and Non-Recognition with Respect to Secession: Notes on Some Relevant Issues” in Dahlitz (ed.), *Secession and International Law: Regional Appraisals*, UN Publications, New York, 2003, pp. 269-84

"Protecting Minorities: The Precarious Balance" in Torremans (ed.), *Legal Convergence in the Enlarged Europe of the New Millennium*, Kluwer, The Hague, 2000, pp. 225-253. ISBN 90-411-1337-1

"Peaceful Resolution of 'Political Disputes': The Desirable Parameters of Jurisdiction of the ICJ" in Dahlitz (ed.), *Peaceful Resolution of Major International Disputes*, UN publications, New York/Geneva, 1999, pp. 49 - 75

"A Practical Look at the International Court of Justice" in Evans (ed.), *International Law Remedies*, Hart Publishing, 1998, p. 11

“The Security Council and the International Court of Justice: Judicial Drift and Judicial Function” in Muller, Raic and Thuranszky (eds.), *The International Court of Justice: Its Role After 50 Years*, 1997, Kluwer, p. 219

"Freedom of Thought, Conscience and Religion" in Macdonald, Matscher and Petzold (eds.), *The European System for the Protection of Human Rights*, 1993, Nijhoff, p. 445

“The Definition of Minorities in International Law” in Dinstein and Tabory (eds.), *The Protection of Minorities and Human Rights*, 1992, Nijhoff, p. 1

"Protecting Human Rights in Europe" in Vijapur (ed.), *Essays on International Human Rights*, 1991, South Asian Publishers, p. 50

"International Law and Minority Rights" in *Papers From the UIA Conference, Strasbourg*, 1990, Butterworths, p. 257

"Genocide" in Dinstein (ed.), *International Law at a Time of Perplexity*, 1989, Nijhoff, p. 797

"The International Status of National Liberation Movements" in Snyder and Sathirathai (eds.), *Third World Attitudes toward International Law*, 1987, Nijhoff, pp. 141- 158

"Nuclear Weapons and International Law" in Pogany (ed.), *Nuclear Weapons and International Law*, 1987, Gower, p. 1

"Transnational Protection of Human Rights" in Banakas (ed.), *UK Law in the 80s*, 1987, Butterworths, p. 230

"Micro-states and International Law" in Harden (ed.), *Small is Dangerous - Micro-States in a Macro World*, 1986, Frances Pinter, p. 51

### (3) **Articles**

"International Law and Jurisdiction" (with Penelope Nevill), 9 The UK Supreme Court Yearbook 2017-8, 2019, pp. 627-656

"The League of Nations Mandates System and the Palestine Mandate", 49 (3) Israel Law Review, 2016, p. 287

"The Article 12 (3) Declaration of the Palestinian National Authority, the International Criminal Court and International Law", 9 Journal of International Criminal Justice, 2011, pp. 301-24

"International Law: A System of Relationships", 3 Collected Courses of the Xiamen Academy of International Law, 2011, pp. 237 - 340

"Sliding Towards Universalism", 48 Justice, 2011, pp. 10-14 and 41

"Title, Control and Closure? The Experience of the Eritrea-Ethiopia Boundary Commission", International and Comparative Law Quarterly, 2007, pp. 755-796

"Application for Revision of the Judgment of 11 September 1992", International and Comparative Law Quarterly, October 2005, pp. 999-1008

"The *Yerodia* Case and Remedies" in Revue Belge de Droit International Public, 2002, numbers 1 and 2, p. 554

"The Case Concerning Kasikili/Sedudu Island (Botswana/Namibia), 49 International and Comparative Law Quarterly, October 2000, p. 964.

"The International Criminal Court - Some Procedural and Evidential Issues", 3 Journal of Armed Conflict Law, 1998, p. 65

"The International Court of Justice: A Practical Perspective", 46 International and Comparative Law Quarterly, 1997, p. 831

"Peoples, Territorialism and Boundaries", 8 (3) European Journal of International Law, 1997, p. 478

"The Heritage of States: The Principle of *Uti Possidetis* Today", 67 British Year Book of International Law 1996, 1997, p. 75

"State Succession Revisited", 5 Finnish Yearbook of International Law, 1994, p. 34

"The El Salvador/ Honduras Case", 42 International and Comparative Law Quarterly, 1993, p. 929

"The Definition of Minorities in International Law", 20 Israel Yearbook on Human Rights, 1990, p. 99 [reprinted in *The Protection of Minorities and Human Rights* supra and in Dinstein and Domb (eds.), *The Progression of International Law*, Nijhoff, 2011, pp. 45-72]

"Avis sur la conformité au droit international de la succession d'États d'une méthode de répartition des actifs et des passifs entre le Canada et le Québec", 7 Revue Québécoise de Droit International, 1991-2, p. 88

"Authorised Force in the Gulf", Law Society Gazette, 19 September 1990, p. 2

"The Western Sahara Case", 49 British Year Book of International Law, p. 119

"The Beagle Channel Arbitration Award", 6 International Relations, p. 415

"Dispute Settlement in Africa", Yearbook of World Affairs, 1983, p. 149

"Territory in International Law", 13 Netherlands Yearbook of International Law, p. 61

"The United Nations Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons, 1981" 9 Review of International Studies, p. 109

"The International Status of National Liberation Movements", 5 Liverpool Law Review, p. 1 [reprinted in *Third World Attitudes to International Law* supra]

"International Law and Intervention in Africa", 8 International Relations, p. 341

"The Principle of Non-Discrimination in International Law", Dokkyo University Forum, p. 122

"Legal Acts of an Unrecognised Entity", 94 Law Quarterly Review, p. 500

"Bridging that Beneficial Gap", 126 New Law Journal, p. 547

"Sovereign Immunity and the English Courts", 126 New Law Journal, p. 632

"The US Sovereign Immunities Act", 128 New Law Journal, p. 368

"Sovereign Immunity Revisited", 128 New Law Journal, p. 983

"The State Immunity Act 1978", 128 New Law Journal, p. 1136

"Some Legal Aspects of the Entebbe Incident", 1 Jewish Law Annual, p. 232

"Certainty of Trusts and the Definition of a Jew", 2 Jewish Law Annual, p. 208

"International Law and the West Bank", 3 Jewish Law Annual, p. 87

"The Egyptian- Israeli Peace Treaty 1979", 3 Jewish Law Annual, p. 180

"The UK Report on International Law, 1979", 11 International Practitioners' Notebook, p. 1

"UK Report on International Law, 1980", 12 International Practitioner' Notebook, p. 7

"UK Report on International Law, 1981-2", 21 International Practitioners' Notebook, p. 3

"International Law Issues in the Falkland Islands Dispute", 21 International Practitioners' Notebook, p. 15

#### **(4) Other Publications**

Titles on "Territory" and on "States" for the New Oxford Companion to Law, eds. P. Crane and J. Conaghan, OUP, 2008, ISBN 978-0-19-929054-3pp. 1123-5 and 1161-2.

Titles on "International Law" for 2004 edition of Encyclopaedia Britannica, approx. 12,000 words; "Treaty", approx. 1,000 words; "Geneva Conventions", approx. 1500 words, available Summer 2004 online and on the 2005 and 2006 editions on DVD and CD respectively

"Combating Holocaust Denial Through Law in the United Kingdom" (with others), Institute for Jewish Policy Research, 2000.

"Self-Determination and Quebec", two Expert Opinions presented to the Canadian Supreme Court, in the context of the Quebec Secession Reference case, 1998 have been published in Bayefsky (ed.) Self-Determination in International Law: Quebec and Lessons Learned, Kluwer, 2000, pp. 125-150 and 213-222.

"Accountability of International Organisations: First Report" to International Law Association Conference, 1998 (Taipei)

"Accountability of International Organisations: Second Report" to International Law Association Conference, July 2000 (London)

"Accountability of International Organisations: Third Report" to International Law Association Conference, 2002 (New Delhi)

"Accountability of International Organisations: Final Report" to International Law Association Conference, 2004 (Berlin), 65 pp



“L’Intégrité territoriale du Québec dans l’hypothèse de l’accession à la souveraineté” (with Professors Franck, Higgins, Pellet and Tomuschat), Commission D’Étude des Questions Afférentes à l’Acession du Québec à la Souveraineté, Assemblée Nationale, Exposés et Études, Volume 1, 1992, pp. 377- 461. Published (in English) in Bayefsky (ed.) Self-Determination in International Law: Quebec and Lessons Learned, Kluwer, 2000, pp. 241-304

“Succession d’États aux biens et aux dettes”, *ibid.*, Volume 4, pp. 783-99 (extract appeared in 7 Revue Québécoise de Droit International, 1991-2, p. 88 *supra* )

#### Papers Delivered (Selection Only)

"Genocide", Current Problems of International Law Series, University College, London, May 1985

"The Somali Territorial Disputes", All Souls College, Oxford, May 1986

"Racism, Intolerance and the State", Strasbourg International Institute of Human Rights, Series of 5 Lectures, July 1986

"Forty Years of Human Rights", Public Lecture, Dokkyo University, Japan, December 1988

"The Dispute over the Paracel and Spratly Islands", St. Catherine's College, Cambridge, February 1989

“Which Changes and Why - The International Law Syllabus Today”, International Symposium, Chinese Society of International Law, Institute of International Law, Beijing University, Beijing, China, August 1992

"State Succession Revisited", series of 8 lectures, Faculty of Law, University of Helsinki, August 1993

“English Courts and Foreign States”, the First Michael Akehurst Memorial Lecture, University of Keele, May 1994

"Uti Possidetis and Maritime Boundaries", African Society of International Law, Liverpool University, June 1998

"The Expanding Scope of Self-Defence in International Law", International Law Association, Oxford, October 1998

"Protecting Minorities: The Precarious Balance", Anglo-Polish Conference on Legal Convergence in the New Europe, Leicester, December 1998

"The International Court and Political Disputes", Consultation on the Peaceful Resolution of Major International Disputes, Chatham House, December 1998

August – September 2006 “General Course on International Law”, series of 15 lectures, Academy of International Law, Xiamen, China,

“Changing Relationships in International Law”, Jiantao University, Shanghai, September 2006

“Sovereignty and Effective Control”, China University School of Law and Politics, Beijing, September 2006

“International Administration of Territory”, Hebrew University of Jerusalem, Conference, June, 2006

“Self-Determination and Territorial Integrity: Throwing the Baby out with the Bathwater?”, GUAM Conference on Settlement of Regional Disputes, Baku, Azerbaijan, 15-16 April, 2008

Three lectures at the United Nations, New York, for the UN Audiovisual Library on International Law (on territorial and maritime disputes), September 2008

“Peaceful Settlement of International Economic Law Disputes”, Law Faculty, University of Paris Ouest, Nanterre-La Défense, February and March 2009;

“International Law and Domestic Law’, Lauterpacht Memorial Lectures, University of Cambridge, March 2010

“Peaceful Settlement of Disputes: Paradigms, Plurality and Policy”, First Rosenne Memorial Lecture, Peace Palace, The Hague, 24 November 2011.

“The Peaceful Settlement of Disputes, Conflict Prevention and Resolution: Mediation, Judicial Settlement and Justice”, Security Council Arrria Formula meeting, United Nations, New York, 30 May 2012.

“The Peaceful Settlement of Disputes”; University of Hong Kong, 3 December 2012

“International Law and Territory”, Hong Kong Bar Association, 6 December 2012

“A House of Many Rooms: The Rise, Fall and Rise Again of Territorial Sovereignty?”, Inaugural Lecture, Hague Academy of International Law, Winter Session, January 2021