



Professor MALCOLM SHAW QC

Born 1947

Essex Court Chambers
24 Lincoln's Inn Fields
London WC2A 3EG United
Kingdom

Tel: +44 (0) 20 7813 8000
Fax: +44 (0) 20 7813 8080
Email: mshaw@essexcourt.net

Practice

- Public International Law
- Civil Liberties and Human Rights

Professor Malcolm Shaw is a Senior Fellow at the Lauterpacht Centre for International Law, University of Cambridge and is also part-time Research Professor in International Law at the University of Leicester. As a practising Barrister Professor Malcolm Shaw has developed an international reputation for advising on territorial disputes; law of the sea; state succession; state immunity; recognition of foreign governments and states; human rights; self-determination and international organisations. Advice has been given to the Army Prosecuting Authority, CPS, Treasury Solicitor, a significant number of foreign governments, international organisations and private clients. He has also appeared before the International Court of Justice, the European Court of Human Rights, the High Court, Court of Appeal and House of Lords. He has recently appeared for the Republic of Serbia before the International Court of Justice and for the Republic of Azerbaijan before the European Court of Human Rights. He is also author of one of the leading textbooks on international law (*International Law*, Cambridge University Press, 6th edition, 2008; translated into Polish, Hungarian, Portuguese and Chinese.

Professor Shaw is a Trustee of the British Institute of International and Comparative Law.

Previous Appointments

2009	Visiting Professor, University of Paris Ouest, Nanterre, France
2009	Lady Davis Visiting Professor of Law, Hebrew University of Jerusalem, Israel
2005 & 2000—01	Visiting Fellow, Lauterpacht Centre for International Law, University of Cambridge
1991—95	Adjunct Professor, Notre Dame Law School, London Campus
1989—94	Ironsides, Ray & Vials Professor of Law, University of Leicester
1986—89	Reader in Law, University of Essex
1983—86	Part-time Lecturer in Law, London School of Economics
1982—86	Founder and First Director, Human Rights Centre, University of Essex
1981—86	Senior Lecturer in Law, University of Essex
1979—80	Part-time Lecturer in Law, University of Keele

Administrative Experience	<p>1989 - Member, University Senate; University Research Committee; University Business Advisory Group Chair, Steering Committee of the European Consortium of Law.</p> <p>1989—93 Course Director, LLM in Human Rights</p> <p>1983—86 Chairman, Department of Law, University of Essex. The Department was starred as 'outstanding' in the UGC Survey of 1985—6.</p> <p>1982—89 Founder and First Director, Human Rights Centre, University of Essex</p> <p>1982—89 Course Director, LLM in International Human Rights Law, University of Essex</p>
---------------------------	--

Teaching	Public International Law; Human Rights; Trusts; Diplomatic Law; International Boundary Disputes; International Courts and Tribunals
----------	---

External Examinerships	<p>1999—03 LLM, University of Nottingham</p> <p>2000 University of the West Indies</p> <p>1996—00 LLM, University of London</p> <p>1992—94 LLM, University of Keele</p> <p>1991—94 LLB, LLM, University of Edinburgh</p> <p>1990—93 LLB, University of Glasgow</p> <p>1988—92 LLB, Queen Mary College, University of London</p> <p>1987—90 LLM (Human Rights), University of London</p> <p>1985—93 LLB, London School of Economics</p>
------------------------	--

PhD examining at *inter alia* the Universities of Cambridge, London, Nottingham, Manchester, Liverpool, Exeter, Warwick and Hull

Member	<p>British Institute of International and Comparative Law</p> <p>Commercial Bar Association (COMBAR)</p> <p>International Law Association</p> <p>London Common Law and Commercial Bar Association</p>
--------	---

Publications	<p>Books</p> <p><i>International Law</i>, 6th ed (2008), Cambridge University Press, 1215 pp. Chinese, Kurdish, Estonian, Hungarian, Polish and Portuguese translations have appeared or are shortly to appear</p> <p><i>Title to Territory in Africa: International Legal Issues</i>, 1986, OUP, 428pp</p> <p><i>External Debt</i> (as co-editor), Hague Academy of International Law, 1995, Nijhoff Publications, 721 pp</p> <p><i>Title to Territory in International Law</i> (Library of Essays in International Law) (as editor), Ashgate Publishing, 2005</p> <p><i>Common Values in International Law: Essays in Honour of Christian Tomuschat</i> (as co-editor with Sommermann, Fassbender and Dupuy), N.P. Engel Verlag, Kehl, 2006, 1184 pp.</p>
--------------	--

Selected Contributions to Books

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

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

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

'The International Status of National Liberation Movements', Snyder & Sathirathai (eds), *Third World Attitudes toward International Law*, (1987), Nijhoff, p.141

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

'International Law and Minority Rights', *Papers from the UIA Conference*, Strasbourg (1990), Butterworths, p.257

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

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

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

'The Security Council and the International Court of Justice: Judicial Drift and Judicial Function', Vos, Thuranszky, Muller and Raic (eds), *The International Court of Justice 50 Years* (1997), Nijhoff, pp.219–259

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

'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

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

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

'Article 62', 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 with C. Fournet

'The International Court, Responsibility and Remedies', *Issues of State Responsibility Before International Judicial Institutions*, Oxford, Hart Publications, 2004, pp. 19-34

"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.

"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-Frohman,

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-Froh, Commentary on the Statute of the International Court of Justice, [Oxford: OUP, 2006, 1662 pp. ISBN-10: 0-19-926177-6] at 391 - 98

“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.

“Settling Territorial Disputes” in Liber Amicorum Jean-Pierre Cot, Bruylant, 2009, pp. 255-81.

Selected Articles

‘The Western Sahara Case’, 49 British Yearbook 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

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

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

‘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]

‘State Succession Revisited’, 5 Finnish Yearbook of International Law (1994), p.34

‘The Heritage of States: The Principle of *Uti Possidetis* Today’, 67 British Yearbook of International Law (1996, 1997), p.75

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

‘The International Court of Justice: A Practical Perspective’, 46 International and Comparative Law Quarterly (1997), p. 831

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

‘The El Salvador/Honduras Case’, 42 International and Comparative Law Quarterly (1993), p.929

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

‘The Yerodia Case and Remedies’, Revue Belge de Droit International Public (2002), numbers 1 and 2, p. 554

‘Application for Revision of the Judgment of 11 September 1992’, International and Comparative Law Quarterly, October 2005, p. 999

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

Other Publications

Titles on "Territory" and on "States" for the *New Oxford Companion to Law*, OUP, 2008.

Titles on "International Law" for 2005 edition of *Encyclopaedia Britannica*, approx. 12,000 words; "Treaty", approx. 1,000 words; "Geneva Conventions", approx. 1500 words

"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: Final Report" to International Law Association Conference, 2004 (Berlin), 65 pp (with Karel Wellens)

'L'Integrite territoriale du Québec dans l'hypothese de l'accession à la souveraineté' (with Professors Franck, Higgins, Pellet and Tomuschat), *Commission d'Etude des Questions Afferentes à l'Accession du Quebec à la Souveraineté, Assemblée Nationale, Exposés et Etudes, Volume 1* (1992), pp.377-461

'Succession d'Etats 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)

Three lectures recorded on the UN Audio-Visual Library of International Law, 2008, (Principles of Maritime Delimitation; International Legal Principles Relating to Territorial Disputes: The Acquisition of Title to Territory; Settling Territorial Disputes), see <http://untreaty.un.org/cod/avl/lectureseries.html>

Papers

Some 40 papers have been delivered in over ten countries.

Reviews

For International Relations, Millennium, International and Comparative Law Quarterly, Legal Studies, American Journal of International Law, British Yearbook of International Law, etc.

Selected Clients & Work

Government of the Province of Quebec on state succession in 1992, 1995 and 2002; and on territorial issues, 1995 (the latter being a substantial and widely disseminated 100 page joint opinion).

Government of Cyprus on state succession (Feb 1996), Security Council resolutions (Jan-Feb 1996), egregious human rights violations (May 1996), issues before the Committee of Ministers of the Council of Europe (1997) and certain issues concerning sovereignty (Spring 1999).

Government of Chad on boundary issues (1990-1994).

Government of Portugal on question of self-determination and various United Nations matters.

Government of Cameroon on boundary issues (1994- 2002).

Treasury Solicitor on the status of Germany in an extradition case, 1995, (*re Anthony*).

Treasury Solicitor on questions of independence and succession in a shipping case, 1998 (*R v Foreign and Commonwealth Office, ex parte ITWF*).

Crown Prosecution Service on international law issues concerning torture and immunity, 1998 (*re Pinochet*).

Treasury Solicitor on questions of international law concerning terrorism and self-determination, 1999 (*Shafiq ur Rehman*).

Army Prosecuting Authority on international humanitarian law issues (*Payne*)

Government of Ireland on neutrality and armed conflicts (*Horgan*).

Governments of Singapore, Azerbaijan, Peru, Rwanda and Serbia on assorted questions of international law.

Other foreign governments whose identity is currently covered by confidentiality.

Malcolm Shaw has also advised oil companies and other multinational corporations on relevant international legal issues, including interpretation of concessions, constitutional issues and corporate liability.

Issues upon which advice has been given include territorial disputes; law of the sea; state succession; state immunity; recognition of foreign governments and states; human rights; self-determination; international organisations; treaties.

As Counsel

International Court of Justice;

Chad / Libya case, 1990-94 (Counsel for the Government of Chad).

Portugal v Australia case, 1992-95 (assisting the Government of Portugal).

Cameroon v Nigeria case, 1994–2002 (Counsel for the Government of Cameroon).

Advisory Opinion on Legality of Unilateral Declaration of Independence by Kosovo institutions, 2008-10 (Counsel for the Government of Serbia).

European Court of Human Rights.

Loizidou v Turkey (Merits and Article 50 proceedings), 1995-8, (Counsel for the Government of Cyprus).

Cyprus v Turkey, 1999-2002, (Counsel for the Government of Cyprus).

Counsel for the Government of Cyprus (the intervening Government) in a large number of individual applications against Turkey (e.g. Solomou, Frixos., Orphanides, Sophia Andreou, Nicola, Loizou, Digenous, Hapeshis, Kyriakou, Hadjiprokopiou, Michaelidou, Skoutaridou), 1999.

Djavit An v Turkey, 1992-2003 (Counsel for Applicant).

Chiragov v Armenia, 2008- (Counsel for Azerbaijan)

Sargsyan v Azerbaijan, 2008 – (Counsel for Azerbaijan)

Currently giving legal advice to applicants to the European Court of Human Rights on various issues.

European Commission of Human Rights.

Cyprus v Turkey, 1994-98, (Counsel for the Government of Cyprus at the Admissibility and Merits stages).

Djavit v Turkey, 1996-99, (Counsel for the applicant at the Admissibility and Merits stages).

Canadian Supreme Court.

Reference by Governor in Council concerning Secession of Quebec, 1997-98, (two expert opinions provided to Amicus Curiae).

House of Lords

R v Jones, 2006 (leading for Crown)

Court of Appeal.

Littrell v the US (no. 2), 1995 (Junior Counsel for plaintiff).

Jones and Milling v Gloucs CPS, 2004 (leading for CPS)

KNIC v Allianz, 2008 (counsel for Allianz)

High Court

Alamiegeseigha v CPS, 2005 (leading for accused)

AY Bank Ltd v Bosnia & Herzegovina & Ors, 2006 (lead counsel for Serbia and National Bank of Serbia)

Westland Helicopters Ltd. v Arab Organisation for Industrialisation, 1995 (Junior Counsel for plaintiff).

If you require further information please contact
clerkroom@essexcourt.net