

# Sir Michael Wood

CALL: 1968

✉ [enquiries@twentyessex.com](mailto:enquiries@twentyessex.com)

☎ +44 (0)20 7842 1200

Languages: French; German; Italian; Spanish (all proficient)



## Overview

Sir Michael is a member of the United Nations (UN) International Law Commission. He was the principal Legal Adviser to the Foreign and Commonwealth Office (FCO) between 1999 and 2006. During his 35 years as an FCO lawyer, Michael attended many international conferences, including the UN Conference on the Law of the Sea. He spent three years at the UK Mission to the UN in New York, dealing chiefly with Security Council matters.

Since leaving the FCO in 2006, Sir Michael has acted for many governments in cases before the International Court of Justice (ICJ), European Court of Human Rights (ECHR), International Tribunal for the Law of the Sea and inter-state arbitral tribunals. He has written extensively on public international law.

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## Education

- Institute of European Studies, Brussels University (1969–70)
- Cambridge University, MA LLB (First Class) (1969)

## Publications

- Contributor to 'International Law and Foreign Relations' in *Halsbury's Laws* (5th edn, vol 61, LexisNexis 2018).
- 'The Interpretation of Security Council Resolutions, Revisited' (2017) 20(1) Max Planck Yearbook of United Nations Law 1.
- 'The Use of Force against Da'esh and the Jus ad Bellum' (2017) 1 Asian Yearbook of Human Rights and Humanitarian Law 9.

## Professional memberships

- UN International Law Commission, Special Rapporteur on Identification of Customary International Law (2012–2018)
- Committee on the Use of Force, International Law Association: Chairman (2011–2018)
- Max Planck Encyclopedia of Public International Law (Heidelberg): Member of Advisory Board

## Lectures/talks

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- 'The UN International Law Commission: lessons from the topic Immunity of state officials': Melland Schill Lecture (21 November 2017).
- 'The UN International Law Commission and Customary International Law': Morelli Lecture (27 May 2017).
- 'Customary International Law and Human Rights': European University Institute Working Paper AEL 2016/03 Academy of European Law, Distinguished Lecture Series (27 June 2016).

## Example cases

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- Counsel for the Hashemite Kingdom of Jordan in its appeal to the International Criminal Court in the *Al-Bashir* case (2018).
- Counsel for the UK in *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965*, ICJ (Advisory Opinion 2017-).
- Counsel for Equatorial Guinea in *Immunities and Criminal Proceedings (Equatorial Guinea v France)* ICJ (2016-).
- Counsel for Timor-Leste, *Timor-Leste v Australia*, UNCLOS conciliation commission (2016-18).
- Counsel for Italy, *The Enrica Lexie Incident (Italy v India)*, ITLOS and an UNCLOS Annex VII arbitral tribunal (2015-).
- Counsel for Turkey in *Demopoulos and others v Turkey*, ECHR (property in northern Cyprus) (2009-10).
- Counsel for Peru in the *Maritime Dispute (Peru v Chile)* case, ICJ (2009-14).
- Counsel for Timor-Leste in *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v Australia)*, ICJ (2013-15).
- Counsel for Slovenia in *Croatia/Slovenia (Land and Maritime Boundary)*, arbitral tribunal (2010-17)
- Counsel for Colombia in *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v Colombia)* (2013-).

## International Court of Justice

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- Agent for the United Kingdom in the *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v United Kingdom)* case (1999-2003).
- Agent for the United Kingdom in the *Legality of Use of Force (Serbia and Montenegro v United Kingdom)* case (1999-2004).
- Representative of the United Kingdom in the *Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory* Advisory Opinion (2003-2004).
- Counsel for Ukraine in the *Delimitation in the Black Sea (Romania v Ukraine)* case (2007-8).
- Counsel for Kosovo in the *Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo* Advisory Opinion (2008-10).
- Counsel for Belgium in the *Questions relating to the Obligation to Prosecute or Extradite (Belgium v Senegal)* case (2009-2012).
- Counsel for Peru in the *Maritime Dispute (Peru v Chile)* case (2009-14).
- Counsel for Honduras (application to intervene), *Territorial and Maritime Dispute (Nicaragua v Colombia)* case (2010-11).
- Counsel for Timor-Leste in *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v Australia)* case (2013-15).

- Counsel for Colombia in *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia)* case (2013- ).
- Counsel for Colombia in *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v Colombia)* case (2013- ).
- Counsel for Equatorial Guinea in *Immunities and Criminal Proceedings (Equatorial Guinea v France)* case (2016- ).
- Counsel for the United Kingdom in the *Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965* (Advisory Opinion (2017- )).

## International Tribunal for the Law of the Sea

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- Agent for the United Kingdom in the *MOX Plant case (Ireland v United Kingdom)*, Provisional Measures (2001).
- Counsel for Myanmar in *Dispute concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal* (2009-2012).
- Counsel for the United Kingdom, *Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the International Seabed Area*, Advisory Opinion, Seabed Disputes Chamber (2010-2011).
- Counsel for the United Kingdom, *Sub-Regional Fisheries Organization*, Advisory Opinion (2013-15).
- Counsel for Côte d'Ivoire, *Maritime Delimitation (Ghana v Côte d'Ivoire)*, Special Chamber (2014- ).
- Counsel for Italy, *The Enrica Lexie Incident (Italy v India)*, Provisional Measures (2015).

## Inter-State arbitration

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- Agent for the United Kingdom in the *MOX Plant cases (Ireland v United Kingdom)*, OSPAR Arbitration Tribunal (2001-03).
- Agent for the United Kingdom in the *MOX Plant cases (Ireland v United Kingdom)*, UNCLOS Annex VII arbitral tribunal (2001-06).
- Counsel for India in *Dispute concerning Delimitation of the Maritime Boundary between Bangladesh and India in the Bay of Bengal*, UNCLOS Annex VII arbitral tribunal (2009-14).
- Counsel for Slovenia in *Croatia/Slovenia (Land and Maritime Boundary)*, arbitral tribunal (2010- ).
- Counsel for the United Kingdom in *Chagos Marine Protected Area (Mauritius v United Kingdom)*, UNCLOS Annex VII arbitral tribunal (2011-15).
- Counsel for Italy, *The Enrica Lexie Incident (Italy v India)*, UNCLOS Annex VII arbitral tribunal (2015- ).

## International Criminal Court

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- Adviser to Jordan, Appeal against Pre-Trial Chamber's finding of non-compliance and referral of Jordan to the UN Security Council in the *Al-Bashir* case.

## Inter-State conciliation

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- Counsel for Timor-Leste, *Timor-Leste v Australia*, UNCLOS Annex V conciliation commission (2016-18).

## Investment arbitration

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- Counsel for Kazakhstan in *World Wide Minerals Ltd and Paul A Carroll, Q.C. v The Republic of Kazakhstan* (2014-15).
- Co-arbitrator in *Emergofin B.V. and Velbay Holdings Ltd. v Ukraine* (ICSID Case No. ARB/16/35).

## European Court (and Commission) of Human Rights

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- Agent for the United Kingdom in numerous cases before the European Commission and Court of Human Rights (1985-90), including *Soering v United Kingdom*.
- Counsel for Turkey in *Demopoulos and Others v Turkey*, European Court of Human Rights (property in northern Cyprus) (2009-10).

## Court of Justice of the European Union

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- Counsel for the United Kingdom (intervening) in *Government of Gibraltar v European Commission*, General Court, Luxembourg (2009-11).
- Counsel for the United Kingdom in *United Kingdom v European Commission* (concerning Estrecho Oriental), General Court, Luxembourg (2010-11).
- Counsel for the United Kingdom (appealing) in *Yassin Abdullah Kadi v European Commission* (Kadi II, concerning EU implementation of UN sanctions), Court of Justice of the European Union, Luxembourg (2010-13).

## English Courts

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- *Aziz v Aziz and Ors*, Court of Appeal, judgment of 11 July 2007 (attack on dignity of Head of State) (Advocate to the Court).
- *Ahmed and others v HM Treasury*, Supreme Court, judgment of 27 January 2010 (UK implementation of UN sanctions) (Counsel for HM Treasury).
- *R (oao Maya Evans) v Secretary of State for Defence*, Administrative Court, judgment of 25 June 2010 (detainees in Afghanistan) (Counsel for the Secretary of State).
- *Khurts Bat v Investigating Judge of the German Federal Court*, Administrative Court, judgment of 29 July 2011 (special mission, high-ranking office and State immunity claims) (Counsel for FCO, Interested Party).
- *Mutua and Ors v Foreign and Commonwealth Office*, High Court, judgments of 21 July 2011/5 October 2012 (claims in tort in relation to the handling of the Mau Mau emergency in Kenya: issues of State succession and limitation of actions under international law) (Counsel for FCO).
- *Kimanthi and Ors v Foreign and Commonwealth Office*, High Court (various claims in relation to the handling of the Mau Mau emergency in Kenya: issues public international law) (Counsel for FCO).

## Evidence to parliamentary and other inquires

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- Submission in response to the consultation on the role of the Attorney General (CM 7192) (with Sir Franklin Berman KCMG QC).
- Written evidence to the Joint Committee on the Draft Constitutional Renewal Bill: HL Paper 166-II, HC Paper 551-II, Evidence, pp. 433-435 (2009).
- UK Iraq Inquiry ('Chilcot Inquiry'), 2009-2016, written and oral evidence at [iraqinquiry.org.uk](http://iraqinquiry.org.uk).
- Written evidence (Ev. 48) to the Foreign Affairs Committee, Seventh Report, House of Commons, 2010-2012, 'The Role of the FCO in UK Government', published 12 May 2011.
- Commission on a Bill of Rights, Second Public Consultation, Submission, 21 September 2012 (with Elizabeth Wilmshurst).

## FCO career

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- Assistant Legal Adviser, Foreign and Commonwealth Office, London

### (1970-1981; 1984-86)

- Assistant Legal Adviser to the Governor of Southern Rhodesia (1979-80).
- Legal Adviser, British Embassy, Bonn (1981-84)
- Legal Counsellor, Foreign and Commonwealth Office (1986-91; 1994-96)
- Counsellor (Legal Adviser), United Kingdom Mission to the United Nations, New York

### (1991-94)

- Deputy Legal Adviser, Foreign and Commonwealth Office (1996-99)
- Legal Adviser, Foreign and Commonwealth Office (1999-2006)

Member of the United Kingdom delegation to various international conferences and meetings, including:

- United Nations General Assembly (1972-73, 1991-94, 2000-2005)
- Third United Nations Conference on the Law of the Sea (1975-81)
- Preparatory Commission for the International Seabed Authority (1996)
- Lancaster House Conference on Southern Rhodesia (1979)
- Paris International Conference on Cambodia (1990-91)
- 'Two-plus-Four' Negotiations on German Unification (1990)
- United Nations Security Council (1991-94)
- Dayton Proximity Peace Talks on Bosnia and Herzegovina (1995)
- Rambouillet/Paris Meetings on Kosovo (1999)

Leader of the United Kingdom delegation to:

- Assembly and Council of the International Seabed Authority (1995-2000 and 2002-05)

Meetings of States Parties to the United Nations Convention on the Law of the Sea (1995-98, 2005)

- Assembly of States Parties to the Rome Statute of the International Criminal Court (2002-03)
- International Conference on the Revision of the SUA Convention and Protocol (International Maritime Organization) (2005)

Various law of the sea and bilateral maritime delimitation negotiations.

Rapporteur of the UN Committee on Applications for the Review of Administrative Tribunal Judgments (1991-94).

## Recommendations

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An outstanding international lawyer. [The Legal 500 UK Bar 2020](#)

Excellent and extremely responsive, and gives solid and practical legal advice. [Chambers UK Bar 2020](#)

He has a terrific feel for the politics involved, and for the tactical maneuvering of disputes. [Chambers UK Bar 2020](#)

Very experienced and knowledgeable. He has a direct and practical knowledge of how international law functions. [Chambers UK Bar 2019](#)

Excellent, with a smooth and emollient advocacy style. [The Legal 500 UK Bar 2018](#)

One of the very top for public international law. [The Legal 500 UK Bar 2017](#)

He is a star individual because he is a silk that never took silk – everyone else in the list is a mere mortal. [Chambers UK Bar 2018](#)

Outstanding law of the sea expert. [Chambers UK Bar 2018](#)