

## Professor Robert McCorquodale

YEAR OF CALL: ENGLAND AND WALES: 2011; AUSTRALIA: 1982

*"His knowledge is unrivalled" "An expert in corporate human rights"*

Chambers & Partners 2018

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## Practice Overview

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Robert practises in public international law. This includes issues of international human rights law, business and human rights, state and diplomatic immunity, state responsibility, international investment disputes, international organisations and self-determination. He has been an advocate before the Supreme Court and the International Court of Justice.

His recent cases include the decision by the Supreme Court that Wikileaks documents are admissible in an English court in *Bancoult v Secretary of State for Foreign and Commonwealth Affairs (No.3)* and in *Miller v Department for Exiting the European Union*, with the former as the advocate on the international legal issues. He also appeared in the Supreme Court in the groundbreaking *Lungowe and Others v Vedanta Resources Plc*, concerning a parent company's duty of care in relation to human rights abroad, and he made an oral submission to the International Court of Justice in the *Chagos Archipelago Advisory Opinion*, representing Vanuatu. [next sentence deleted] He is a mediator on key public international issues, especially in the business and human rights area, as he is a CEDR accredited mediator.

Robert has extensive experience of the application of international law. He has been involved in the self-determination of peoples around the world, drafting of constitutions and conducting training courses around the world. He has provided advice to governments, corporations, international organisations, non-governmental organisations and peoples concerning international law and human rights issues. He has also written extensively on public international law and international human rights law, including being an author of the leading *Cases and Materials on International Law*, and published the major work on *Business and Human Rights (2024)*.

He brings considerable expertise to this area of practice from his experience as having been the Director of the British Institute of International and Comparative Law for 10 years, and as Emeritus Professor of International Law and Human Rights at the University of Nottingham. He is

also a former Fellow and Lecturer at St. John's College, University of Cambridge, and he has practised as a solicitor with leading commercial law firms. He is a Bencher of Middle Temple.

## Public international law

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Robert's legal practice is focussed on public international law. In particular, he has experience in the international legal responsibilities of companies, international human rights law, self-determination, international organisations, state and diplomatic immunity, state responsibility, armed conflicts, international investment dispute settlement and general public international law. He also has experience in representing States before the International Court of Justice.

## Public Law

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Robert practises in public law, especially in its public international law aspects. He appeared in the Supreme Court in the *Miller* case concerning Brexit. He also appeared before the Supreme Court in *SerVaas Incorporated v Rafidain Bank & Republic of Iraq*, in which it was successfully argued that state immunity applied. He is also engaged in other public law cases, including a case involving the legality of the use of drones.

## Mediation

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Robert is a CEDR accredited mediator and is available for mediation in disputes between companies and stakeholders, especially in the human rights and environmental areas.

## Arbitration

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Robert has considerable knowledge of international arbitration, especially in regard to litigation under bilateral investment treaties. He has provided advice on matters involving corporations and governments and is available as an arbitrator in these areas.

He also has experience in representing States before the International Court of Justice.

# Publications

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## Recent Publications

*Cases and Materials on International Law* (Oxford University Press, 6<sup>th</sup> edition, 2016) (with Martin Dixon and Sarah Williams)

*British Influences on International Law 1915-2015* (editor) (Brill, 2016)

*Survey of the Provision in the United Kingdom of Access to Remedies for Victims of Human Rights Harms by Business Enterprises* (BIICL, 2015)

*The Third Pillar: Access to Judicial Remedies for Human Rights Violations by Transnational Business* (with Gwynne Skinner, Olivier De Schutter and Andie Lambe) (ICAR, 2013)

'The Individual and the International Legal System' in M. Evans (ed), *International Law* (OUP, 5<sup>th</sup> ed, 2018) 259-285

'Group Rights' in D. Moeckli, S. Shah and S. Sivakumaran (eds) *International Human Rights Law* (4<sup>th</sup> ed, OUP, 2018) 344-366

'The Concept of "Due Diligence" in the UN Guiding Principles on Business and Human Rights' (2017) 28 *European Journal of International Law* 899-923 (with Jonathan Bonnitcha)

'Sources and the "Subjects" of International Law: A Plurality of Law-Making Participants' in S. Besson and J. d'Aspremont (eds) *Oxford Handbook on the Sources of International Law* (OUP, 2017) 749-768

'BREXIT Financial Disputes and Public International Law' (2017) 5 *European Law Review* 619-634 (with J-P. Gauci and A. Griffith)

'Human Rights Due Diligence in Law and Practice: Good Practices and Challenges of Business Enterprises' (2017) 2 *Business and Human Rights Journal* 195-224 (with Lise Smit)

'Human Rights, Responsibilities and Due Diligence: Key Issues for a Treaty' in S. Deva and D. Bitchitz (eds), *Building A Treaty on Business and Human Rights: Context and Contours* (CUP, 2017) (with Lise Smit)

'Defining the International Rule of Law: Defying Gravity?' 65 *International and Comparative Law Quarterly* (2016) 276-294

'The Rule of Law Internationally' in C. Feinaeugle (ed), *The Rule of Law and its Application to the United Nations* (Hart, 2016) 51-74

'Rule of Law in Business and Finance: Development and Human Rights Issues' in J. Jowell, C. Thomas and J. van Zyl Smit (eds), *The Importance of the Rule of Law in Promoting Development* (Singapore Academy of Law Publishing, 2015) 45-59

'International Human Rights Law Perspectives on the UN Framework and Guiding Principles on Business and Human Rights' in L. Blecher, N. Stafford and G. Bellamy, (eds) *Corporate Responsibility for Human Rights Impacts: New Expectations and Paradigms* (American Bar Association, 2014) 51-78

'Pre-Trial Detention and Human Rights in the Commonwealth: Any Lessons from Civil Law Systems?' (2014) 2 *Journal of Human Rights in the Commonwealth* 8-33 (with Kristin Hausler)

'Waving Not Drowning: *Kiobel* Outside the United States' (2013) 107 *American Journal of International Law* 84

'Pluralism, Global Law and Human Rights' (2013) 2 *Global Constitutionalism* 287-315

'Human Rights Responsibilities in the Oil and Gas Sector: Applying the UN Guiding Principles' (2013) 6 *Journal of World Energy Law and Business* 1-65 (with Rae Lindsay and others)

'Sovereign Immunity from Enforcement of Debts' (2012) *Butterworths Journal of International Banking and Financial Law* (with Oliver Jones)

## Education & Qualifications

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Bachelor of Economics (Sydney)

Bachelor of Law (Sydney)

Masters of Law (Cambridge)

PhD (Cambridge)

## Directory quotes

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Considered a "real leader in the field," Robert McCorquodale is a highly rated barrister who acts for clients before the Supreme Court on landmark litigation concerning human rights violations. The London-based lawyer also advises intergovernmental organisations, corporations and law firms on the development of human rights due diligence. An impressed interviewee enthuses: "His in-depth knowledge of issues is unparalleled. He is a fantastic man."

'Very well known in academic and professional circles in public international law - an accomplished

generalist, he is world leading in his work on human rights and self-determination and the intersection of human rights with other areas of law.' (Legal 500 2021: Public International Law)

Robert McCorquodale consistently wins praise for being a "thoughtful practitioner on business and human rights issues." Practising as a consultant, he is a trusted adviser to companies and other practitioners on complex questions in the field. A source claims it is "hugely beneficial working with him," and another interviewee asserts: "I would always consider him for advice on a serious matter." (Chambers & Partners Global 2020: Business and Human Rights)

"An impressive advocate who commands the attention of judges; he provides invaluable advice and strategic direction." (Legal 500 2020: Public International Law)

Robert McCorquodale of Brick Court Chambers in London is a respected authority in the space, acknowledged by sources as "very knowledgeable in human rights, compliance and international law." He is "heavily involved" in the area both academically and practically as consultant, a further source acknowledging: "He has a real understanding of the law and how it links to business." His wider expertise includes issues around state immunity, sovereignty, territorial boundaries and international investment disputes. (Chambers & Partners Global 2019: Business and Human Rights)

"Very friendly, charming and generous, with a strong court presence." (Legal 500 2018-19: Public International Law)

London-based **Robert McCorquodale** of Brick Court Chambers is highlighted by commentators for his expertise and contributions to the field of business and human rights. He regularly advises international organisations, NGOs, government entities and corporations on various facets of international human rights issues. One pleased interviewee said: "His knowledge is unrivalled," and went on to describe him as a "leading expert in this area." Another source confirmed that he is considered "an expert in corporate human rights." (Chambers & Partners 2018: Business and Human Rights)