

Jonathan Worboys

Call: 2010

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Jonathan is a leading junior, with a practice focusing on all aspects of public and international law. He acts in judicial reviews, regulatory appeals, jurisdiction challenges, sanctions, national security, competition, procurement and subsidy control cases before all levels of the English courts (High Court, Court of Appeal and Supreme Court) and before specialist domestic tribunals (Investigatory Powers Tribunal, Special Immigration Appeals Commission). He also acts in cases before international courts and tribunals (International Court of Justice, International Criminal Court, European Court of Human Rights) and the courts of British Overseas Territories.

Jonathan has been shortlisted twice for International Law Junior of the Year at the Legal 500 Bar Awards. He is described in the legal directories as *"practical and commercial"*, a *"polished advocate"*, *"proactive, responsive and easy to work with"* and *"a star in the making"* and is particularly well-known for his human rights and national security work.



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Current and recent cases include: (i) acting for Ofgem in the successful defence of a Competition and Markets Authority appeal concerning a proposed modification to the Connection and Use of System Code governing electricity charging (*CMP344*); (ii) acting for the Government in sanctions challenges under the Russia and Iran Regulations, including those brought by way of judicial review (e.g. *Zhao Yao Shipping Limited ("The Smyrtos") v Secretary of State for Transport and others*); (iii) acting for the Government in litigation concerning the seizure of Special Advocates' material and the application of CPR 31.22 to Special Advocates (*Al-Libi v Home Office and others*); (iv) acting for the Government in cases concerning forced divestment under the National Security and Investment Act 2021 (*FTDI Holdings Limited v Chancellor of the Duchy of Lancaster*); and (v) acting in cases raising questions of international law and British Overseas Territories law, including in respect of the Chagos Archipelago (*negotiating the UK-Mauritius treaty*), extradition warrants (*Abraham v Secretary of State for Foreign, Commonwealth and Development Affairs*), application of Article 6 ECHR to consular decisions (*(C3) v Secretary of State for Foreign, Commonwealth and Development Affairs*) and the arms trade (*Al-Haq v Secretary of State for Business and Trade*).

In 2024, Jonathan was appointed as Constitutional Counsel to the Overseas Territories Department at the Foreign, Commonwealth and Development Office, to advise the Secretary of State on disallowance procedures in the British Overseas Territories. He is on the Attorney General's B Panel of civil and public international law counsel. He commenced practice at the Bar in 2015 following several years working for Public International Law & Policy Group in Washington DC and WilmerHale in London.

Expertise

British Overseas Territories

"He provided advice on British colonial law, intertwined with British constitutional colonial law, and he was great at that." — Chambers UK Bar

Jonathan has a specialist practice in the law and constitutions of the British Overseas Territories and their relationship with the UK, covering constitutional advice, litigation and negotiations. In 2024 he was appointed Constitutional Counsel to the Overseas Territories Department at the Foreign, Commonwealth and Development Office, to advise the Secretary of State on disallowance procedures in the British Overseas Territories.

Chagos Archipelago

Acting for the UK and the FCDO in litigation before domestic and international courts and in negotiations concerning the Chagos Archipelago, from 2015 to the present, including the Chagos Request for an Advisory Opinion before the ICJ.

R (Abraham) v Secretary of State for Foreign, Commonwealth and Development Affairs

Judicial review in respect of entrustments and extradition warrants issued by the Governor of Bermuda.

Bancoult (No 5) and Chagossian Committee Seychelles v Secretary of State for Foreign and Commonwealth Affairs

Acting for the FCDO in judicial review proceedings on UK policy regarding the British Indian Ocean Territory.

Ferguson and others v United Kingdom (ECtHR)

Acting for the UK on alleged breaches of Articles 9, 12 and 14 arising out of the Bermuda Domestic Partnership Act 2018.

Slivnik and others v Martin Dinning and others (High Court of Anguilla and Eastern Caribbean Court of Appeal)

Whether the Crown in right of the UK can be sued in the courts of Anguilla.

Constitutional negotiations

Advising and acting for the UK in constitutional negotiations with the Government of St Helena.

Achievements

Appointments

Attorney General B Panel of Counsel

Attorney General C Panel of Public International Law Counsel

Constitutional Counsel to the Overseas Territories Department at the Foreign, Commonwealth and Development Office

Senior Legal Adviser, Public International Law & Policy Group.

Education

- Bachelor of Civil Law, University of Oxford (2011).
- Bachelor of Laws, King's College London (First Class Honours) (2009) (Russian Law prize).

Publications

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).



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