

## **PROFESSOR PHOEBE OKOWA**

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Department of Law

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### **Nationality**

Kenyan

### **Academic and Professional Qualifications**

Doctor of Philosophy (DPhil), University of Oxford (1994).

Bachelor of Civil Law (BCL), University of Oxford (1990).

Bachelor of Laws (LLB – First Class Honours), University of Nairobi (1987).

Advocate, Member of the Kenyan Bar (called in October 1990).

Diploma in Legal Practice, Kenya School of Law (1988).

### **Academic Awards and Prizes**

Arts and Humanities Research Council (UK), research grant for a project on ‘International Law Questions Arising out of the Disintegration of the Democratic Republic of Congo’ (2005-2006).

Wingate Research Grant, Harold Hyam Wingate Foundation, Award for research on ‘State Responsibility in the Environmental Field’ (1994).

Foreign and Commonwealth Office Scholarship (1988-1993).

Kaplan and Stratton Prize, Best University of Nairobi Final Year Student in the Moot Court and Fourth Term Programme Essay in the Faculty of Law (1988).

Gandhi Memorial Prize, Best University of Nairobi Final Year Student in the Faculty of Law (1987).

## **Present Appointments**

Professor of Public International Law, Queen Mary University of London (from 2014).

Member of the Court, Permanent Court of Arbitration (from 2016).

Member of Senate, Queen Mary University of London (from 2016).

## **Previous Appointments**

Reader in Public International Law, Queen Mary University of London (2006-2014).

Member, University Council, Queen Mary University of London (2004-2006).

Senior Lecturer, Queen Mary University of London (2002-2006).

Lecturer in Law, University of Bristol (1994-2001).

## **Visiting Professorships and Lectureships**

Lecturer in International Law, United Nations Regional Course for Africa (for Diplomats and Government Officials), Addis Ababa (2020).

Lecturer on Protection of Natural Resources in Situations of Armed Conflict, United Nations Audio Visual Library of International Law (2019).

Visiting Lecturer, Law and Development Programme, University of Antwerp (2018).

Global Visiting Professor, School of Law, New York University (2011-2012, 2015-2016).

Adjunct Professor, School of Law, PACE University (2012-2013).

Adjunct Professor, Catholic University of Lille (2009-2010).

Lecturer, Summer Programme, Erik Castren Institute of International Law and Human Rights, University of Helsinki (2009).

Visiting Fellow, Lauterpacht Research Centre, University of Cambridge (2007).

Visiting Professor, University of Stockholm (2006).

Visiting Fellow, St John's College, University of Oxford (1995).

## **Membership of Academic Boards, Journals and Scholarly Organisations**

Joint Editor (with Professor Malcolm Evans), *Foundations of Public International Law*, Oxford University Press (current).

Member, British Branch, International Law Association (current).

Member, Executive Committee, International Society of Public Law Scholars (ICON-S) (current).

Member, International Advisory Board, Stockholm Centre for International Law and Justice (current).

Member, Society of Legal Scholars (current).

Member, International Society of Public Law Scholars, Book Prize Committee (current).

Member, Editorial Advisory Board, *African Yearbook of International Law* (2020).

Member, Board of Editors, *International Community Law Review*, Brill (2005-2018).

Joint Editor (with Professor Malgosia Fitzmaurice), *Queen Mary Studies in International Law* (2002-2018).

Member, Advisory Board, African Association for International Law (2015).

Member, Committee on Transnational Enforcement of Environmental Law, International Law Association (1997-2006).

## **Experience as Counsel**

Co-counsel before the International Court of Justice, *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)*, Merits (2019-present).

Co-counsel before the International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Preliminary Objections to Jurisdiction and Merits (2020-February 2021).

Co-counsel and Advocate before the International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Provisional Measures (December 2019).

## **Experience as Legal Advisor**

Amicus brief for counsel on the domestic implementation of treaties with conflicting obligations, Federal Court of Canada (2020).

Legal advisor to a government on the legal consequences for the denunciation and withdrawal from the Convention on the Prevention and Punishment of the Crime of Genocide (2019).

Legal opinion for the Solicitor-General of Kenya in preparation for their intervention before the International Court of Justice in the *Legal Consequences of the Separation of the Chagos Islands Archipelago from Mauritius in 1965*, Advisory Opinion before the International Court of Justice (August 2018).

Legal advisor to a non-governmental organisation on questions of international law, especially on the domestic implementation of obligations under the Rome Statute of the International Criminal Court, in relation to putative claim of immunity (2015).

Member (*ad hoc*) of the United Nations Panel of Experts on the Avoidance and Settlement of Environmental Disputes, The Hague (2006).

Legal consultant for Birdlife International Law/Nature Kenya, advising on the revision of the 1968 African Convention on the Conservation of Nature and Natural Resources (2000).

Delegate for Nature Kenya at the meeting of the Conference of Parties, Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and the Convention on Biological Diversity, United Nations Environment Programme (UNEP), Nairobi (May 2000).

Consultant, African Centre for Technology Studies (ACTS), preparing draft paper on the relationship between private property rights and the protection of the environment (1990-1993).

## **Supervision of Doctoral Dissertations in Public International Law**

Pauline Martini, ‘Conflicts of Jurisdiction in International Criminal Tribunals: Challenges and Potential Solutions’ (current).

Dara Modeste, ‘Domestic Implementation of International Treaties and Commonwealth Caribbean States’ (current).

Dominique Mystris, ‘Africa’s Proposed Court on International Criminal Justice’ (thesis successfully defended in 2019).

Maria Xiouri, ‘Legal Consequences for Breach of Treaty Under the Vienna Convention and Under the Law of State Responsibility’ (thesis successfully defended in 2019).

Sangeetha Malavan, 'Human Trafficking in International and European Law' (thesis successfully defended in 2018).

Narissa Ramsundar, 'The Forms and Degrees of Responsibility for Commission and Participation in Core Crimes Under the Rome Statute' (thesis successfully defended in 2015).

Mba Chidi Nmaju, 'Fragmentation and Divergence in International Criminal Law' (thesis successfully defended in 2011).

Konstantinos Mastorodimos, 'The Accountability of Armed Non-State Actors in International Humanitarian and Human Rights Law' (thesis successfully defended in 2009).

Melanie Jacques, 'The Protection of Refugees and Displaced Persons under International Humanitarian Law' (thesis successfully defended in 2008, published by Cambridge University Press, in *Cambridge Studies in International and Comparative Law*).

## **External Examiner Appointments for Doctoral Dissertations in Public International Law**

External examiner for a doctoral dissertation, 'The Environmental Dimensions of Armed Conflict: Rethinking International Justice and Remedies', National University of Singapore (2019).

External examiner for a doctoral dissertation, 'Prosecuting Environmental Harm before the International Criminal Court', University of Leiden (2018).

External examiner for a doctoral dissertation, 'International Law and Constitutional Reform: A Case Study of the 2010 Constitution of Kenya', University of Manchester (2018).

External examiner for a doctoral dissertation, 'Protecting the Environment in Relation to Armed Conflicts: The Role of Multilateral Environmental Agreements', University of Lund (2017).

External examiner for a doctoral dissertation, 'Common Interests in International Litigation: A case Study on Natural Resource Exploitation Disputes', University of Antwerp (2015).

External examiner for a doctoral dissertation, 'Regional Integration and Human Rights in Africa', London School of Economics and Political Science (2008).

External examiner for a doctoral dissertation, 'EU Bilateral Fisheries Agreements with Selected African Countries', University College London (2007).

Faculty opponent for the examination of a doctoral dissertation, 'The Legal Regime of International Watercourses: Progress and Paradigms Regarding Uses and Environmental Protection', University of Stockholm (2005).

External examiner for a doctoral dissertation, 'Legal Framework for the Resolution of Bilateral Water Disputes between India, Pakistan and Nepal', School of Oriental and African Studies, University of

London (1999).

## **Selected Publications**

### **Books**

Phoebe Okowa and Jonas Ebbesson (eds.), *Environmental Law and Justice in Context* (Cambridge University Press, 2009, ISBN 978-0-521-87968-2).

Reviewed in: *British Yearbook of International Law* 80 (2009) pp. 422-431; *Journal of Environmental Law* 22 (2010) pp.167-169.

Phoebe Okowa, *State Responsibility for Transboundary Air Pollution in International Law* (Oxford University Press, 2000, ISBN 0-19-826097-0).

Reviewed in: *European Journal of International Law*, 13 (2002) pp. 545-559; *International and Comparative Law Quarterly*, 50 (2001) pp. 472-473; *Journal of Environmental Law*, 14(2) (2002) pp. 264-266; *Cambridge Journal of International Law* 60 (2001) pp. 629-630; *Leiden Journal of International Law*, 14 (2004) pp. 477-480.

### **Journal Articles, Shorter Comments and Reviews**

Phoebe Okowa, ‘The Pitfalls of Unilateral Legislation in International Law: Two Case Studies’, *International and Comparative Law Quarterly*, Vol. 69, Issue 3 (2020), pp. 685-717.

Phoebe Okowa, ‘Blood Oil: A Plea for Progressive Reform or A Philosopher’s Utopia?’, Symposium on Leif Weinar, *Blood Oil: Tyrants, Violence, and the Rules that Run the World* (OUP, 2015), University of British Columbia, Jamesg Stewart.com (5 March 2019).

Phoebe Okowa, ‘Sovereignty Contests and the Exploitation of Natural Resources in Conflict Zones’, *Current Legal Problems*, Vol. 66, Issue 1 (2013), pp. 33-73.

Phoebe Okowa, ‘The International Court of Justice and the Georgia/Russia Dispute’, *Human Rights Law Review*, Vol. 11, Issue 4 (2011), pp. 739-757.

Phoebe Okowa, ‘State and Individual Criminal Responsibility in Internal Conflicts: Contours of an Evolving Relationship’, *Finnish Yearbook of International Law*, Vol. 20 (2009), pp. 143-188.

Phoebe Okowa, ‘Case Concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of Congo)’, *International and Comparative Law Quarterly*, Vol. 57, Issue 1 (2008), pp. 219-224.

Phoebe Okowa, ‘Natural Resources in Situations of Armed Conflict: Is there a Coherent Framework for Protection?’, *International Community Law Review*, Vol. 9, Issue 3 (2007), pp. 237-262.

Phoebe Okowa, 'Congo's War: The Legal Dimension of a Protracted Conflict', *British Yearbook of International Law*, Vol. 77, Issue 1 (2006), pp. 203-255.

Phoebe Okowa, 'Case Concerning Armed Activities on the Territory of the Congo', *International and Comparative Law Quarterly*, Vol. 55, Issue 3 (2006), pp. 742-753.

Phoebe Okowa, 'Review of J. Gardam, *Necessity, Proportionality and the Use of Force by States*', *Modern Law Review*, Vol. 69, Issue 4 (2006), pp. 675-677.

Phoebe Okowa, 'Review of N. Jorgensen, *The Responsibility of States for International Crimes*', *International and Comparative Law Quarterly*, Vol. 50, Issue 4 (2001), pp. 992-993.

Phoebe N. Okowa, 'Case Concerning the Gabčíkovo-Nagymaros Project (Hungary / Slovakia)', *International and Comparative Law Quarterly*, Vol. 47, Issue 3 (1998), pp. 688-697.

Phoebe N. Okowa, 'Procedural Obligations in International Environmental Agreements', *British Yearbook of International Law*, Vol. 67, Issue 1 (1996), pp. 275-336.

Phoebe N. Okowa, 'The EC and International Environmental Agreements', *Yearbook of European Law*, Vol. 15, Issue 1 (1994), pp. 169-192.

J.B. Ojwang and Phoebe N. Okowa, 'The One Party State and Due Process of Law: The Kenyan Position in a Comparative Framework', *African Journal of International and Comparative Law*, Vol. 1 (1999), pp. 177-205.

## **Book Chapters**

Phoebe Okowa, 'Concession Contracts in Peace Agreements', in Daniëlla Dam-de Jong and Britta Sjöstedt (eds.), *Handbook of Peacebuilding* (Routledge, forthcoming 2021).

Phoebe Okowa, 'Atmospheric Pollution in International Law', in Jacqueline Peel and Lavanya Rajamani (eds.), *Oxford Handbook of International Environmental Law* (Oxford University Press, in press 2020).

Phoebe Okowa, 'Principle 18: Notification and Assistance in Case of Emergency', in Jorge E. Viñuales (ed.), *The Rio Declaration on Environment and Development: A Commentary* (Oxford, 2015), pp. 471-492.

Phoebe Okowa, 'The International Court and the Legacy of the *Barcelona Traction Case*', in Charles Jalloh and Olufemi Elias (eds.), *Shielding Humanity: Essays in International Law in Honour of Judge Abdul Koroma* (Brill, 2015), pp.104-132.

Phoebe Okowa, 'The Security Council, the African Union and the International Criminal Court: Anatomy of a Problematic Relationship', in Jonas Ebbesson, Marie Jacobsson *et al.* (eds.), *International Law and Changing Perceptions of Security: Liber Amicorum Said Mahmoudi* (Brill Nijhoff, 2014), pp. 228-234.

Phoebe Okowa and Malcolm Evans, 'Approaches to Responsibility in International Courts', in Malcolm D. Evans and Panos Koutrakos (eds.), *The International Responsibility of the European Union* (Hart Publishing, 2013), pp. 101-137.

Phoebe Okowa, 'Responsibility for Environmental Damage', in Malgosia Fitzmaurice *et al.* (eds.), *Research Handbook on International Environmental Law* (Edward Elgar, 2010), pp. 303-319.

Phoebe Okowa, 'Interpreting Constitutive Instruments of International Criminal Tribunals: Reflections on the Special Court for Sierra Leone', in Malgosia Fitzmaurice *et al.* (eds.), *Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years On* (Martinus Nijhoff, 2010), pp. 333-355.

Phoebe Okowa, 'Issues of Admissibility and the Law on International Responsibility', in M.D. Evans (ed.), *International Law* (Oxford University Press, 3<sup>rd</sup> edition, 2010), pp. 472-503.

Phoebe Okowa, 'The Legal Framework for the Protection of the Environment Against Transboundary Air Pollution: A Reflection on Customary and Treaty Law', in Harry Post (ed.), *The Protection of Ambient Air in International and European Law* (Eleven, 2009), pp. 53-73.

Phoebe Okowa, 'Environmental Justice in Situations of Armed Conflict', in Phoebe Okowa and Jonas Ebbesson (eds.), *Environmental Law and Justice in Context* (Cambridge University Press, 2009), pp. 231-252.

Phoebe Okowa, 'The Plundering of Natural Resources and the Destruction of the Environment in Times of Armed Conflict', in Willem J.M. van Genugten *et al.* (eds.), *Criminal Jurisdiction 100 Years after the 1907 Hague Peace Conference: 2007, Hague Joint Conference on Contemporary Issues of International Law* (T.M.C. Asser Press, 2009), pp. 243-260.

Phoebe Okowa, 'The Legacy of Trail Smelter in the Field of Transboundary Air Pollution', in Rebecca M. Bratspies and Russell A. Miller (eds.), *Transboundary Harm in International Law* (Cambridge University Press, 2006), pp. 195-208.

Phoebe Okowa, 'United States Unilateralism in a Multilateral Legal Order', in Mary Buckley and Robert Singh (eds.), *The Bush Doctrine and the War on Terrorism: Global Responses, Global Consequences* (Routledge, 2006), pp. 200-206.

Phoebe N. Okowa, 'Defences in the Jurisprudence of International Tribunals', in Guy Goodwin-Gill and Stefan Talmon (eds.), *The Reality of International Law: Essays in Honour of Ian Brownlie* (Oxford University Press, 1999), pp. 389-412.

Phoebe N. Okowa, 'The Settlement of International Environmental Disputes: A Re-appraisal', in Malcolm D. Evans (ed.), *Remedies in International Law: The Institutional Dilemma* (Hart Publishing, 1998), pp. 157-172.

Phoebe Okowa, 'Legal Consequences of EC Participation in International Environmental Agreements', in Malcolm D. Evans (ed.), *Aspects of Statehood and Institutionalism in Contemporary Europe* (Dartmouth Press, 1997), pp. 301-329.



Phoebe N. Okowa with Albert M. Mwangi, 'Land Tenure and Forest Resource Management', in Calestous Juma and J.B. Ojwang (eds.), *In Land We Trust: Environment, Private Property and Constitutional Change* (Zed Books, 1996), pp. 175-197.

## **Selected Conference Papers and Participation**

Member of the Organizing Committee, 2021 European Society of International Law, Annual Conference on 'Changes in International Lawmaking: Actors, Processes, Impact', Stockholm (9-11 September 2021).

London Conference on International Law, Panelist on 'Aiding and Assisting -the Parameters of State Responsibility' (October 2019).

'Codification and Progressive Development of International Law in a Historical Perspective - the International Law Commission and its Antecedents', paper presented at the Conference on the Role and Contributions of the International Law Commission to the Development of International Law in the Past/Next 70 Years: Codification or Progressive Development, Florida International University (October 2018).

'The Pitfalls of Unilateral Legislation as a Regulatory Mechanism in Conflict Zones', paper presented at seminar organized by Marja Lehto, Finnish Member of the International Law Commission, United Nations, Sixth Committee (October 2018).

Workshop to discuss the future work on the International Law Commission topic of Protection of the Environment in relation to Armed Conflicts, Permanent Mission of Finland to the UN (October 2018).

'Iraq's Natural Resources', paper presented at Society of Legal Scholars, Annual Seminar 2018, School of Oriental and African Studies: The Legal Legacies of the 2003 Iraq War (26 March 2018).

Organizer and Convener, Public Policy Lecture Series on the Function of Law in the Global Community, Centre for Law and Society in a Global Context, Queen Mary University of London (2015-2018).

Member of the Organizing Committee, 2017 Conference of the International Society of Public Law on 'Courts, Power and Public Law', University of Copenhagen (5-7 July 2017).

'The International Court and the Political Consequences of its Decisions: Reflections on Cases involving Use of Force', paper presented at Erasmus Rotterdam-Queen Mary Workshop on Varieties of Consequential Reasoning and the Rule of Law: Theory and Institutional Contexts (26 November 2016).

'Unilateral or Collective Responses to International Wrongs: The Case of Natural Resources in Conflict Zones', paper presented at the International Law Association (British Branch), Seminar Series, University College London (16 February 2016).

Convener of a panel on 'Transformative Constitutions: The Place of International Law in the New

Commonwealth Constitutions’, Inaugural Conference of the International Society of Public Law, Florence (26-28 June 2014).

‘Principle 18: Notification and Assistance in Case of Emergency’, paper presented at a workshop on the ‘Rio Declaration on the Environment and Development: Assessing its Impact after 20 Years’, Centre for Environmental Studies, Graduate Institute for International Studies, Geneva (4 October 2013).

Participant, Workshop on ‘Natural Resource Grabbing: Erosion or Legitimate Exercise of State Sovereignty’ University of Cagliari, Sardinia (5 October 2013).

‘Transformative Constitutions: International law in Kenya’s 2010 Constitution’, paper presented at the Third Annual Symposium on Constitutional Agendas, Interdisciplinary Centre, Herzliya, Radzyner School of Law, Israel (13 June 2013).

Participant, Second International Workshop on Contemporary Challenges to the Law of Armed Conflict, Interdisciplinary Centre, Herzliya, Radzyner School of Law, Israel (June 2013).

Plenary Speaker, Society of Legal Scholars Annual Conference, delivered a paper on ‘Globalization and the Ecological Challenge’, Bristol (September 2012).

‘The Accountability of Non-State Groups and the Exploitation of Natural Resources in Internal Conflicts’, paper presented at the Asser Institute, The Hague (November 2011).

‘Natural Resources in Armed Conflicts: The Role of Multinational Corporations’, paper presented at a Conference on Environmental Protection and Armed Conflicts, University of Lund (16-17 February 2012).

‘Libyan Intervention and International Law’, paper presented at a seminar organised by the African Law Association, School of Law, New York University (November 2011).

‘Liberating Libya? The Legality and Consequences of Military Intervention under International Law’, seminar held at the British Institute of International and Comparative Law (25 March 2011).

‘Medical Agencies and the Implementation of Humanitarian Law in Conflict Zones’, paper presented at Peace Research Institute Oslo (November 2010).

‘Accountability of Rebel Groups in the Congo Conflict’, paper presented at International Legal Association Belfast (May 2009).

‘The Role of Medical Humanitarian Workers in Reporting Human Rights Abuses in the Democratic Republic of Congo’ paper presented at a conference on ‘Medicine under Pressure - The Law and Ethics of Medicine in Conflict Situations’ (April 2009).

‘Permanent Sovereignty Over Natural Resources’, paper delivered at the University of East London (June 2007).

‘International Law Responses to Environmental Destruction in Conflict Zones’, paper delivered at ‘Hundred Years of International Criminal Jurisdiction’, a joint conference organised by the Hague

Academy and the American Society of International Law, The Hague (June 2007).

‘Governmental Sovereignty and Natural Resource Disputes’, paper presented at International Law Association, Regional Conference, Nottingham (2006).

‘Great Lakes Peace Process, Protocol on Illegal Exploitation of Natural Resources’, paper presented at the Conference on the Great Lakes Peace Process, Humanitarian Law Project, London School of Economics (2005).

## **Current Projects**

*Protection of Natural Resources in Situations of Armed Conflict*, co-author with Dr. Britta Sjöstedt (book, under contract with Routledge).

‘The Impact of Human Rights Norms on the Public International Law Concept of Diplomatic Protection and Act of State’, in Sujit Choudhry, Michaela Hailbronner and Mattias Kumm (eds.), *Global Canons in an Age of Uncertainty: Debating Foundational Texts of Constitutional Democracy and Human Rights* (Oxford University Press, 2022).

General Rapporteur (with Dr. Virginie Barral) on the topic of ‘Distributive Justice and Sustainable Development’, International Academy for Comparative Law, General Congress in Asuncion, Paraguay (2022).

## **Languages**

English (Fluent), Kiswahili (Fluent), Dholuo (Native).