

Gus Waschefort

Year of Call: 2007

Practice Summary

Gus Waschefort practises in public international law and English public law. In his domestic practice, Gus specialises in public inquiries, and public law matters with a focus on complex cross-border dimensions involving public international law. In his international practice, he specialises in international dispute settlement before international and regional courts and mechanisms (including investor-state arbitration). Gus is a member of the Attorney General's Public International Law Panel Counsel (B Panel) and regularly acts for UK Government departments.

Gus is particularly sought after in matters requiring strategic navigation of the interface between international norms and domestic law, including disputes involving trade and investment law, national security, the defence industry, armed conflict, historical injustices, and environmental harm. He has extensive experience advising and acting in complex disputes, particularly in Africa-related matters. Gus has worked across Southern, East and West Africa and the United Kingdom.

Alongside practice, Gus maintains a strong academic profile and was most recently Associate Professor of International Law at the University of Essex. He is internationally recognised for his research and expertise in public international law, and particularly the application of international law in African contexts. He regularly advises governments, international organisations, and civil society across the African continent and beyond.

Public International Law and Dispute Settlement

Gus holds a PhD in public international law and has over eighteen years of experience as a public international law specialist. His recent international law instructions include:

· Member of the counsel team advising the Federal Republic of Nigeria in respect of 'Obligations of States in respect of Climate Change' (Request for Advisory Opinion), International Court of Justice.

· Instructed by the Bar Human Rights Committee of England and Wales to co-author an independent report titled ‘Preliminary Review of the Kosovo Specialist Chambers: Structure, Function, Emerging Practice, and Legal Challenges’ which was commissioned by the Ombudsperson Institution of Kosovo.

· Instructed by the Department of Business and Trade to advise on international law elements of a complex sanctions licensing issue that cuts across trade and investment law, sanctions law and domestic public law.

· Member of the counsel team acting for a party to an ongoing matter before the European Court of Human Rights.

· Instructed to draft and file several submissions to UN treaty bodies and special procedures.

· Instructed by the New Lines Institute for Strategy and Policy to advise on international accountability mechanisms in respect of state sponsored drug trafficking.

· Advising on the sanctions regimes of the EU, US and UK.

· Drafting submissions to the Office of the Prosecutor of the International Criminal Court in terms of Article 15 of the Rome Statue.

· Providing bespoke training and strategic engagement regarding a range of public international law matters in the UK and internationally.

In addition to his work in practice, Gus is a frequent speaker at leading international law conferences, roundtables and symposia, as well as universities. Recent examples include presentations and lectures delivered at Harvard Law School (2024); Vanderbilt Law School (2024); the Annual Meeting of the American Society of International Law (2022 & 2025); and the U.S. Military Academy at West Point (2022). Between 2010 and 2013 Gus served as legal advisor to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.

International Dispute Settlement in Africa

Gus, who first qualified in South Africa, has maintained a career long focus on Africa and the continent’s evolving geopolitical landscape. His understanding of the legal and political challenges facing African states is underpinned by his experience working in more than twenty African countries, engaging directly with governments, regional institutions, civil society actors, and international organizations.

Through research, teaching, and policy engagement, Gus contributes to advancing informed dialogue on Africa’s place in international law and global politics. His work is valued for its combination of doctrinal rigor, contextual awareness, and sensitivity to the diverse legal and political experiences across the African continent.

Gus accepts instructions in relation to international and cross-border dispute settlement across Africa.

Inquiries

Gus is instructed on an ongoing basis by the Government Legal Department (GLD) for the Ministry of Defense in the Independent Inquiry relating to Afghanistan (led by Brian Altman KC and Melanie Cumberland KC). Gus is instructed specifically as a Law of Armed Conflict specialist and plays a leadership role within a large counsel team. Additionally, Gus is instructed on an ongoing basis for the Home Office in the Undercover Policing Inquiry (led by Neil Sheldon KC)

Administrative and Public Law

In his domestic public law practice, Gus focuses on judicial review proceedings with acute public international law elements. Most recently, he was instructed by the GLD for the Foreign, Commonwealth and Development Office (FCDO) in a rolling judicial review challenging decisions by the UK Government in respect of migrants who arrived in the British Indian Ocean Territory (led by Ed Brown KC).

Human Rights and Civil Liberties

Gus is an internationally recognized expert in international children's rights, the African Human Rights System and the UN Human Rights System. He has more than fifteen years' experience working at the forefront of international human rights practice, including advising UN mechanisms in real time on matters such as the killing of Osama bin Laden, and leading large-scale investigations into the commission of war crimes. His book 'International Law and Child Soldiers' (2015) remains a leading text on children in armed conflict, and he has extensive experience working in-country on critical issues of International Human Rights Law and the Law of Armed Conflict, including in Afghanistan, the Democratic Republic of the Congo, Liberia and South Sudan. He is equally experienced in working with UN mechanisms in Geneva and New York.

Significant recent speaking engagements

1. Convened a panel on 'Mobilizing the ICJ for Human Rights: An African Tradition?' at the 119th Annual Meeting of the American Society of International Law, Washington DC, 04/2025

2. Invited participant: symposium on 'African Perspectives on International Climate Change Law' at Harvard Law School on 03/2024 – presented on common but differentiated responsibility

3. Keynote address, 'Africa and IHL: The more things change, the more they stay the same', University of Johannesburg, Faculty of Law, 05/2023

4. Participant in the Lieber Institute's 2022 Annual Workshop on 'Making and Shaping the Law of Armed Conflict', organized by Professor Sandesh Sivakumaran, at the United States Military Academy West Point, New York, 11/2022

5. Convened a panel on 'The Individual as Protectee of International Humanitarian Law' at the 116th Annual Meeting of the American Society of International Law, Washington DC, 04/2022

6. Keynote panel participant: "ICC´s Contribution to the Development and Enforcement of International Humanitarian Law", Palacký University Olomouc, Faculty of Law (Czech Republic), 02/February 2021

7. Keynote address: ‘International Humanitarian Law in Africa’ (video recorded and sub-titled in French) for the *3e cours panafricain francophone avancé de droit international humanitaire (DIH)*, Abidjan, Côte d'Ivoire, 01/2019

Publications

Books

· International Law and Child Soldiers, Hart Publishing: Oxford (2015)

· South African Yearbook of International Law 2014 (Vol. 40), Centre for Public Law Studies, UNISA (edited with Professor Dire Tladi and Professor N Botha)

· South African Yearbook of International Law 2013 (Vol. 39), Centre for Public Law Studies, UNISA (edited with Professor N Botha)

Journal Articles

· ‘The alchemy of the right to life during the conduct of hostilities: A normative approach to operationalizing the “supreme right”’ European Journal of International Law European Journal of International Law 34(3) (2023) 615-646

· ‘The Subject-Matter Jurisdiction and Interpretive Competence of African Regional Human Rights Mechanisms in Relation to International Humanitarian Law’ African Human Rights Law Journal 20 (2020) 41-77

· ‘Implications of Children’s Rights for Military Justice in the Context of Members of the Armed Forces Younger than the Age of Eighteen’ Journal of International Peacekeeping 21(5) (2016) 275-301

· ‘Africa and the Law of Armed Conflict: The more things change, the more they stay the same’ International Review of the Red Cross 902 (2016) 593-624

· 'Gravity as a Requirement in International Criminal Prosecutions: Implications for South African Courts’ Comparative and International Law Journal of Southern Africa 47(1) (2014) 38-63

· ‘An Issues-Based Approach to “Human Rights”’ (2012) 37 South African Yearbook of International Law 61-81

· ‘The Pseudo Legal Personality of Non-State Armed Groups in International Law’ (2011) 36 South African Yearbook of International Law 226-236

· ‘Justice for Child Soldiers? The RUF Trial of the Special Court for Sierra Leone’ Journal of International Humanitarian Legal Studies 1 (2010) 189-204

· ‘Drawing the Boundaries between Terrorism and Crimes Against Humanity’ SA Public Law (2007) 22 (2) 457-476

· 'Journalists in War Zones: Crossing from the Newsroom into the Arena’ De Jure (2007) 40 (2) 379-383

Chapters in Books

· ‘Regionalism in the Making and Shaping of the Law of Armed Conflict’ in S Sivakumaran & C Burne (eds.) Making and Shaping the Law of Armed Conflict, Oxford University Press (forthcoming, 2024).

· ‘The International Criminal Court and the Protection of Child Soldiers Against Intra-Party Violence’ in M Faix and O Svaček (eds.) ICC Jurisprudence and the Development of International Humanitarian Law, Palgrave (2024).

· ‘Ansar al-Sunna (IS-affiliates) Engaging in a Mosaic of Violence in Mozambique: Terrorist, Rebels, or Both – Legal Implications and Challenges’ (with MM Bradley & J Phyffer) in M Svicevic & MM Bradley (eds.), Mozambique's Cabo Delgado Conflict: International Humanitarian Law and Regional Security, Routledge (2024) 100-120

· ‘Wild fauna and flora protection’ in R Geiß and N Melzer (eds.) The Oxford Handbook on International Law in Global Security, Oxford University Press (2021) 606-623

· ‘Child Soldiers and Human Trafficking’ in CRJJ Rijken, R Piotrowicz & B Uhl (eds.) The Routledge Handbook of Human Trafficking, Routledge (2017) 135-156

Blogs

· ‘Regionalism in Making and Shaping LOAC’ Articles of War, Lieber Institute of the United States Military Academy at West Point (2024)

Education

- PhD, International Law, School of Oriental and African Studies (SOAS), University of London, 2012
- LLB (cum laude), University of Pretoria, 2006

Memberships

- American Society of International Law (ASIL)
- The Constitutional and Administrative Law Bar Association (ALBA)

Publications - Books (authored)

- International Law and Child Soldiers, Hart Publishing: Oxford (2015)

Publications - Books (edited)

- South African Yearbook of International Law 2014 (Vol. 40), Centre for Public Law Studies, UNISA (with Professor Dire Tladi (as he then was) and Professor N Botha)
- South African Yearbook of International Law 2013 (Vol. 39), Centre for Public Law Studies, UNISA (with Professor N Botha)

Publications - Journal Articles

- ‘The alchemy of the right to life during the conduct of hostilities: A normative approach to operationalizing the “supreme right”’ European Journal of International Law European Journal of International Law 34(3) (2023) 615-646
- The Subject-Matter Jurisdiction and Interpretive Competence of African Regional Human Rights Mechanisms in Relation to International Humanitarian Law’ African Human Rights Law Journal 20 (2020) 41-77
- ‘Implications of Children’s Rights for Military Justice in the Context of Members of the Armed Forces Younger than the Age of Eighteen’ Journal of International Peacekeeping 21(5) (2016) 275-301
- ‘Africa and the Law of Armed Conflict: The more things change, the more they stay the same’ International Review of the Red Cross 902 (2016) 593-624
- 'Gravity as a Requirement in International Criminal Prosecutions: Implications for South African Courts’ Comparative and International Law Journal of Southern Africa 47(1) (2014) 38-63
- ‘An Issues-Based Approach to “Human Rights”’ (2012) 37 South African Yearbook of International Law 61-81
- ‘The Pseudo Legal Personality of Non-State Armed Groups in International Law’ (2011) 36 South African Yearbook of International Law 226-236
- ‘Justice for Child Soldiers? The RUF Trial of the Special Court for Sierra Leone’ Journal of International Humanitarian Legal Studies 1 (2010) 189-204
- ‘Drawing the Boundaries between Terrorism and Crimes Against Humanity’ SA Public Law (2007) 22 (2) 457-476
- 'Journalists in War Zones: Crossing from the Newsroom into the Arena’ De Jure (2007) 40 (2) 379-383

Publications - Chapters in Books

- ‘Regionalism in the Making and Shaping of the Law of Armed Conflict’ in S Sivakumaran & C Burne (eds.) Making and Shaping the Law of Armed Conflict, Oxford University Press (forthcoming, 2024).
- ‘The International Criminal Court and the Protection of Child Soldiers Against Intra-Party Violence’ in M Faix and O Svaček (eds.) ICC Jurisprudence and the Development of International Humanitarian Law, Palgrave (2024).
- ‘Ansar al-Sunna (IS-affiliates) Engaging in a Mosaic of Violence in Mozambique: Terrorist, Rebels, or Both – Legal Implications and Challenges’ (with MM Bradley & J Phyffer) in M Svicevic & MM Bradley (eds.), Mozambique's Cabo Delgado Conflict: International Humanitarian Law and Regional Security, Routledge (2024) 100-120

- ‘Wild fauna and flora protection’ in R Geiß and N Melzer (eds.) The Oxford Handbook on International Law in Global Security, Oxford University Press (2021) 606-623
- ‘Child Soldiers and Human Trafficking’ in CRJJ Rijken, R Piotrowicz & B Uhl (eds.) The Routledge Handbook of Human Trafficking, Routledge (2017) 135-156

Publications - Blogs

- ‘Regionalism in Making and Shaping LOAC’ Articles of War, Lieber Institute of the United States Military Academy at West Point (forthcoming, 2024)

Areas of Expertise

- Administrative Public Law
- Inquiries And Inquests
- Human Rights Equalities