

Dr Gus Waschefort  
(Member) Guernica 37

**Called:**  
(England and Wales) 2021  
(South Africa) 2007

## Education

**PhD, SOAS, University of London (2012)**  
**LLB, Pretoria – distinction (2006)**

## Introduction

Gus Waschefort is a Member both of the Bar of England and Wales, as well as the Bar of South Africa and a Member of Guernica 37 Chambers. Gus has a broad public international law practice, with specific expertise in relation to the African continent. Additionally, he is Associate Professor of International Law at the University of Essex, and is internationally recognised as a leading authority on the law and policy regarding child protection during armed conflict, as well as the regulation of armed conflict in an African context.

Gus was born and raised in South Africa. He commenced his career as a professional photojournalist, working in conflict and post-conflict settings in states such as the DRC, Liberia and South Sudan. As such, his regional expertise on sub-Saharan Africa is informed by two decades' experience traveling and working in more than twenty states across the continent, including in zones of active hostilities.

## Current Work

Gus has a predominantly international focus in his practice. He is currently instructed by the Federal Republic of Nigeria in the ongoing Advisory



Proceedings on Obligations of States in respect of Climate Change before the International Court of Justice (ICJ).

His recent and ongoing work further includes being instructed and/or advising on matters relating to accountability and Rule of Law development in the Gambia; climate litigation in Africa (including the Advisory Proceedings before the ICJ); matters before the European Court of Human Rights and the Kosovo Specialist Chambers; submissions to UN treaty bodies and special procedures; accountability mechanisms in the Middle Eastern context; immunities and privileges before international organizations; sanctions regimes of the EU, US and UK; submissions to the Office of the Prosecutor of the International Court in terms of Article 15 of the Rome Statute; and provision of training and strategic engagement regarding domestic prosecution for atrocity crimes.

## Experience

Gus aims for synergy between his work as practitioner and his academic work. For example, his recent article published in the European Journal of International Law on the right to life during armed conflict is informed by his experience as advisor to the former UN Special Rapporteur on extrajudicial executions (2010-2013). This included advising on the legality of significant world events, such as the killing of Osama bin Laden, as well as leading a multi-disciplinary investigation into large-scale extra-judicial executions during the closing phases of the Sri Lankan Civil War.

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Gus has provided legal advice and training to the United Nations, as well as branches of the armed forces, government departments, national human rights mechanisms, and civil society organizations in countries as diverse as Sweden and the Democratic Republic of the Congo. His scholarship is routinely published in leading publications and his book on 'International Law and Child Soldiers' (Bloomsbury, 2015) remains one of the leading texts in this field. Key themes in his practice and published work includes, an African regional understanding of public international law and its development, the nexus between peace and security and environmental protection, the regulation of Armed Conflict, the protection of children during armed conflict, and the enforcement mechanisms of the UN and African human rights system.

Gus frequently speaks at high-level international conferences, workshops and expert groups, including, the Annual Meeting of the American Society of International Law, the Annual Conference of the European Society of International Law and the Biennial Conference of the International Law Association. He has held several visiting appointments, including at New York University's Centre for Human Rights and Global Justice; the Swedish Defence University; the Centre for Human Rights of the University of Pretoria; and most recently as Visiting Professor at Palacký University in the Czech Republic. Gus is also one of the invited faculty of the exclusive United Nations Audiovisual Library on International Law.

### Training and capacity building

Gus has extensive experience in the design and delivery of bespoke training in the field of general international law, international human rights law and international humanitarian law. Illustrative examples include:

- Design and in-country delivery of training to the Afghanistan Independent Human Rights Commission on international humanitarian law, and separately on international human rights law.
- Three-month-long officer training on the Law of Armed Conflict for rank progression from Major to Captain, Swedish Defence University.
- Bespoke training delivered to the Somali Independent Police Oversight Mechanism on the rights of persons in conflict with the law.

### Experience working with the UN

Gus has extensive experience working with the UN Human Rights architecture. Between August 2010 and February 2013, he served as legal advisor to then UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns. In this capacity, he played a central role in strategizing responses to significant violations of the right to life and in formulating official reports of the Special Rapporteur. Notable examples include:

- Eduardo Nicolás Cruz Sánchez et al v Peru, Inter-American Court of Human Rights (2013) - assisted the Special Rapporteur in preparing his amicus curiae submission.
- Policing of protests (2012-2013)
- Targeted Killings by the US (2010-2013)
- Capital Punishment (2010-2013)
- Protection of Journalists (2012)
- Extrajudicial executions in Sri Lanka (2011)
- Killing of Osama bin Laden (2011)

### Memberships

The Honourable Society of the Middle Temple  
Legal Practice Council, South Africa



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## Appointments and Awards

- Associate Professor, Essex Law School and Human Rights Centre (September 2016 to present)
- Visiting Professor, Palacký University, Czech Republic (October 2021)
- Extraordinary Lecturer, Centre for Human Rights, and Fellow of the Institute for International Law in Africa, both of the University of Pretoria (1 October 2017 – December 2020)
- Invited Faculty, United Nations Audio Visual Library Lecture Series: ‘International Law and Child Soldiers’ (9 August 2016) [https://legal.un.org/avl/ls/Waschefort\\_LAC.html](https://legal.un.org/avl/ls/Waschefort_LAC.html)
- Co-Editor in Chief, South African Yearbook of International Law (2013 to 2016)
- Assistant Editor, African Yearbook of International Humanitarian Law (2014 to 2017)
- International Editorial Board, The Journal of Trafficking and Human Exploitation (2015 to 2018)
- Member of the International Human Rights Law Committee of the International Law Association (November 2013 to August 2016)
- Visiting Researcher, Swedish Defense University, Stockholm, Sweden (1 October 2014 to 31 December 2014)
- Visiting Scholar, Center for Human Rights and Global Justice, New York University (November 2012 to January 2013)

## Publications

### Books (authored)

- International Law and Child Soldiers, Hart Publishing: Oxford (2015) (blind peer reviewed, 254 pages)

## Journal Articles

- ‘The alchemy of the right to life during armed conflict: 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

### **Books (edited)**

South African Yearbook of International Law 2014 (Vol. 40), Juta Publishing: Cape Town (with D Tladi and N Botha)

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

### **Chapters in books**

'Regionalism in the Making and Shaping of the Law of Armed Conflict' in S Sivakumaran & Christian R. Burn (eds.) *Making and Shaping the Law of Armed Conflict*, Oxford University Press (forthcoming, 2024).

'The Protection of Child Soldiers Against Intra-Party Violence during Armed Conflict' in M Faix and O Svaček (eds.) *Development of IHL in the Jurisprudence and Practice of the ICC*, Palgrave (forthcoming, 2024).

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

'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

### **Expertise**

Public International Law

The African Region

International Humanitarian Law

International Human Rights Law

Environmental protection in the context of regional security in Africa

International Criminal Law

### **Languages**

English

Afrikaans

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