

Esmé Shirlow

Barrister



Practice summary

Dr Esmé Shirlow practices in public international law and international arbitration, with a particular focus on investor-State dispute settlement and State-State disputes. She accepts briefs for claimants and respondent States in investment treaty proceedings and is available to advise and appear on international law matters including in domestic proceedings and in disputes before international courts and tribunals.

Esmé has acted as counsel in proceedings under the major arbitral rules, including the ICSID and UNCITRAL rules. Her case experience spans investment treaty claims under BITs and FTAs across multiple jurisdictions, including proceedings concerning Australia, Qatar, Egypt and Kazakhstan. She previously acted in the landmark *Philip Morris Asia v Australia* tobacco plain packaging arbitration and in proceedings brought before the International Court of Justice by Timor-Leste. She has also served as legal associate to several investment treaty tribunals.

In addition to her practice, Esmé is an Associate Professor at the Australian National University's College of Law, Governance and Policy, where she teaches and researches international investment law, international dispute settlement, and public international law. Among other works, she is the author of *Judging at the Interface: Deference to Domestic Authority in International Adjudication* (Cambridge University Press, 2021) and co-editor of *By Peaceful Means: International Adjudication and Arbitration* (Oxford University Press, 2024). Her edited volume on the Vienna Convention on the Law of Treaties in investor-State disputes (Kluwer, 2022) was awarded the 2024 American Society of International Law Certificate of Merit. She holds an ARC Discovery Grant (2026-2029) for her research on the International Court of Justice.

Esmé has served as an expert consultant with the Australian Department of Foreign Affairs and Trade, the International Institute for Sustainable Development, and the Centre for Trade and Investment Law established by the Government of India. She has presented at events organised by the Permanent Court of Arbitration, International Centre for Settlement of Investment Disputes, American Society of International Law, the Asia-Pacific Economic Cooperation, and leading law schools. Esmé serves on the editorial boards of several international law journals, including the *ICSID Review – Foreign Investment Law Journal* and *Journal of International Arbitration*. She has served as Vice President (Australia) of the Australia and New Zealand Society of International Law, and currently serves as a member of the ACT Committee of ACICA.

Practice areas

The types of matters Esmé works on fall into one or more of the following general descriptions:

- Investment arbitration
- International law
- International dispute settlement

**Blackburn
Chambers**

(02) 6247 5040
clerk@blackburnchambers.com.au

Level 12, 1 Hobart Place
Canberra ACT 2601
blackburnchambers.com.au

Qualifications

- PhD as a Dickson Poon Scholar from King's College London, for which she was awarded the King's Elsevier Outstanding PhD Thesis Prize
- LL.M. from the University of Cambridge, for which she was awarded the BRD Clarke Prize for Best Overall Performance in the LL.M.; the Whewell Scholarship in International Law; the Clive Parry Prize for Best Result in International Law; and the Amanda Perreau-Saussine de Ezcurra Prize, History and Philosophy of International Law, amongst other prizes
- LL.B. (Hons) and B.A. at the ANU

Publications

- Grisel and Shirlow, The World in a Court: How the ICJ's Organizational Practices Promote Stability in a Contested Field *Law & Society Review* (2025)
- Brower, Donoghue, Murphy, Payne, Shirlow (eds), *By Peaceful Means: International Adjudication and Arbitration* (Oxford University Press, 2024)
- Shirlow and Gore (eds), *The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution and Future* (Kluwer, 2022)
- Shirlow and Duggal, The ILC Articles on State Responsibility in Investment Treaty Arbitration, *ICSID Review – Foreign Investment Law Journal* (2022)
- Shirlow, Investment Protection in the AEUFTA: Missed Opportunities or Strategic Exclusions?, *European Yearbook of International Economic Law* (2022)
- Shirlow, Judging at the Interface: Deference to Domestic Authority in International Adjudication (Cambridge University Press, 2021)
- Shirlow and Waibel, A Sliding Scale Approach to Travaux in Treaty Interpretation: The Case of Investment Treaties (2021) 89 *British Yearbook of International Law*
- O'Neill, Thorburn, Riley, Maynard, Shirlow, Hunt, Renewable Energy Development on the Indigenous Estate: Free, Prior and Informed Consent and Best Practice in Agreement-Making in Australia (2021) 81 *Energy Research & Social Science*
- Shirlow, Deference, *Max Planck Encyclopedia of International Procedural Law* (2021)
- Shirlow, The Promises and Pitfalls of Investor-State Mediation (2021) *Yearbook on International Investment Law & Policy* 2019, 461-513
- Shirlow, E-Discovery in Investment Treaty Arbitration: Procedures, Challenges, and Opportunities (2020) 11(4) *Journal of International Dispute Settlement* 549-588

Selected List of Recent Cases

- *Zeph Investments Pty Ltd v The Commonwealth of Australia I* (“Balmoral South Claim”) (PCA Case No 2023-40)
- *Zeph Investments Pty Ltd v The Commonwealth of Australia II* (“Environmental Offsets Claim”) (PCA Case No 2023-67)
- *Zeph Investments Pty Ltd v The Commonwealth of Australia III* (“Galilee Claim”) (PCA Case No 2024-23)
- *Zeph Investments Pty Ltd v The Commonwealth of Australia IV* (“Jericho Power Station Claim”) (PCA Case No 2024-48)
- *Tayeb Benabderrahame v State of Qatar* (ICSID Case No. ARB/22/23)
- *Gesenu S.p.A. v. Arab Republic of Egypt* (ICSID Case No. ARB/20/45)
- *Big Sky Energy Corporation (US) v. Republic of Kazakhstan* (ICSID Case No. ARB/17/22)

Contact

Telephone 02 6247 5040

Email Shirlow@blackburnchambers.com.au

**Blackburn
Chambers**

(02) 6247 5040
clerk@blackburnchambers.com.au

Level 12, 1 Hobart Place
Canberra ACT 2601
blackburnchambers.com.au