

Esmé Shirlow

Barrister



Practice summary

Dr Shirlow has extensive experience in international law and acts for both claimants and respondents in international proceedings. She currently serves as an Expert Peer Reviewer for the Centre for Trade and Investment Law established by the Government of India and has previously served as a Subject-Matter Expert for the Australian Department of Foreign Affairs and Trade and an Expert Consultant for the Investment Law and Policy Team of the International Institute for Sustainable Development.

Dr Shirlow was a sole practitioner prior to coming to the bar. In addition to her practice, Dr Shirlow is an Associate Professor at the ANU College of Law, Policy and Governance where she researches and teaches international law and investment arbitration at undergraduate and postgraduate levels. In addition to her work as counsel, she has previously worked as a legal associate to several investment treaty tribunals, and in the Attorney-General's Department's Office of International Law on international disputes to which Australia was party (including the investor-State arbitration proceedings brought by Philip Morris Asia against Australia's tobacco plain packaging legislation and proceedings in the International Court of Justice filed by Timor-Leste).

Dr Shirlow has served as the Vice President (Australia) of the Australia and New Zealand Society of International Law (ANZSIL); as Co-Chair of ANZSIL's International Economic Law Interest Group; as a member of the ANZSIL Council; as a Member of the ACT Committee of the Australian Centre for International Commercial Arbitration; and as a Senior Fellow of the Higher Education Academy. She also serves or has served on the editorial boards of several international journals, including as General Editor (Editor-in-Chief) of the Australian Year Book of International Law; Editorial Board Member for the Journal of International Arbitration; and Associate Editor of the ICSID Review – Foreign Investment Law Journal.

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

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

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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

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