

Professor Nick Grief (Associate)



Call: 1996

Profile

With over 40 years' experience as a legal academic in three universities, Nick is now Emeritus Professor of Law at the University of Kent where he completed his undergraduate and doctoral studies. Throughout his career, he specialised in public international law, EU law and human rights law with particular reference to airspace, outer space and nuclear weapons.

In 2018 Nick and his Kent colleague Professor Shona Illingworth, an acclaimed visual artist, established the *Airspace Tribunal*, a people's tribunal, to examine the case for and against a proposed new human right to live without physical or psychological threat from above (www.airspacetribunal.org). Hearings have been hosted in London, Sydney, Toronto and Berlin with the aim of submitting a reasoned proposal to the UN and other organisations, and a special issue of the *Journal of Digital War* will be devoted to the project's outcomes.

Nick practised at the Bar for 25 years, mainly as an Associate Tenant at Doughty Street. He was a member of the legal team which represented the Marshall Islands before the ICJ in cases against India, Pakistan and the UK concerning the obligation to negotiate in good faith towards nuclear disarmament. He has advised on the legal position of Trident submarine Commanding Officers and on the possible prosecution of the Prime Minister in connection with the deployment of Trident. In 2022, as part of the Universal Periodic Review process, he

advised on a submission by 18 civil society organisations to the UN Human Rights Council concerning the compatibility of the UK's nuclear weapons policies with International Human Rights Law. In 2021, he addressed the European Parliament's Subcommittee on Human Rights on Belarus's responsibility for the diversion and forced landing of Ryanair flight FR4978.

Besides defending protesters accused of public order offences at AWE Aldermaston where the warheads for Trident are built and maintained (including *R v Juliet McBride* in 2008, the first trial for aggravated trespass under s128 of the Serious Organised Crime and Police Act 2005 as amended by s12 of the Terrorism Act 2006), Nick has given evidence to English courts on the legality of nuclear weapons and to the House of Commons Defence Committee on the legal implications of the White Paper on 'The future of the United Kingdom's nuclear deterrent'. In the 1990s Nick was closely involved in the World Court Project (notably as the author of a legal memorandum entitled 'The World Court Project on Nuclear Weapons and International Law') which led to the ICJ's advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons* in July 1996. He is a member of the Center of Theological Inquiry, Princeton and from 1999 to 2008 was joint editor of the *European Human Rights Reports*.

Education

Senior Fellow of the Higher Education Academy (2018)

PhD 'Public International Law in the Airspace of the High Seas': University of Kent (1992)

BA (Hons) 'Law with French' (Class I): University of Kent; Maxwell Law Prize (1978)

Languages

French

Spanish

Related practice areas

Public International Law

International Human Rights Law

Recent publications

- Grief N.J., 2022. The Airspace Tribunal: Developing the Human Rights Dimension of Airspace and Outer Space. In Shona Illingworth, *Topologies of Air* (Downey, A. ed): London, Sternberg Press, 233-238
- Grief N.J., 2021. The Implications of Unilateral Sanctions for the Freedom of Aviation. In Subedi, S.P. ed., *Unilateral Sanctions in International Law*. Oxford, Hart Publishing, 107-135
- Grief, N.J., 2020. 'The Airspace Tribunal and the Case for a New Human Right to Protect the Freedom to Live without Physical or Psychological Threat from Above'. *Journal of Digital War* 1(1) 58-64
- Grief, N.J., Illingworth, S., Hoskins, A. and Conway, M., 2018. 'The Airspace Tribunal: towards a new human right to protect the freedom to exist without physical or psychological threat from above'. [2018] *European Human Rights Law Review* 201-207