

T. 020 7404 3447 (Practice manager, Jason Housden 020 7611 9404)  
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Year of call: 1990



## Main Areas of Practice

Environmental Law

European Union Law

Public International Law

Public Law

Human Rights

Kate specialises in all aspects of environmental law, including international and European work. She also practices generally in public international and European Union law and on the domestic side of public law, particularly in cases with a human rights or European Union element.

She is experienced in both European Union and public international law. She has a particular expertise in European litigation and international negotiations having worked as a legal advisor at the Department of Environment (International and EC Division) (1993-99) before joining Matrix. Kate also lectures regularly on environmental law, public law and human rights.

Notable public international law cases in which she has been involved include: *Argentina v Uruguay* (ICJ) (pulp mills); *Croatia v Fry* (ICJ); *USA v European Union* (Genetically Modified Organisms) preparatory work for pending WTO Panel proceedings. Kate acted in the following public law cases: *The Countryside Alliance and others v HM Attorney General and Others* (the hunting ban); *Purja and others v Ministry of Defence* (public law discrimination case brought on behalf of Gurkha soldiers); and *Transport for London v London Underground* (public private partnerships, judicial review). Other recent environmental law work includes advising NGOs on the ongoing climate change negotiations, advising on EU legislation banning trade in seal skins and advising on the UK marine bill. In 2006 and 2007 Kate was a member of two international Panels which reported on the legal issues relating to Japanese special permit whaling. She has also advised on ICSID arbitration, acting for Argentina in a dispute concerning the privatisation of the water supply for Buenos Aires.

Kate also has a growing practice in development-related work. Work in this area includes making a presentation to the European Parliament Committee on Development on legal issues relating to the negotiation of the new Economic Partnership Agreements with ACP countries and advising on the right to food and on supermarkets dealings with suppliers based in developing countries.

## Notable cases

### [Argentina v Uruguay \(ICJ\) \(2009\)](#)

Philippe Sands QC and Kate Cook represented Argentina in this case concerning the environmental impact of pulp mills on the river Uruguay.

### [Application of the Convention on the Prevention and Punishment of Genocide \(Croatia v Yugoslavia\) \(ICJ\) ongoing](#)

The case was referred to the International Court of Justice by Croatia, who contended that the Federal Republic of Yugoslavia (FRY) had violated the Genocide Convention 1948 through activities undertaken against Croatian citizens between 1991 and 1995. Philippe Sands QC and Kate Cook are representing Croatia.

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## Notable Cases

### [The Countryside Alliance v Attorney General \(2007\)](#)

Rabinder Singh QC and Kate Cook represented the RSPCA in a challenge brought by the Countryside Alliance and others to the Hunting Act 2004.

### [Singapore Batam waste dispute \(2005\)](#)

Kate Cook and Philippe Sands QC assisted the Government of the Republic of Singapore in resolving a dispute relating to a shipment of material from Singapore to Indonesia which took place last year.

### [USA v European Union \(2004\)](#)

Kate Cook was involved in the early stages of this case in which the United States brought the case in before the WTO Dispute Settlement Body in response to the European Union moratorium on the approval of GMOs.

### [R \(Purja & Ors\) v Ministry of Defence \(2003\)](#)

The case concerned the differential treatment afforded to Gurkha soldiers in the British Army in respect of eligibility for POW ex gratia treatment and same conditions of service and pension rights.

### [R \(Greenpeace\) v DEFRA \(2002\)](#)

Greenpeace contended that the import of Brazilian mahogany into the United Kingdom was unlawful because it constituted a breach of the regulatory regime of the European Union and because it contravened obligations in the Convention on Trade in Endangered Species of Wild Fauna and Flora 1973 (CITES).

### [R \(Transport for London\) v London Underground Ltd \(2001\)](#)

The case concerned the existence of an implied duty requiring LRT and LUL to act in accordance with the Mayor of London's transport strategy made pursuant to the Greater London Authority Act 1999.

## **International Environmental Treaty Negotiations in which Kate has been involved include:**

[Represented the UK at the following treaty negotiations \(either as sole representative or as legal advisor\):](#)

- The Cartagena Protocol on Biosafety (trade in genetically modified organisms) including chairing the working group on liability
- The Liability Protocol to the Basel Convention (transboundary movement of hazardous wastes) Vice Chair of the ad hoc Working Group
- The revision of the FAO International Undertaking on Plant Genetic Resources
- The Council of Europe Convention on the Protection of the Environment Through the Criminal Law
- The UN/ECE Guidelines on Public Participation in Environmental Decision Making

[Represented the UK at the following conferences of the parties:](#)

- CITES (trade in endangered species) - seconded to the Secretariat
- Basel Convention (hazardous waste)
- Convention on Biological Diversity

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## Notable Cases

Represented the UK at the following conferences of the parties continued...

- IUCN: World Conservation Congress
- Berne Convention (wildlife) Standing Committee

Advised the Government on these and other international instruments, including the Bonn Convention (migratory species) and the International Whaling Convention.

## Publications

- Wildlife Law: Conservation & Biodiversity (Cameron May, 2004)
- Contributor, The Cartagena Protocol on Biosafety (publication 2001)
- 'Environmental Rights as Human Rights' in EHRLR (2002)

## Directory Recommendations

Chambers & Partners 2010 rank Kate Cook as a leading junior in Environmental Law, a "*clever and personable individual with a strong track record*". She is also recommended as a leading junior in Legal 500 2009, "*very useful experience of Government*".

Chambers and Partners 2009 recommended Kate Cook as an up-and-coming individual in Environmental Law. Legal 500 2008 also mentioned Kate Cook's work in Environmental Law.

Kate Cook joins the rankings as the result of possessing a niche environmental practice with an international slant. Previously a lawyer at DEFRA's international and EC division, she is well experienced and provides Greenpeace with ongoing advice on illegal logging practices. She also advised on the Singapore waste mediation (Chambers and Partners Environmental 2007).

## Other information

- 2007 - Appointed as an Association member of Oxfam GB and as a member of Oxfam's Trustee, Audit and Finance Group.
- 2006 - Appointed to the ICUN (World Conservation Union) commission on Environmental Law
- Legal Advisor, Department of Environment, Transport and the Regions, International & EC Legal Division - 1993 to 2000
- Sabbatical 1999 to 2000; LLM at New York University Law School (International Legal Studies)
- Research officer with Industrial Relations Law Bulletin (IRS) - 1993
- Stage (Middle Temple: Bristow Award) with the Legal Service of the EC Commission (with Karen Banks: social affairs, discrimination and employment) and at the European Court of Justice (in the chambers of A-G Francis Jacobs) - 1991 to 1992