



## KATE COOK

### MAIN AREAS OF PRACTICE:

Arbitration  
Discrimination and Equality  
Education  
Environmental Law and Natural Resources  
EU Law  
Human Rights  
International Law  
Local Government Law  
Public and Private International Law

### Called to the Bar 1990

### CONTACT:

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Elizabeth Boucher, Senior  
Practice Manager  
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Kate specialises in all aspects of environmental law, including public international and European work.

She is experienced in public international law. Notable recent public international law cases in which she has been instructed as Counsel include: ICJ *Croatia v Serbia* (2014); ICJ *Australia v Japan* ("Antarctic Whaling" 2013); ICJ *Argentina v Uruguay* (2009).

She also has a particular expertise in international treaty negotiations, having worked as a legal advisor at the Department of Environment (International and EC Division) (1993-99) before joining Matrix.

Other recent work includes advising on the new EU common fisheries policy as it relates to fishing outside Union waters (including on the negotiation of sustainable fisheries partnership agreements with developing countries), advising the FAO on ongoing international negotiations relating to forestry, advising on the operation of EU legislation controlling trade in timber, advising Least Developed Countries and NGOs on the ongoing climate change negotiations and advising on EU legislation banning trade in seal skins. She has advised NGOs on the Arms Trade Treaty (ATT) negotiations. 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 advises regularly on issues relating to animal welfare and trade.

Kate also has a 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 Economic Partnership Agreements with ACP countries, advising on the human right to food and on supermarkets dealings with suppliers based in developing countries.

She practices generally in public law, particularly in cases with a public international, human rights or European Union element. Kate acted in the following leading 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).

In 2014 Kate was appointed to the Attorney General's Public International Law Panel of Counsel (B Panel).

In 2015 Kate was appointed as Chair of the Legal Response Initiative, an organisation which provides pro bono support to Least Developed Countries and NGOs at the UNFCCC climate change negotiations.

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Elizabeth Bousher, Senior Practice Manager  
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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY:

"She is able to convey complex legal concepts in a clear manner. Her in-depth knowledge of international intergovernmental processes significantly contributes to her ability to advise in the domestic context."

(Chambers and Partners 2019, Environment)

"She is a specialist in international environmental law."

(Chambers and Partners 2018, Environment)

"Extensive experience on a range of climate change-related issues at the international and national levels."

(Legal 500 2018, Environment)

"She is extremely authoritative, has a good track record and is well regarded.", "Her contextual knowledge of public and environmental law is extremely impressive."

(Chambers and Partners 2017, Environment)

## NOTABLE CASES

**ICJ Croatia v Serbia (2014)** 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. James Crawford SC, Philippe Sands QC and Kate Cook, Helen Law, Blinne Ni Gralagh and Eddie Craven are acted for Croatia.

**ICJ Australia v Japan (Antarctic Whaling) (2013)** James Crawford, Philippe Sands QC and Kate Cook acted for the Australian government in proceedings instituted by Australia in the International Court of Justice in the Hague relating to a dispute concerning Japan's ongoing JARPA II program on "scientific whaling" in the Antarctic Ocean.

**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.

**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

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- 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
- 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

**2012 Solidarity as a Basis for Human Rights** (published in two parts in EHRLR issues 5 and 6)

**Wildlife Law: Conservation & Biodiversity** (Cameron May, 2004)

Contributor, **The Cartagena Protocol on Biosafety** (publication 2001)

'**Environmental Rights as Human Rights**' in EHRLR (2002)

## OTHER INFORMATION

**2009-2015:** Member of the Legal Response Initiative Steering Committee (providing support to Least Developed Countries at the climate change negotiations)

**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

**1993 – 2000:** Legal Advisor, Department of Environment, Transport and the Regions, International & EC Legal Division

**Sabbatical 1999 to 2000:** LLM at New York University Law School (International Legal Studies)

**1993:** Research officer with Industrial Relations Law Bulletin (IRS)

**1991-1992:** 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)

Kate is regulated by the Bar Standards Board and accepts instruction under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.