

Kate Parlett

CALL: 2015 (ENGLAND AND WALES); 2010 (SOLICITOR,
ENGLAND AND WALES); 2005 (SOLICITOR, AUSTRALIA)

✉ enquiries@twentyessex.com

☎ +44 (0)20 7842 1200

Languages: French (conversational)



Overview

Kate specialises in public international law and international arbitration.

She acts for States and private entities on matters covering land and maritime boundaries, investment treaty and contract disputes, international trade law, human rights, law of the sea, State responsibility, treaty obligations, immunities, transboundary environmental harm, sanctions and international crimes. Kate regularly appears as an advocate before the International Court of Justice (ICJ).

Kate represents States and investors in investment treaty arbitrations, under the ICSID and UNCITRAL rules. She has also advised clients on how to structure their investments to take advantage of protections offered by investment treaties and foreign investment laws.

She has experience in international commercial arbitrations under the ICC, LCIA and Stockholm Chamber of Commerce rules.

Kate also sits as arbitrator.

She has taught public international law, international investment and commercial arbitration, and international human rights law at the universities of Cambridge, Paris-II (Panthéon-Assas), Queen Mary (University of London), Queen's University (Canada), Queensland and at the Graduate Institute in Geneva. Kate is ranked as a 'Future Leader' in Who's Who Legal Arbitration and amongst those most highly regarded in EMEA. She is also ranked as a leading junior in the directories for public international law.

Publications

- '[COVID-19 and Investment Treaty Claims](#)' *Kluwer Arbitration Blog* (30 March 2020) with Dr Federica Paddeu
- 'Into the Void: A Counsel Perspective on the Need to Articulate Rules Concerning Disclosure Before the ICJ' 113 (2019) *AJIL Unbound* 302, and (2020) *ASIL Proceedings* 219, with Amy Sander.
- 'Advocacy' in *Max Planck Encyclopedia of International Procedural Law* (2019) (with Samuel Wordsworth QC).
- 'Parties' engagement with experts in international adjudication' (2018) 9(3) *Journal of International Dispute Settlement*
- 'The Relevance of State Conduct in Territorial Disputes' in M Kohen and M Hébié (eds), *Research Handbook on Territorial Disputes in International Law* (Edward Elgar 2018).
- 'Protection of the Environment in Investment Arbitration – A Double-Edged Sword', *Kluwer Arbitration Blog* (22 August 2017) (with Sara Ewad).
- 'Valuing Women as Counsel in International Adjudication' (2017) *ASIL Proceedings*

Education

- University of Cambridge: PhD in Public International Law (2009)
- University of Cambridge: Master of Laws in International Law, First Class (2005)
- University of Queensland: Bachelor of Laws, First Class (2001)
- University of Queensland: Bachelor of Arts, Major in History (1999)

- 'Jurisdiction of the Arbitral Tribunal in *Philippines v China* under UNCLOS and in the Absence of China' (2016) *AJIL Unbound*
- 'Beyond the four corners of the Convention: expanding the scope of jurisdiction of law of the sea tribunals' (2017) *Ocean Development and International Law*
- *The Individual in the International Legal System: Continuity and Change in International Law* (Cambridge University Press 2011); reviewed in (2012) 23(1) *EJIL*
- Assistant editor with J Crawford, A Pellet and S Olleson of *The Law of International Responsibility* (Oxford University Press 2010).

Professional memberships

- Attorney General's Public International Law B Panel (2017-2022)
- British Institute of International and Comparative Law: member of the Public International Law Advisory Panel
- Commonwealth Secretariat on Oceans and Natural Resources: consultant expert panel
- Cambridge Journal of International and Comparative Law: Academic Review Board
- International Law Association (ILA) (Australian Branch) and member of the ILA Study Group on Individual Responsibility in International Law
- American Society of International Law
- Commercial Bar Association

Lectures/talks

- '[Investment Treaty Claims in the Construction Sector](#)': joint Twenty Essex CMS webinar (9 September 2020).
- 'Evidence before the ICJ: the challenges of recent cases': speaker at workshop on Evidence in International Litigation, International Comparative and International Law Research Center, Moscow, Russia (9 November 2018).
- 'Investment arbitration: a view from practice': lecture at Graduate Institute of International Law and Development, Geneva, Executive LLM (4 November 2018).
- 'Practicing before the ICJ': lecture at London School of Economics, LLM on international dispute settlement (30 October 2018).
- 'The future of investment treaty arbitration in the energy sector in Europe': panellist at LCIA/APIN

Conference on Dispute Resolution in the Oil and Gas Business (25 October 2018).

- 'Inter-State dispute settlement in practice': lecture at King's College London, Executive LLM (20 July 2018).
- 'The renewable energy cases and the relevance of EU law': speaker at workshop on 'A Multifaceted Approach to Trade Liberalization and Investment Protection in the Energy Sector', University of Geneva (21 June 2018).
- 'How suited are private claims for public wrongs?': inquisitor at GAR Live Energy Disputes, London (14 June 2018).
- 'Croatia/Slovenia: A Model for Peace Defiled?': panel on the top cases of 2017, International Law in Review, Centre for International Law, National University of Singapore, Singapore (8 February 2018).
- 'Holding investors to account through arbitration: potential liability for environmental degradation': Annual Colloquium on International Law Office of International Law, Attorney-General's Department, Government of Australia, Annual Colloquium on International Law (December 2017).
- 'Advocacy in Inter-State Disputes': speaker at PCA India Conference, New Delhi (7 October 2017).
- 'Parties' engagement with experts in international adjudication': presentation in a workshop hosted by the Max Planck Institute of Procedural Law in Luxembourg (28-29 April 2017).

Example cases

- Counsel to the claimant in *Energopro A.S. v Republic of Bulgaria* (ICSID Case No. ARB/15/19), under a bilateral investment treaty and the Energy Charter Treaty.
- Advising on the enforcement of a political risk insurance policy in connection with proceedings under a bilateral investment treaty in the natural resources sector in Asia.
- Representing Her Royal Highness Princess Haya bint Al Hussein in proceedings against His Highness Sheikh Mohammed bin Rashid Al Maktoum concerning their two children, and in relation to complex issues of diplomatic and head of government immunity, and the effectiveness of waivers of immunity. Copies of the four published judgments in relation to this matter are available [here](#).
- Representing applicants before the European Court of Human Rights in a case involving expropriation of property rights in a substantial piece of land in eastern Europe.
- Sitting as a member of a tribunal in an ICC dispute concerning a joint venture in the telecommunications sector in Asia.
- *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v Chile)* ICJ: counsel to the Republic of Chile in relation to Bolivia's claim for sovereign access to the sea.
- Counsel to the claimant in UNCITRAL proceedings involving a dispute over a plant in an eastern European State, involving complex issues of State succession.
- *Maritime Delimitation (Costa Rica v Nicaragua) & Land Boundary in the Northern Part of Isla Portillos (Costa Rica v Nicaragua)* ICJ: counsel to the Republic of Costa Rica in relation to delimitation of the maritime boundaries in the Pacific

Ocean and the Caribbean Sea, and sovereignty over territory adjacent to the Caribbean Sea.

- Advising a State on the prospects of a claim under the General Agreement on Trade in Services under the World Trade Organization dispute settlement mechanisms.
- *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua)*, & *Construction of a Road in Costa Rica Along the San Juan River (Nicaragua v Costa Rica)*(ICJ): counsel to the Republic of Costa Rica in these cases concerning sovereignty over territory and transboundary environmental impacts.

Public international law

- Acting for an individual in a case in the English courts involving issues of foreign act of State.
- Representing the FCDO in the High Court in *Charles & Dunn v FCDO*, a case concerning the existence and scope of immunity of the spouse of a US diplomat in the UK.
- *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*, International Court of Justice, Counsel to Belize.
- Representing the United Kingdom before the European Court of Human Rights in *Hanan v Germany*, a case concerning issues of extraterritorial jurisdiction in the context of an armed conflict.
- Advising on the enforcement of a political risk insurance policy in connection with proceedings under a bilateral investment treaty in the natural resources sector in Asia.
- Representing Her Royal Highness Princess Haya bint Al Hussein in proceedings against His Highness Sheikh Mohammed bin Rashid Al Maktoum concerning their two children, and in relation to complex issues of diplomatic and head of government immunity, and the effectiveness of waivers of immunity. Copies of the four published judgments in relation to this matter are available [here](#).
- Representing applicants before the European Court of Human Rights in a case involving expropriation of property rights in a substantial piece of land in eastern Europe.
- Acting for Media Legal Defence Initiative intervening in proceedings before the Court of the Economic Community of West African States, involving allegations of judicial corruption and breaches of the right to freedom of expression.
- Counsel to the Republic of Costa Rica in *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v Nicaragua)*, International Court of Justice, concerning a dispute over sovereign territory adjacent to the Caribbean Sea.
- Counsel to the Republic of Costa Rica in *Maritime Delimitation (Costa Rica v Nicaragua)*, International Court of Justice, concerning delimitation of the maritime boundaries in the Pacific Ocean and the Caribbean Sea.
- Counsel to the Republic of Chile in *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v Chile)*, International Court of Justice, concerning Bolivia's claim for sovereign access to the sea.
- Advising a State on the implications of a decision of the European Court of Human Rights in the light of EU law.
- Advising a State on a joint development zone for maritime areas, to permit exploration and exploitation of hydrocarbons by two neighbouring States while a maritime boundary dispute is pending.
- Advising an international organization on the implementation of its international law privileges by the Internet Corporation for Assigned Names and Numbers (ICANN).
- Acting for a coalition of NGOs intervening in a case before the European Court of Human Rights concerning freedom of expression.
- Advising a State on an extradition request for an individual alleged to have committed war crimes.
- Advising a State on immunities of a government minister in response to a request for information by financial services authorities of another State.
- Advising multiple companies in respect of sanctions imposed by the EU, the United States and the United Kingdom.
- *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v Nicaragua)*, International Court of Justice, Counsel to the Republic of Costa Rica. Following Nicaragua's occupation of Costa Rican territory in the border area close to the Caribbean Sea in 2011, the Court definitively recognised Costa Rican sovereignty in its decision on the merits in December 2015, and awarded compensation to Costa Rica for material harm to the environment, to be agreed or assessed in a subsequent phase.
- *Construction of a Road in Costa Rica Along the San Juan River (Nicaragua v Costa Rica)*, International Court of Justice, Counsel to the Republic of Costa Rica. Following Costa Rica's construction of a road in the vicinity of the border with Nicaragua, Nicaragua claimed that Costa Rica was causing significant transboundary environmental harm to the San Juan River, and that Costa Rica had failed to comply with international law requirements concerning environmental impact assessment. In December 2015, the Court gave judgment on the merits in favour of Costa Rica in respect of the allegations of significant transboundary environmental harm. This judgment followed an earlier success in resisting an

application for provisional measures by Nicaragua in December 2013.

- *Maritime Dispute (Peru v Chile)*, International Court of Justice, Counsel to the Republic of Chile – Following a request by Peru to delimit its maritime boundary with Chile, the Court in January 2014 recognised an existing agreement for part of the maritime boundary, awarding areas with rich fishing resources to the Republic of Chile.
- *Navigational and Related Rights on the San Juan River (Costa Rica v Nicaragua)*, International Court of Justice, Counsel to the Republic of Costa Rica. In a 2009 judgment on the merits, the Court recognised Costa Rica’s treaty and customary rights of navigation on the San Juan River, adjacent to the boundary with Nicaragua, including for the purposes of providing essential services to the population, and a right of fishing for subsistence purposes.

International arbitration

- Sitting as sole arbitrator in an ICC dispute concerning franchising agreements in the education sector in Asia.
- Counsel to the claimant in UNCITRAL proceedings involving a dispute over a plant in an eastern European State, involving complex issues of State succession.
- Counsel to the claimant in *Energo Pro A.S. v Republic of Bulgaria* (ICSID Case No. ARB/15/19), under a bilateral investment treaty and the Energy Charter Treaty.
- Sitting as a member of a tribunal in an ICC dispute concerning a joint venture in the telecommunications sector in Asia.
- Sitting as sole arbitrator in an ICC dispute concerning a contract for provision of services in the pharmaceutical sector.
- Representing the respondent State in *RSM Production Corporation v Saint Lucia* (ICSID Case No ARB/12/10).
- Representing the claimant in *Electrabel v Republic of Hungary* (ICSID Case No ARB/07/19), in a dispute under the Energy Charter Treaty, involving measures taken in the context of Hungary’s accession to the EU.
- Representing the respondent State in *Cambodia in Cambodia Power Company and EDC v Kingdom of Cambodia* (ICSID Case No ARB/09/18), in a contractual dispute relating to the construction and operation of an electricity power plant.
- Advising corporate clients on how to structure their investments in order to take advantage of protections offered by investment treaties and foreign investment laws.
- While at Freshfields, Kate advised several investors on potential claims under investment treaties and the ICSID and UNCITRAL rules in relation to expropriation of their investments by Egypt, through the reversal of privatizations under a former regime.

Human rights

- Representing a State before the European Court of Human Rights in a case concerning issues of extraterritorial jurisdiction in the context of an armed conflict.
- Representing applicants before the European Court of Human Rights in a case involving expropriation of property rights in a substantial piece of land in eastern Europe.
- Acting for Media Legal Defence Initiative intervening in proceedings before the Court of the Economic Community of West African States, involving allegations of judicial corruption and breaches of the right to freedom of expression.
- Advising a State on the implications of a decision of the European Court of Human Rights in the light of EU law.
- Advising non-governmental organizations on an intervention before the European Court of Human Rights.

Energy and natural resources

- Counsel to the claimant in *Energo Pro A.S. v Republic of Bulgaria* (ICSID Case No. ARB/15/19), under a bilateral investment treaty and the Energy Charter Treaty.
- Advising on the enforcement of a political risk insurance policy in connection with proceedings under a bilateral investment treaty in the natural resources sector in Asia.
- Representing the respondent State in *RSM Production Corporation v Saint Lucia* (ICSID Case No ARB/12/10).
- Representing the claimant in *Electrabel v Republic of Hungary* (ICSID Case No ARB/07/19), in a dispute under the Energy Charter Treaty, involving measures taken in the context of Hungary’s accession to the EU.
- Representing the respondent State in *Cambodia in Cambodia Power Company and EDC v Kingdom of Cambodia* (ICSID Case No ARB/09/18), in a contractual dispute relating to the construction and operation of an electricity power plant.
- Advising a State on a joint development zone for maritime areas, to permit exploration and exploitation of hydrocarbons

by two neighbouring States while a maritime boundary dispute is pending.

Recommendations

Kate Parlett is a 'stellar practitioner with a real understanding of client needs in relation to international arbitration' who possesses 'extensive experience representing clients from a wide range of sectors in cross-border disputes' [Who's Who Legal, Arbitration 2021 - Future Leaders](#)

Extremely diligent, a very strong intellect and a very good written and oral advocate. She ticks all the boxes and is a good team player. [Chambers UK Bar 2021](#)

Great knowledge of the law and ability to communicate it to (non-specialist) lawyers and non-lawyers. Clear written advice. [The Legal 500 UK Bar 2021](#)

Fantastic cross-examination skills, including attention to detail, tenacity and just the right level of aggression. [The Legal 500 UK Bar 2021](#)

She has a fantastic grasp of ECHR jurisprudence, and a depth of knowledge of PIL issues. [The Legal 500 UK Bar 2020](#)

An expert on public international law, deemed a 'very knowledgeable and confident' practitioner who 'asks insightful and probing questions'. [Who's Who Legal, UK Bar, 2020](#)

Possesses a very strong academic background in public international law." "Very confident and knowledgeable. [Chambers UK Bar 2020](#)

Very hard-working, committed to her work and reliable. [Chambers UK Bar 2019](#)

Really excellent, very bright, and very hardworking. [The Legal 500 UK Bar 2019](#)

Kate Parlett stands out as 'one of the top barristers in public international law in London', and is well versed in handling complex international arbitration disputes. She is recognised particularly as 'a leading light in the law of the sea'. [Who's Who Legal, UK Bar, 2018](#)

She has a good International Court of Justice pedigree. [Chambers UK Bar 2018](#)