

Catherine Drummond



Year of call: 2022 (England and Wales)
2024 (Belize)
2013 (Queensland, Australia (Solicitor))

Email: cdrummond@3vb.com

Practice Overview

Catherine specialises in public international law and international arbitration. She joins Chambers from private practice where she acted as counsel in public international law and international arbitration for a number of years.

Catherine is regularly instructed in cases before the International Court of Justice, the European Court of Human Rights, international arbitral tribunals and English courts on matters involving questions of public international law and arbitration. She has also acted in a number of matters before the International Criminal Court and United Nations human rights treaty bodies.

She has experience across a wide range of public international law areas, including: State responsibility; the law of treaties; investment protection; territorial and maritime disputes; State immunity; international human rights law; international humanitarian law; international criminal law; international environmental law; the law of the sea; the law of international organisations; and the arms trade.

Her international arbitration practice spans investor-State and commercial arbitration. She has experience in matters conducted under ICSID, ICC, UNCITRAL and LCIA rules, and looks forward to further developing her English court commercial practice.

Expertise

Public International Law

International Court of Justice:

- Counsel for Antigua and Barbuda in *Obligations of States in respect of Climate Change* (Advisory Opinion proceedings);
- Counsel for Belize in *Sovereignty over the Sapodilla Cayes (Belize v. Honduras)*;
- Counsel for Belize in *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*;
- Counsel for a State intervening in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*;

- Counsel for Belize in *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion proceedings);
- Advising a State intervening in *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*;
- Counsel for Belize in *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* (Advisory Opinion proceedings);
- Counsel for Chile in *Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile)*.

European Court of Human Rights:

- Counsel for a State in an inter-State case before the European Court of Human Rights concerning property rights, the right to a fair trial and ethnic discrimination;
- Assisting as a pupil on an intervention in the Grand Chamber case of *Semenya v. Switzerland*;
- Counsel for Slovenia in *Slovenia v Croatia* concerning the treatment of a State-owned Slovenian bank by the Croatian authorities.

Inter-State arbitration:

- Counsel for the UK in its arbitration with the EU commenced under the Trade and Cooperation Agreement concerning the fishing of sandeels.

Other international courts and bodies:

- *The Situation in The State of Palestine* (International Criminal Court) – Counsel for intervener Addameer Prisoner Support and Human Rights Association in respect of the ICC’s jurisdiction over Israeli nationals;
- *The Situation in The State of Palestine* (International Criminal Court) – assisting Counsel for victims represented by Addameer Prisoner Support and Human Rights Association in respect of the territorial scope of the Prosecutor’s jurisdiction;
- *The Prosecutor v. Jean-Pierre Bemba Gombo* (International Criminal Court) – Counsel for the REDRESS Trust in the filing of an amicus curiae brief concerning reparations for international crimes;
- Counsel for a human rights defender in a complaint against a central Asian State submitted to the United Nations Human Rights Committee;
- Authoring an amicus curiae brief in Cases 003 and 004 at the Extraordinary Chambers of the Courts of Cambodia on the content of crimes against humanity under customary international law in the 1970s (with Professors Dapo Akande and Philippa Webb).

English courts:

- *Al-Haq v Secretary of State for Business and Trade* – acting for Al-Haq in challenging decisions by the Secretary of State for Business and Trade not to suspend licenses for arms exports to Israel in the context of its conduct in the Occupied Palestinian Territory (led by Phillippa Kaufmann KC and Blinne Ní Ghrálaigh KC);
- *Border Timbers Ltd & anor v Republic of Zimbabwe* – appeared in the Court of Appeal (led by Christopher Harris KC) on behalf of Border Timbers Ltd in an appeal (joined with *Infrastructure Services Luxembourg SÀRL & Anor v Kingdom of Spain* [2023] EWHC 1226 (Comm)) concerning whether a State can resist registration of an ICSID award on grounds of State immunity;
- *Argentum Exploration Ltd v South Africa* [2024] UKSC 16; [2024] 2 WLR 1259 – assisted as a pupil in a case concerning South Africa’s claim to be immune in a salvage action in the first ever case to consider section 10(4)(a) of the State Immunity Act 1978 (led by Stephen Hofmeyr KC).

Advisory work and training:

- Advising on regime interaction in the context of climate change;
- Advisor to the United Nations Working Group on Arbitrary Detention (2018-2022);
- Advising on the inter-governmental negotiations for an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ, now called the High Seas Treaty);
- Advising the International Service for Human Rights (ISHR) on a range of public international law matters, including the obligations of the United Nations Human Rights Council, regimes for the protection of human rights defenders and the domestic implementation of international human rights law in an African State;
- Advising an international non-governmental organisation on a range of public international law matters, including the use of strategic litigation to obtain compensation for human rights violations;
- Advising Hapag-Lloyd AG on the public international law implications of its acquisition of United Arab Shipping Company S.A.G., a company established under a treaty and not incorporated in any domestic jurisdiction;
- Advising a non-governmental organisation on the extent to which a peace agreement concluding a non-international armed conflict gave rise to obligations of guarantee for States and international organisations that signed as ‘guarantors’ of the peace agreement;
- Providing preparatory and real-time analysis and advice to participants during the first implementation conference for the Arms Trade Treaty (with a focus on risk assessment thresholds for serious violations of international humanitarian law and international human rights law, and related import, export, transit and trans-shipment obligations);
- Delivery of a capacity-building workshop for government officials on the resolution and management of disputes relating to transboundary resources (UNGA side event, New York);
- Delivering training in international humanitarian and criminal law to the Australian Defence Forces;
- Providing submissions to Australian Parliamentary inquiries into the legality under international law of Australia’s actions relating to refugees and asylum seekers.

Arbitration and Related Court Applications

- Counsel for the UK in its arbitration with the EU commenced under the Trade and Cooperation Agreement concerning the fishing of sandeels;
- *Border Timbers Ltd & anor v Republic of Zimbabwe* – appeared in the Court of Appeal (led by Christopher Harris KC) on behalf of Border Timbers Ltd in an appeal (joined with *Infrastructure Services Luxembourg SARL & Anor v Kingdom of Spain* [2023] EWHC 1226 (Comm)) concerning whether a State can resist registration of an ICSID award on grounds of State immunity;
- *A v B* (led by Ricky Diwan KC) – counsel resisting an application for anti-suit relief to injunct recognition and enforcement proceedings in a New York Convention State;
- Counsel representing a State in an LCIA arbitration relating to a power project;
- Counsel representing the Republic of Latvia in an ad hoc UNCITRAL arbitration under the Switzerland-Latvia BIT related to the dissolution of a Latvian bank;
- Counsel representing an international inter-governmental organisation in four commercial arbitrations consolidated under the UNCITRAL Arbitration Rules concerning disputes relating to contracts for the provision of logistics services;
- Counsel representing two State-owned energy companies in an ICC arbitration concerning corruption in connection with the building of a power plant;
- Counsel representing an international energy company in an ICC arbitration concerning a long-term supply contract;

- Counsel representing a Fortune 500 company and related entities in an ICC arbitration against a Turkish company operating in the restaurant sector in relation to a post-M&A dispute;
- Investor-State arbitration merits reviews and advisory work;
- Assisting on three chapters on investor-State arbitration before English courts in the forthcoming updated edition of *Mustill & Boyd: International Commercial Arbitration* (3rd ed, 2024).

Commercial Dispute Resolution

- *A v B* (led by Ricky Diwan KC) – counsel resisting an application for anti-suit relief to injunct recognition and enforcement proceedings in a New York Convention State;
- *Border Timbers Ltd & anor v Republic of Zimbabwe* – appeared in the Court of Appeal (led by Christopher Harris KC) on behalf of Border Timbers Ltd in an appeal (joined with *Infrastructure Services Luxembourg SÀRL & Anor v Kingdom of Spain* [2023] EWHC 1226 (Comm)) concerning whether a State can resist registration of an ICSID award on grounds of State immunity;
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Human Rights and Civil Liberties

International Court of Justice:

- Counsel for Antigua and Barbuda in *Obligations of States in respect of Climate Change* (Advisory Opinion proceedings);
- Counsel for a State intervening in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*;
- Counsel for Belize in *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion proceedings);
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- Advising the International Service for Human Rights (ISHR) on a range of public international law matters, including the obligations of the United Nations Human Rights Council, regimes for the protection of human rights defenders and the domestic implementation of international human rights law in an African State;
- Advising an international non-governmental organisation on a range of public international law matters, including the use of strategic litigation to obtain compensation for human rights violations;
- Providing preparatory and real-time analysis and advice to participants during the first implementation conference for the Arms Trade Treaty (with a focus on risk assessment thresholds for serious violations of international humanitarian law and international human rights law, and related import, export, transit and trans-shipment obligations);
- Delivering training in international humanitarian and criminal law to the Australian Defence Forces;
- Providing submissions to Australian Parliamentary inquiries into the legality under international law of Australia's actions relating to refugees and asylum seekers.

English courts:

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Public Law

- *Al-Haq v Secretary of State for Business and Trade* – acting for Al-Haq in challenging decisions by the Secretary of State for Business and Trade not to suspend licenses for arms exports to Israel in the context of its conduct in the Occupied Palestinian Territory (led by Phillipa Kaufmann KC and Blinne Ní Ghrálaigh KC).

Career

Professional:

- Barrister 2024-
- Pupil Barrister, 2023-2024
- Counsel in public international law and arbitration, 2018-2024
- Associate, Public international law and arbitration, Freshfields Bruckhaus Deringer (Paris), 2016-2018
- Consultant, Public international law, 2015-2016
- Associate, Public international law and arbitration, Freshfields Bruckhaus Deringer (Paris), 2014
- Judicial Associate, President McMurdo, Queensland Court of Appeal (Australia), 2013
- Intern, International Criminal Tribunal for Rwanda, Arusha, Tanzania, 2012

Academic positions (alongside practice):

- Teaching Assistant, LLM (Public International Law), University of Cambridge, 2019-2023
- Sessional Lecturer, Masters of International Law and Diplomacy (International Dispute Settlement), American University of Paris, 2016-2018
- Sessional Lecturer, Masters of Common and Comparative Law (International Dispute Settlement) University of Paris Descartes, 2017
- Sessional Lecturer and Tutor, Bachelor of Laws (Public International Law), University of Queensland, 2013, 2015
- Philip C. Jessup International Law Moot Coach, 2011-2015
- Research Assistant, UN Asia-Pacific Centre for the Responsibility to Protect, 2009-2012
- Research Assistant (Public International Law), University of Queensland, 2009-2012

Other:

- Cambridge International Law Journal, Editor-in-Chief, 2019-2020
- Cambridge International Law Journal, Managing Editor, 2018-2019
- Cambridge International Law Journal, Editor, 2014-2015
- Australian Red Cross, International Humanitarian Law Advisory Committee, 2013-2014
- Amnesty International, Human Rights in Law Group Convenor, Queensland, 2011-2012

Education:

- PhD, University of Cambridge (ongoing)
- LLM (First Class Honours), University of Cambridge, 2014-2015
- Hague Academy of International Law, 2013
- LLB (Honours), University of Queensland (Australia), 2006-2012
- BA (Peace and Conflict Studies / International Relations), University of Queensland (Australia), 2006-2012

Awards:

- Holland-Whittaker Scholarship, Trinity College, University of Cambridge, 2018-2022
- Whewell Prize in International Law, University of Cambridge, 2015
- William Charnley Prize (Hughes Hall), University of Cambridge, 2015
- General Sir John Monash Scholarship, 2014
- International Law Association (Australia) Brennan Prize in Public International Law, 2013
- University of Queensland (Australia) Pro Bono Centre Award, 2013
- Australian of the Year, Nominee, 2012
- Queensland Bar Association Margaret McMurdo Bursary, 2011
- University of Queensland (Australia) Law Society Medal for Most Outstanding Graduate, 2012
- Dean's Commendations for Distinguished Academic Achievement, University of Queensland (Australia), 2007-2012