



CATHERINE WARBURTON

BA LLB LLM (*cum laude*)

PROFILE

Catherine Warburton established **IMBEWU Sustainability Legal Specialists (Pty) Ltd** in the year 2000 and the company will celebrate the 21st year of operation this year. Catherine has acted as the Managing Director of IMBEWU since inception.

CONTACT

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AWARDS & RECOGNITION

Best Lawyers
Chambers & Partners (Band One)

EDUCATION

BA (Bachelor of Arts)

Majors: Law and Clinical Psychology, University of the Witwatersrand, 1992.

LLB (Bachelor of Laws)

University of the Witwatersrand, 1994.

LLM (Masters of Laws) (Environmental Law) with distinction

University of the Witwatersrand, 2014 (*Evaluating South African EIA processes in the context of the Gautrain Project*).

International Sustainability Development Programme

(1999 - 2001) through LEAD International & funded by the Rockefeller Foundation.

Sustainability Reporting Training Program

certified by the Global Reporting Initiative in 2012 & certified based on G4 reporting guidelines in 2013.

FGASA Level 1

Field Guide Nature Training Course completed in 2021.

First Aid Level 1 (2021)

PROFESSIONAL AFFILIATIONS

- Admitted as an attorney, February 1996.
- Law Society of the Northern Provinces (and serves as Vice-Chairperson of the Law Society of South Africa's Committee on Environmental Affairs).
- Member of the Environmental Law Association of South Africa.
- Member of the Gauteng MEC's External EIA Appeals Advisory Panel from 1 April 2015 to April 2019
- Leadership for the Environment and Development (LEAD) Fellow, Cohort 8.
- Member of the Clean Air Association & International Association for Impact Assessment (IAIA).
- Member of the International Association for Impact Assessment SA (IAIA – SA).

EXPERIENCE:

December 2000 to Present:

IMBEWU Sustainability Legal Consultants (Pty) Ltd

- Specialise in all aspects of environmental law and manage or review of most of the work completed by other professionals at IMBEWU.
- Experience in climate change work with particular attention to the developing international and South African climate change legal regimes, and the implementation of Clean Development Mechanism (CDM) projects in South Africa.
- Compile electronic SHE Legal Registers for mining and non-mining operations.
- Have conducted numerous workshops and training sessions on enviro-legal issues.
- Provide general support and advice on corporate level SHE and Sustainability legal, policy and reporting issues.
- Monitoring of sustainability legal developments and provide input into legislative and policy developments.
- Conducted SHE legal audits and due diligence investigations for industrial and mining operations.
- Legal input into due diligence investigations, risk assessments and EMPs.
- Acting for various private nature reserves in successfully opposing certain developments through the Development Facilitation Act Tribunal Process and the EIA processes and with on-going environmental and land related issues on private reserves.
- Process related advice and review of EIAs for a number of linear infrastructure developments with a focus on transportation infrastructure and transmission lines.
- Have conducted High Court litigation on environmental matters, especially review applications.
- Involved in a number of Arbitrations regarding responsibility for environmental liabilities.
- Assisting numerous project development companies with the planning of new developments.

- Assisting Wind and Solar Energy companies with environmental legal advice appeals and due diligence investigations.
- Assisting various companies and private entities with objections to the pollution of water courses by third parties which impact on their operations.
- Advice to mining companies on groundwater related issues and advising on a number of mine closures.

Specific Project Examples

- Assisted LEAD International and Anglo Coal with inputs to the WSSD in Johannesburg 2002.
- Legal input into an EIA for SAs first Landfill Gas CDM Project and assistance with the development of the CDM project from 2003 until 2006.
- Member of the Province Support Management Team for the development period of the Gautrain Project from 2007 – 2012.
- Environmental legal advice to the Gautrain Management Agency (GMA) on operational issues and proposed extensions from 2013 – 2016.
- Assisted with the Legal Review for the investigation on the extension of the Greater Addo National Park.
- Advising the SA Chinese Tigers Trust on legal issues pertaining to the importation and re-wilding of Chinese Tigers in SA & the establishment of a reserve for the Tigers.
- Environmental legal review of the existing Ekurhuleni Metropolitan Municipality's by-laws, proposing amendments to by-laws and assisting with the drafting of a new environmental by-law pertaining to green buildings in 2014 and 2015.
- Advised on the environmental legal aspects of the Gautrain Project EIA and other major SA EIAs.
- Drafting of a Memorandum of Understanding between GAUTRANS and GDACE on environmental issues.
- Acting for the Oprah Winfrey Leadership Academy in opposing a proposed development in Henley-on-Klip.
- Representing a large corporate in the first criminal private prosecution in South Africa in terms of NEMA.

May 1998 – December 2000:**Anglo American Corporation of South Africa Limited
– Legal Department – in-house Environmental Legal
Counsel:**

- General environmental legal advice provided to Anglo American Group companies.
- Involved in the Environmental Legal Due Diligence for the listing of the Anglo American on the London Stock Exchange.
- Involved in the environmental legal aspects of the Anglo American purchase of the Zambian Copper mines and a detailed review of Zambian environmental and health and safety legislation.
- Assessed feasibility of potential projects in the DRC.
- Compiled electronic SHE Legal Registers for mining and non-mining companies in the Anglo Group.
- Monitoring of and advice on sustainability legal developments and provided input into legislative drafting and policy developments through entities such as Business SA and the Chamber of Mines.
- Assisted Anglo Coal with the development of its Climate Change Policy & representation on SA Business Lobby Groups at national and international meetings on Climate Change matters.

PAPERS AND PRESENTATIONS:

- Published a critical analysis of the Constitutional Court judgement relating to civil imprisonment in the May 1996 issue of the “De Rebus” Attorneys Journal.
- Nominated by the Association of Law Societies to attend a United Nations Workshop on Environmental Litigation in Uganda and presented a paper there in August 1997.
- Published a report on a United Nations Environmental Law Conference in the December 1997 issue of “De Rebus.”
- Conducted International Leadership for the Environment and Development Training Course (LEAD) as a member of the Southern African Region from 1999 to 2001. Graduated in Moscow in September 2001.
- Nominated by LEAD International for the Global Leaders of Tomorrow Programme in 2004 which is managed by the World Economic Forum.
- Presented the legal component of a seminar on Environmental Impact Assessments at Rhodes University, Grahamstown annually from 2000 – 2003 and from 2009 to 2016.
- Attended 13th UNFCCC Subsidiary Body Meetings in Lyon, France in September 2000 as a Business representative.
- Attended COP 6 Conference on Climate Change at The Hague in November 2000 as a business representative.

1996 – April 1998:**Moolmans Attorneys Inc****Associate**

- Involved in all aspects of environmental legal work at Moolmans Attorneys Inc as a Professional Assistant and an Associate.
- Enviro-legal work included input to EIA's, EMS's, Due Diligence investigations, Cost Benefit Analyses, Awareness Training, Workshops and multi-disciplinary Risk Assessments.
- Acted as an adjudicator for the Provincial Government's Housing Department and conducted general litigation matters including environmental litigation.

1994 – 1996:**Moodie and Robertson Attorneys – Candidate
Attorney and Professional Assistant**

- Dealt with general practice and legal environmental law issues and was specifically involved with prospecting, mining and litigious matters.
- Obtained extensive experience in both Magistrate's Court and High Court litigation, and in general commercial matters.

- Presented the legal component of the course offered by Potchefstroom University on Rehabilitation in July 2001 and 2002.
- Conducted SA Government Training course on environmental law and Climate Change in July 2003.
- Co-responsibility for drafting of UNDP Report entitled: *"Engaging the Private Sector in Clean Development Mechanism Related Activities in South Africa. National Environmental Legal Requirements Applicable to Landfill Gas Capture and Use on Landfill Sites in South Africa"*.
- Co-drafted a paper entitled *"Clean Development Mechanism Projects and the South African Mining Industry: Key Legal Issues for Consideration"* in 2003 and presented the paper at the Chamber of Mines International Sustainable Development Conference in November 2003.
- Attended the Fifth World Parks Congress in September 2003 on behalf of the National Parks Support Group Trust.
- Presented a paper at the 22nd Annual SA Transport Conference on *"The EIA for the Gautrain Rapid Rail Link: Issues, Challenges and Lessons Learnt."*
- Presentation to SA Institute of Civil Engineers on *"An Environmental Lawyer's perspective of the Gautrain Rapid Rail Link Project"* in August 2004.
- Conducted a training workshop in 2005 on Climate Law issues for Price Waterhouse Coopers' prospective Designated Operational Entity (DOE) Team in order to meet the requirements for their registration as a DOE with the Executive Board.
- Presentation at BASIC (*Building and Strengthening Institutional Capacity in Climate Change in Developing Countries*) Workshop in Paris in March 2005 and participation at BASIC Workshop on Adaptation to the Effects of Climate Change in Delhi, India in May 2006. [IMBEWU was a South African Team member of the BASIC project which is an EU funded capacity-building project aimed at enhancing the capacity of the public sector in the climate change negotiations. See: www.basic-project.net]
- Co-drafted Paper: *"Options for Greenhouse Gas Mitigation Mechanisms in South African Legislation"*, IMBEWU's contribution to the BASIC Project, November 2006.
- Co-published an article entitled *"Evaluation of alternatives in the EIA process: Have the legal requirements evolved in the new EIA regulations?"* in the September/October 2007 issue of the "Environmental Management" magazine in South Africa.
- Co-published an article entitled *"Protecting SA's Coastline"* in the September 2008 issue of "Without Prejudice".
- Published a Book Review of *"Environmental Compliance and Enforcement in South Africa: Legal Perspectives"* in the De Rebus November 2009 Edition.
- Featured in an article for the Business Day *"Women in Law"* feature in March 2010.
- Co-presented an IMBEWU Cross-Cutting EIA Workshop in March 2011.
- Featured in a Carte Blanche TV broadcast on the legal requirements for telecommunication masts in 2011.
- Attended UNFCCC COP17 in Durban in 2011 as an Inter-Governmental Organisation representative.
- Co-organised an International Conference on *"Climate Change Law & Governance in the Global South"* in the context of COP17 in Durban in December 2011. More than 150 attendees participated in the Conference.
- Review of article entitled *"Managing realistic expectations"*, published in "COP17: Climate Change The New Economy" for COP 17 in December 2011.
- Co-author of *"Climate change and environmental impact assessment in South Africa"*, published in the Practical Law Company (PLC) Multi-jurisdictional Guide, 2011/2012.
- Co-author of the Chapter on *"Environment: South Africa, climate change, renewable and energy"*, published in the PLC Multi-jurisdictional Guide, 2011/2012.
- Contributed to a 2012 United Nations Report of the High Level Panel on the CDM Policy Dialogue, entitled *"A Call to Action"*.
- Published an article entitled *"The State of the Land: Legal Complexities in the regulation of Contaminated Land."* In Environmental Management July/August 2012 & presented on this topic at the Annual Environmental Law Conference in August 2012.

- Published an article in the *Without Prejudice*, November 2012 issue on notification requirements applicable to Contaminated Land.
- Co-presented a number of training workshops on Contaminated Land in 2012 and 2013.
- Assisted with the drafting and review of South Africa's first Ballast Water Management Bill for the Department of Transport in 2012 as part of the International Oceans Institute team. The Bill was published for public comment in April 2013.
- Chaired the Environmental Session of the 18th Commonwealth Law Conference in Cape Town in April 2013.
- Published articles on the implications of the Draft Development Infrastructure Bill in *Without Prejudice* and *Environmental Management* in 2013.
- Presented at the Annual Land Rehabilitation Conference on the statutory arrangements pertaining to contaminated land in September 2014.
- Conducted a range of legal training workshops on the 2014 EIA Legal Regime in February and March 2015.
- Published an article in the July/August 2015 edition of *Footprint Limited* entitled: "*The 2014 EIA Regulations fundamentally change the landscape for rights of access to Environmental Information*".
- Co-presented legal workshops on the "*One Environmental System*" during 2015 and 2016.
- Attended the CITES COP17 as an ELA representative which was held in Johannesburg in September/October 2016.
- Presented training courses on the 2017 Amendments to the 2014 EIA Regulations.
- Co-published an article on "Evolving Financial Provision Requirements" in the January/February 2017 edition of *Mining Prospectus* and the February 2017 Edition of *Without Prejudice*.
- Published an article entitled "Considerations for Closure" in the May/June 2017 Editions of *Mining Prospectus* and *Without Prejudice*.
- Presented a Keynote Address on "Water Issues in the Context of Mine Closure" at the SAIMM Water Conference on 10 July 2017.
- Presented at the IAIA International Conference in Durban in May 2018 on EIA's for PPP's with Gautrain as a case study.
- Co-published an article entitled "*The Board's Enhanced Role in the Amended ISO 14001*" in *Mining Prospectus*, June/July 2018.
- Published an article entitled "*Reflections on key environmental legal developments over the past year for the mining sector*" in *SA Mining*, November/December 2018.
- Recipient of Certificate of Appreciation from the World Bank for contribution to the "*Enabling the Business of Agriculture 2019 Report*".
- Contributed towards an article entitled "*Water management for mine closure*" published in *Mining Review Africa* Issue 6, 2019.
- Presented a key note address on contaminated land for Enviro Workshops Johannesburg Remediation Workshop on 7 August 2019.
- Published an article entitled "*A review of key developments in 2019*" in *SA Mining*, January/February 2020.
- Published an article entitled "*New direction for mine closure*" published in *Without Prejudice - Spotlight on Environmental Law*, Quarter 3 of 2021.
- Panelist at the IAIA 2021 Annual National Conference – Re-thinking IEM in pursuit of the Sustainable Development Goals