



CATHERINE WARBURTON

BA LLB LLM (*cum laude*) ABRIDGED RESUMÉ
Specialist Environmental & Climate Change Attorney

MANAGING DIRECTOR

PROFILE

Catherine Warburton has been the Managing Director of Warburton Attorneys Inc and IMBEWU Sustainability Legal Specialists (Pty) Ltd for more than 23 years. She was admitted as an attorney in 1996 and has worked in the field of environmental and climate change law for the past 27 years. She completed her BA, LLB and LLM at the University of the Witwatersrand. She has worked on many infrastructure development, litigation and mining projects and also has expertise in climate change and other sustainability issues.

CONTACT

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AWARDS & RECOGNITION

Best Lawyers
Chambers & Partners (Band One)
Who's Who Legal
Business Today Legal Awards

EDUCATION

BA (Bachelor of Arts)

Witwatersrand, 1992.

LLB (Bachelor of Laws)

University of the Witwatersrand, 1994.

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

University of the Witwatersrand, 2014

International Sustainability Development Programme

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

Sustainability Reporting Training Programme

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

FGASA Level 1 Accreditation

Field Guide Association Course completed in 2021.

First Aid Level 1 (2021)

PROFESSIONAL AFFILIATIONS

- Admitted as an attorney, February 1996
- Registered with the Legal Practice Council of South Africa. (ELA)
- 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
- Member of the International Association for Impact Assessment SA (IAIA – SA)

EXPERIENCE:

December 2000 to Present:

Warburton Attorneys Inc.

- Specialize in all aspects of environmental and climate change law and manage and/or review of most of the work completed by other professionals at Warburton Attorneys.
- Experience in climate change work with particular attention to the developing international and South African climate change legal regimes, and the implementation of mitigation projects including CDM projects and Carbon-Offset Projects.
- Process related advice and review of EIAs for a number of linear infrastructure developments with a focus on transportation and energy infrastructure.
- Provide general legal support and advice on corporate level SHE and Sustainability, policy and reporting issues
- Monitoring of sustainability legal developments and provide input into legislative and policy developments.
- Conducted SHE legal audits.
- Legal input into due diligence investigations, risk assessments and EMPs.
- Conduct all forms of High Court litigation on environmental matters such as applications to compel, applications for declaratory relief, applications for interdicts and review applications.
- Involved in a number of Arbitrations regarding responsibility for environmental liabilities.
- Assisting renewable energy projects 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.
- Acting for various private nature reserves in successfully opposing certain developments through the Planning Approval process and the EIA processes and with on-going environmental and land related issues on private reserves.
- Assisting numerous project development companies with the planning of new developments.

Specific Project Examples

- Part of the team developing and reviewing the first set of Carbon Budget and Mitigation Plan Regulations in SA in 2023.
- Legal advice on Carbon Off-Set Project in South Africa for a large multi-national in 2023.
- Brought an appeal in the Supreme Court of Appeal regarding mine closure issues.
- Acting in numerous High Court litigious matters relating to environmental issues.
- Representing a large corporate in the first criminal private prosecution in South Africa in terms of NEMA & the first enquiry in terms of section 34(3) of NEMA.
- Various renewable energy due diligence investigations and legal opinions.
- Acting in countless appeals for the appellant or the respondent.
- Acting for the Oprah Winfrey Leadership Academy in opposing a proposed development in Henley-on-Klip.
- Drafting of a Memorandum of Understanding between GAUTRANS and GDACE on environmental issues.
- 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.
- Assisted LEAD International and Anglo Coal with inputs to the WSSD in Johannesburg 2002.
- Assisted with the Legal Review for the investigation on the extension of the Greater Addo National Park.
- Environmental legal advice to the Gautrain Management Agency (GMA) on operational issues and proposed extensions from 2013 – 2016.
- Member of the Province Support Management Team for the development period of the Gautrain Project from 2007 – 2012.
- CDM Project and assistance with the development of the CDM project from 2003 until 2006.
- Legal input into an EIA for South Africa's first Landfill Gas

PAPERS AND PRESENTATIONS:

1. Presented on the UN Human Rights Committee and the Torres Strait Islanders Petition at the Environmental Law Association Annual Conference in October 2023.
2. Panelist at the IAIA 2021 and ELA 2021 Annual National Conferences – Re-thinking IEM in pursuit of the Sustainable Development Goals and The application of the Duty of Care in “*Milieudefensie et al v Royal Dutch Shell*” in The Hague District Court decided on 26 May 2021.
3. Published an article on the Draft Mine Closure Strategy & NEMA EIA Amendments in Without Prejudice August 2021.
4. Published an article entitled “A review of key developments in 2019” in SA Mining, January/February 2020.
5. Presented a keynote address on contaminated land for Enviro Workshops Johannesburg Remediation Workshop on 7 August 2019.
6. Contributed towards an article entitled “*Water management for mine closure*” published in Mining Review Africa Issue 6, 2019.
7. Recipient of Certificate of Appreciation from the World Bank for contribution to the “*Enabling the Business of Agriculture 2019 Report*”.
8. Published an article entitled “*Reflections on key environmental legal developments over the past year for the mining sector*” in SA Mining, November/December 2018.
9. Co-published an article entitled “*The Board’s Enhanced Role in the Amended ISO 14001*” in Mining Prospectus, June/July 2018.
10. Presented at the IAIA International Conference in Durban in May 2018 on EIA’s for PPP’s with Gautrain as a case study.
11. Presented a Keynote Address on “*Water Issues in the Context of Mine Closure*” at the SAIMM Water Conference on 10 July 2017.
12. Published an article entitled “*Considerations for Closure*” in the May/June 2017 Editions of Mining Prospectus and Without Prejudice.
13. 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.
14. Presented training courses on the 2017 Amendments to the 2014 EIA Regulations.
15. Attended the CITES COP17 as an ELA representative which was held in Johannesburg in September/October 2016.
16. Co-presented legal workshops on the “*One Environmental System*” during 2015 and 2016.
17. 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*”.
18. Conducted a range of legal training workshops on the 2014 EIA Legal Regime in February and March 2015.
19. Presented at the Annual Land Rehabilitation Conference on the statutory arrangements pertaining to contaminated land in September 2014.
20. Published articles on the implications of the Draft Development Infrastructure Bill in Without Prejudice and Environmental Management in 2013.
21. Chaired the Environmental Session of the 18th Commonwealth Law Conference in Cape Town in April 2013.
22. 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.
23. Co-presented a number of training workshops on Contaminated Land in 2012 and 2013.
24. Published an article in the Without Prejudice, November 2012 issue on notification requirements applicable to Contaminated Land.
25. 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.
26. Contributed to a 2012 United Nations Report of the High Level Panel on the CDM Policy Dialogue, entitled “*A Call to Action*”.

27. Co-author of the Chapter on "*Environment: South Africa, climate change, renewable and energy*", published in the PLC Multi-jurisdictional Guide, 2011/2012.
28. Co-author of "*Climate change and environmental impact assessment in South Africa*", published in the Practical Law Company (PLC) Multi-jurisdictional Guide, 2011/2012.
29. Review of article entitled "*Managing realistic expectations*", published in "COP17: Climate Change The New Economy" for COP 17 in December 2011.
30. 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.
31. Attended UNFCCC COP17 in Durban in 2011 as an Inter-Governmental Organisation representative.
32. Featured in a Carte Blanche TV broadcast on the legal requirements for telecommunication masts in 2011.
33. Co-presented an IMBEWU Cross-Cutting EIA Workshop in March 2011.
34. Featured in an article for the Business Day "Women in Law" feature in March 2010.
35. Published a Book Review of "*Environmental Compliance and Enforcement in South Africa: Legal Perspectives*" in the De Rebus November 2009 Edition.
36. Co-published an article entitled "*Protecting SA's Coastline*" in the September 2008 issue of "Without Prejudice".
37. 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.
38. Co-drafted Paper: "*Options for Greenhouse Gas Mitigation Mechanisms in South African Legislation*", IMBEWU's contribution to the BASIC Project, November 2006.
39. 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]
40. 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.
41. Presentation to SA Institute of Civil Engineers on "An Environmental Lawyer's perspective of the Gautrain Rapid Rail Link Project" in August 2004.
42. Presented a paper at the 22nd Annual SA Transport Conference on "*The EIA for the Gautrain Rapid Rail Link: Issues, Challenges and Lessons Learnt.*"
43. Attended the Fifth World Parks Congress in September 2003 on behalf of the National Parks Support Group Trust.
44. 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.
45. 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*".
46. Conducted SA Government Training course on environmental law and Climate Change in July 2003.
47. Presented the legal component of the course offered by Potchefstroom University on Rehabilitation in July 2001 and 2002.
48. Attended COP 6 Conference on Climate Change at The Hague in November 2000 as a business representative.
49. Attended 13th UNFCCC Subsidiary Body Meetings in Lyon, France in September 2000 as a Business representative.
50. Presented the legal component of a seminar on Environmental Impact Assessments at Rhodes University, Grahamstown annually from 2000 – 2003 and from 2009 to 2016.
51. 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.
52. Published a report on a United Nations Environmental Law Conference in the December 1997 issue of "De Rebus."

- 53.** 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.
- 54.** Published a critical analysis of the Constitutional Court judgement relating to civil imprisonment in the May 1996 issue of the "De Rebus" Attorneys Journal.