



ENVIRONMENTAL LAW

We are a leading business law firm in South Africa, Kenya and Namibia with a strong national presence in Johannesburg, Cape Town, Nairobi, Stellenbosch and Windhoek.

Clients highlight the team for its *"attention to detail,"* stating: *"Their risk analysis is particularly helpful."*

CHAMBERS GLOBAL 2021

PRACTICE OVERVIEW

Environmental law is a highly specialised field in which Cliffe Dekker Hofmeyr (CDH) offers extremely skilled and practical advice.

Our Environmental Law practice has extensive experience in legal compliance, due diligence investigations, ISO 14001 implementation, environmental impact assessments (EIAs), environmental litigation and legislative drafting, administrative appeal and objections, environmental law related contractual drafting and reviews, agriculture and developing electronic environmental management systems.

We also advise extensively on health and safety, land use and heritage law. Our clients are drawn from the agriculture, energy (including renewable energy), banking, property development, petrochemical, pulp and paper, waste management, mining and manufacturing sectors as well as from all three spheres of government in South Africa and elsewhere in the Southern and East African region.

ABOUT CLIFFE DEKKER HOFMEYR

We are a leading business law firm in South Africa, Kenya and Namibia with a strong national presence in Johannesburg, Cape Town, Nairobi, Stellenbosch and Windhoek.

OUR AFRICA PRACTICE

Our Africa service offering brings together the resources and expertise of leading law firms across the continent. This experience and geographic spread produce an extensive African capability. We offer our clients a genuine knowledge-based service at locally competitive rates.

FULL SERVICE BUSINESS SOLUTIONS


Our legal advice covers the complete spectrum of business legal needs.

OUR VALUE-CREATING APPROACH

Our partner-led approach ensures clients receive the right level of experience and efficiency and we deliver pragmatic and commercially-focused solutions.

WE PRIORITISE EFFICIENCY

We manage, apply and share our considerable knowledge assets for the benefit of our clients through continuous skills training. We keep clients informed on regulation developments through seminars and our regular alerts.



The team's "services are highly professional. The personnel have the right level of expertise in different matters."

"The team communicates well and responds to queries quickly," said another source.

CHAMBERS GLOBAL 2022

ENVIRONMENTAL PRACTICE

Climate
Change



Compliance And
Enforcement



Pollution



Waste
Management



Water
Rights



Heritage



Energy



Projects &
Energy



Mining

CDH shows "an excellent awareness of the commercial environment and how it impacts our matters."

CHAMBERS GLOBAL 2024



OUR SERVICES

COMPLIANCE ADVICE

We offer practical and focused advice on all areas of environmental legal compliance. Where clients are not legally compliant with the law, we assist in developing programmes for achieving compliance within realistic time frames.

DUE DILIGENCE INVESTIGATIONS

Environmental concerns are increasingly important in mergers and acquisitions; and in large commercial transactions such as renewable energy projects under the Department of Energy's Renewable Energy Independent Power Producer Procurement Programme. This is because the environmental legal regime in South Africa creates retrospective and strict liability in some circumstances. Our team works together with scientists and environmental consultants to distinguish areas of genuine concern from non-material issues and to assess their implications for a deal.

"Cliffe Dekker Hofmeyr's lawyers are well versed and experienced in legal matters, and they offer fit-for-purpose advice."

"The law firm shows an excellent awareness of the commercial environment and how it impacts our matters."

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OUR SERVICES...continued

ISO 14001

Increasingly, customers of our clients are demanding independently audited and accredited environmental management systems. We have considerable expertise in the implementation of ISO 14001 accredited environmental management systems and have experience in independently auditing those systems from a legal perspective.

ENVIRONMENTAL LITIGATION

We have extensive experience in environmental litigation in various divisions of the Courts of South Africa, ranging from internal review proceedings and administrative appeals, to precedent-setting Constitutional challenges.

ENVIRONMENTAL IMPACT ASSESSMENTS

These assessments play a central role in many developments. We are able to guide the process to ensure legal compliance with all the requirements of the EIA process to make it as defensible as possible and less likely to be vulnerable to attack on appeal or review. Where clients are against a development, we are able to assist in opposing it through the environmental impact assessment process.

LEGISLATIVE DRAFTING

Our team has drafted laws for the South African Development Community (SADC), national governments within the SADC region and provincial and local government authorities in South Africa. We have firsthand knowledge of legal requirements in many jurisdictions and are skilled at translating government clients' instructions into workable, practical and easily understood legislation.

CONTRACTUAL DRAFTING

We regularly review and draft environmental clauses in general commercial and project finance agreements; and assist clients in addressing areas of potential environmental liability.

ENVIRONMENTAL LEGAL TRAINING

We have prepared environmental legal training material and presented training workshops to industrial and public sector clients on many aspects of environmental and health and safety law, including presentations on mining law, waste management, pollution control, environmental impact assessments and climate change.

LEGAL REGISTERS AND COMPLIANCE TOOLS

We prepare and regularly update environmental legal registers for clients in many different sectors. We have also developed an electronic environmental legal compliance tool that can be customised for a client's particular needs.

Our team has drafted laws for the South African Development Community national governments within the SADC region and provincial and local government authorities in South Africa.



MARKET RECOGNITION

Our Environmental Law team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2021–2024 ranked our Environment Law practice in Band 3 for environment.

The way we support and interact with our clients attracts significant external recognition.

Allan Reid is an Executive Consultant in our Corporate & Commercial practice. *Chambers Global 2017–2024* ranked him in Band 2 for energy & natural resources: mining. *The Legal 500 EMEA 2020–2024* recommended him as a 'Leading Individual' for mining. From **2011–2019**, it recommended him for mining. Allan is one of the leading advisers to the South African mining sector, bringing almost three decades of experience of mining and the mining industry for clients. He has also advised major clients with regard to compliance and mineral issues on mines in Zambia, Zimbabwe, Niger, Mozambique, Chad and the DRC. Allan has led work for South African platinum and gold majors on a diverse range of mining & mineral law interests, property, securities exchange and funding matters.



OUR TEAM

For more information about our Environmental Law practice and services in South Africa and Kenya, please contact:



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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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