

Andrew Gilder (Water/environment 2017.07.07)

Nationality	South African	
Education	Bachelor of Arts (BA) (1987) University of Natal (now Kwa-Zulu Natal), Durban Master of Laws (LLM) (2003), University of Cape Town	Bachelor of Laws (LLB) (1989) University of Natal (now Kwa-Zulu Natal), Durban Post Graduate Diploma in the Drafting and Interpretation of Contracts (2005), University of Johannesburg
Languages	English (Native speaker), Afrikaans (Competent)	
Employment record		
2017- current	Director of Climate Carbon and Environmental Legal Consulting (Pty) Ltd	
2012 - 2017	Climate Change and Carbon Markets Practice Area Leader, very large South African law	
2003 – 2012	Senior Environmental Legal Consultant / Director, Imbewu Sustainability Legal Specialists (Pty) Ltd. and Warburton Attorneys	
2000 - 2002	Candidate Attorney, Herold Gie & Broadhead Inc. Attorneys (now Herold Gie Inc. Attorneys)	
Relevant professional experience		
2016-2017	Legal advisor to the Zambezi Watercourse Commission on the integration of regional laws and policies amongst eight riparian states to harmonise provisions relation to water security, with a focus on equitable access to water, energy development and climate change in the region. One of the primary objectives of this project was to also align domestic instruments with existing regional and international water law legal instruments. The project entailed the development of a gap analysis of domestic legislative and policy instruments, detailed country assessments according to a set of defined indicators and an options paper.	
2016-2017	Drafting a Climate Change Bill for the Department of Environmental Affairs (which included proposed amendments to South Africa's National Water Act 1998), including an options paper of legislative mechanisms for implementation, a socio-economic impact study and legal opinion on the proposed legislative provisions. The project entailed detailed stakeholder workshops, inter-Ministerial and inter-Departmental proceedings, followed by an iterative drafting process.	
2016-2017	Ekurhuleni Metropolitan Municipality provision of legal advice in relation to the <i>Feasibility Study for Alternative Waste Management</i> project.	
2016	UNFCCC/RCC Kampala: Participation, as carbon markets expert, in discussions on the future utility of the carbon market as a means to support sustainable development across the East African Region, with particular reference to the implications of Article 6 of the Paris Agreement for an operative market, and on the Region's necessary preparation to benefit from carbon market opportunities	
2015	Advising BHP Billiton in respect of the largest decommissioning project in South Africa to date, involving its Bayside Aluminium Smelter (which was for decades the biggest in kilometre length structure in the southern hemisphere), including advice	

	on the water use licence amendment process for decommissioning and water regulatory considerations for coastal related activities.
2015	Law Society of Uganda Carbon Markets and Contracting Training project Leading a team of lawyers to devise and implement training for the Law Society of Uganda aimed at providing practical carbon markets legal training for Ugandan lawyers with a focus on accessing carbon markets support for the implementation of renewable energy projects – funded by the Belgian Development Agency
2015	Drafting the environmental component of the <i>National Oil and Gas Policy for Uganda</i> (Department of Energy and Mineral Development, April 2014).
2012-2013 & 2014 – 2015	<ul style="list-style-type: none"> • 2013: GIZ Adaptation Support Project for the Department of Environmental Affairs - Legislation Gap Analysis and Policy Alignment Process including an analysis of law and policy on the water sector in South Africa. • 2015: Update of Legislation Gap Analysis and Policy Alignment Process and Strategic Input to the National Adaptation Plan Development Process. <p>Legal lead and project management for both – all funded by GIZ.</p>
2015	Legal advisor to Business Unity South Africa on the legal nature of South Africa's previous and future commitments under the UNFCCC, and its interactions with the Department of Environmental Affairs in relation to the South African Intended Nationally Determined Contribution
2013	Development of a sustainable mining framework for South Africa's national electricity utility, Eskom SOC Ltd, which framework included advice on shared water catchments, and the apportionment of water related management functions and liabilities between mines.
2010 – 2012	Legal advisor to the World Bank and the South African Centre for Carbon Capture and Storage (SACCS) in relation to four projects regarding the development of CCS projects in South Africa
2009 – 2010	Regional Climate Change Programme, funded by UK DFID: <ul style="list-style-type: none"> • researched and drafted legal position papers for the African Group of Negotiators' use in the negotiations; • devised and implemented climate change legal training for SADC negotiators
2003 – 2012	External environmental, climate change and carbon markets legal counsel to the eThekweni Municipality, in relation to the Durban Landfill Gas to Power Generation Clean Development Mechanism (CDM) Project.
2003 – 2009	Legal advisor for the Danida South African CDM Programme via the Royal Danish Embassy to South Africa

Key professional skills:

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| <ul style="list-style-type: none"> • Water law and policy analysis and advice • Climate change policy analysis • Analysis of the energy, carbon, water and climate change nexus • Climate change strategy development for public and private sectors | <ul style="list-style-type: none"> • Feasibility studies • Capacity building and training on environmental and water law • Facilitation and moderation of workshops • Carbon finance advisor and emissions reduction project implementation advisor |
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Membership of professional bodies:

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- Admitted as an Attorney in the Cape of Good Hope Provincial Division (South Africa), 2001.
 - Enrolled as an Attorney in the Transvaal Provincial / Northern Provinces Division (South Africa), 2003.
 - South African Wind Energy Association: Policy Working Group Chair
 - Member of the Environmental Law Society of South Africa (www.elasa.co.za).
 - Legal Research Fellow: Centre for International Sustainable Development Law (www.cisd.org).
 - Member of Advisory Panel of the International Energy Agency on Carbon Capture & Storage in Developing Countries.
 - Co-conceptualisation and Co-convenor of Climate Change and Energy Law, teaching module as part of LLM in International Environmental Law for the North-West University; and Extraordinary Senior Lecturer, Faculty of Law, North-West University.
 - Guest Lecturer in Climate Change and Energy Law, Faculties of Law, University of Cape Town, University of KwaZulu-Natal (Durban and Pietermaritzburg), University of the Witwatersrand.
 - South African Carbon Markets Industry Association: Founder, previous Secretariat and Leader: Tax & Legal Working Group
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Publications (selected – a full list can be provided upon request)

Humby, Kotze, Rumble, Gilder *Climate Change Law and Governance in South Africa*, Juta, October 2016 (the definitive national text on the issues). In addition to co-editing the publication, drafted/co-drafted the following chapters:

- *Climate Change Law and Governance in South Africa – Setting the Scene*
- *South Africa and Climate Change Ethics*
- *Carbon Pricing in South Africa*
- *Epilogue (analysis of the Paris Agreement)*

Glazewski J., Gilder A and Swanepoel E. *Carbon Capture and Storage (CCS) Towards a regulatory and legal regime in South Africa* University of Cape Town, African Climate and Development Institute and Institute of Marine and Environmental Law 2012, at: http://www.law.uct.ac.za/usr/law/downloads/ccsworkshop_sept2012.pdf

Gilder A. and Paramon M. *South Africa and the Durban Climate Change Negotiations – Challenges and Opportunities as Hosts of COP17* Institute for Global Dialogue 2011

Couth R., Trois C., Parkin J., Strachan L. J., Gilder A. & Wright M., *Delivery and viability of landfill gas CDM projects in Africa-A South African experience*. Renewable and Sustainable Energy Reviews 2010

Gilder, A., “To Tax or Trade (or Both or Neither)? The Confusing South African *Status Quo* on Carbon Taxation and Emissions Trading”, *Climate and Carbon Law Review*, 4 / 12, <http://www.lexxion.de/zeitschriften/fachzeitschriften-englisch/cclr.html>

“Ownership of Carbon Credits – a question of property”, *De Rebus*, December 2011 (monthly Attorneys journal of the Law Society of South Africa), see: www.derebus.org.za

Practical Law Company Cross-border Environment Handbook 2011/12: “South Africa Climate Change Chapter; and, Climate Change and Environmental Impact Assessment in South Africa” (co-author), <http://whichlawyer.practicallaw.com>

Specialist Climate Change Legal Advisor for Glazewski, J., *The Environmental Laws of South Africa*, Second Edition, 2005

Co-drafted Manual: UNESCO MAB: *South African Biosphere Reserve Implementation Guidelines*, completed 2004 – climate change and development focus in the context of a land and water management framework
