

Curriculum Vitae: Andrew Gilder

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| Nationality | South African |
| Education | <p>Post Graduate Diploma in the Drafting and Interpretation of Contracts (2005), University of Johannesburg</p> <p>Master of Laws (LLM) (2003) University of Cape Town</p> <p>Bachelor of Laws (LLB) (1989) University of Natal (now Kwa-Zulu Natal), Durban</p> <p>Bachelor of Arts (BA) (1987) University of Natal (now Kwa-Zulu Natal), Durban</p> |
| Languages | English (Native speaker), Afrikaans (Competent) |
| Membership of professional bodies | <ul style="list-style-type: none"> 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 |
| Employment record | |
| 2017- current | Director Climate Legal, Durban and Johannesburg |
| 2012 – 2017 | Climate Change and Carbon Markets Practice Area Leader, ENSafrica, Johannesburg |
| 2003 – 2012 | Senior Environmental Legal Consultant / Director, Imbewu Sustainability Legal Specialists (Pty) Ltd. and Warburton Attorneys, Johannesburg |
| 2000 – 2002 | Candidate Attorney, Herold Gie & Broadhead Inc. Attorneys (now Herold Gie Inc. Attorneys), Cape Town |
| Relevant professional experience | |
| 2021 | <p>South African Institute of International Affairs</p> <p>Author</p> <p>Author of a policy brief for the South African Institute of International Affairs on Climate Finance in the Wake of Covid19</p> |
| 2021 | <p>Conservation International - South Africa</p> <p>Legal advisor</p> |

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| | Legal advisor to Conservation International, South Africa, on the legal, strategic and community and social considerations relevant to the implementation of various land restoration carbon offset projects on communally owned land. |
| 2021 | <p>Konrad-Adenauer-Stiftung e.V (Brussels office)</p> <p>Researcher</p> <p>Researching and drafting a report for the Konrad-Adenauer-Stiftung e.V (Brussels office) entitled Updating Nationally Determined Contributions in a time of Corona. The project includes the preparation of, and participation in, related materials and events (podcasts, online events and meetings with relevant EU officials).</p> |
| 2021 | <p>South African National Treasury</p> <p>Legal advisor</p> <p>Legal advisor to the South African National Treasury regarding the Standard Operating Procedures for the South African Carbon Offset Administration System (COAS); and, making recommendations for the architecture, operation and administration of a notional South African national carbon standard (proposed as a platform to generate eligible offsets under the carbon offset allowance, under the Carbon Tax Act, 2019).</p> |
| 2020 | <p>South African Institute of International Affairs</p> <p>Researcher</p> <p>Researching and drafting a Policy Brief for the South African Institute for International Affairs entitled Climate Change Considerations for a Post-COVID Return to Business as Usual</p> |
| 2020 | <p>South African Institute of International Affairs</p> <p>Legal and Policy Advisor</p> <p>Advising the South African Institute for International Affairs on approaches to revising the 2014 Regional Climate Change Strategy of the Southern African Development Community (“SADC”). And advising the South African Institute for International Affairs on approaches to revising the Seychelle’s National Climate Change Policy – “Making Seychelles Climate Resilient” - 2019.</p> |
| 2019 | <p>Konrad-Adenauer-Stiftung e.V</p> <p>Lead author</p> <p>Lead author of a report on the introduction of Carbon Pricing Mechanisms in Sub Saharan Africa for the Konrad-Adenauer-Stiftung e.V regarding suitable carbon pricing instruments tailored to national and local considerations in a Sub Saharan African context.</p> |
| 2019 | <p>Law Society of Zimbabwe and Konrad Adenauer Foundation</p> <p>Proposed national Climate Change Bill</p> <p>Legal Advisor</p> <p>Legal advisor to the Law Society of Zimbabwe and Konrad Adenauer Foundation on the proposed content of a national Climate Change Bill, including the re-drafting of the Bill and advice on international best practice.</p> |
| 2015 | <p>Business Unity South Africa</p> <p>South African commitments under the UNFCCC and INDCs</p> <p>Legal Advisor</p> <p>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</p> |

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| 2016-2017 | Zambezi Watercourse Commission ZAMCOM Legal Advisor 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. |
| 2012-2013 & 2014 – 2015 | GIZ Adaption Support Project for the DEA, South Africa and National Adaption Plan, South Africa Legal Analysis <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. Legal lead and project management for both – all funded by GIZ. |
| 2019 | Government of Thailand and Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH Proposed national Climate Change Bill Legal Advisor Legal advisor to the government of Thailand and Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH on international best practices to be adopted in the development of Thailand's Climate Change Bill. |
| 2016-2019 | South African Department of Environmental Affairs Climate Change Bill Legal Opinion Member of the drafting team of the Climate Change Bill for the South African Department of Environmental Affairs. The matter includes the development of draft statutes, an options paper of legislative mechanisms for implementation, a socio-economic impact study and legal opinion on the proposed legislative provisions |
| 2018-2019 | International Union for the Conservation of Nature Legal Advisor Legal advisor to the International Union for the Conservation of Nature on South Africa's regional and domestic legal regime for marine plastic pollution |
| 2018-2019 | Government of South Africa Climate Change Impacts on South Africa's banking and insurance sector Legal Advisor Legal advisor to South Africa's banking and insurance sector on the implications of domestic and international climate change legal developments |
| 2018-2019 | Canadian High Commission Trade Office, South Africa Climate Finance Report Author Author of a report regarding climate finance priorities and access in South Africa, Mauritius, Namibia, Madagascar and Lesotho on behalf of the Canadian High Commission Trade Office, South Africa |

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| 2018-2019 | <p>UNFCCC Regional Collaboration Centre (RCC) Kampala; GIZ and UN Environment Carbon Pricing Instruments</p> <p>Legal Advisor</p> <p>Legal advisor to the UNFCCC Regional Collaboration Centre (RCC) Kampala; GIZ and UN Environment, on the potential introduction of carbon pricing instruments in Ethiopia, Kenya, Rwanda, Mauritius, and Uganda, including a review of and advice on laws and policies within the respective jurisdictions</p> |
| 2018 | <p>Various Clients Carbon Tax Bill</p> <p>Legal Opinion</p> <p>Drafting submissions to National Treasury and Parliament on behalf of various clients on the South African Carbon Tax Bill</p> |
| 2018-2019 | <p>City of Cape Town Metropolitan Municipality Carbon Market Services</p> <p>Legal Advisor</p> <p>Legal advisor in a multi-disciplinary team appointed to provide ongoing carbon market services to the City of Cape Town Metropolitan Municipality, including all of the city's CDM projects</p> |
| 2016-2017 | <p>Ekurhuleni Metropolitan Municipality Feasibility Study for the Alternative Waste Management project</p> <p>Legal Opinion</p> <p>Ekurhuleni Metropolitan Municipality: provision of legal advice in relation to the- <i>Feasibility Study for Alternative Waste Management</i> project.</p> |
| 2016 | <p>UNFCCC/RCC Kampala Discussions on carbon markets</p> <p>Carbon Markets Expert</p> <p>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</p> |
| 2015 | <p>BHB Billiton Decommissioning Project, South Africa</p> <p>Legal Advisor</p> <p>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.</p> |
| 2015 | <p>Belgium Development Agency Law Society of Uganda Carbon Markets and Contracting Training project</p> <p>Team Lead</p> <p>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</p> |

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| | on accessing carbon markets support for the implementation of renewable energy projects funded by the Belgian Development Agency |
| 2015 | <p>Department of Energy and Mineral Development National Oil and Gas Policy for Uganda</p> <p>Legal Expert Drafting the environmental component of the <i>National Oil and Gas Policy for Uganda</i> (Department of Energy and Mineral Development, April 2014).</p> |
| 2013 | <p>Belgium Development Agency Law Society of Uganda Carbon Markets and Contracting Training project</p> <p>Team Lead 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.</p> |
| 2010 – 2012 | <p>World Bank and the South African Centre for Carbon Capture and Storage (SACCS) Development of Carbon Capture and Storage Projects in South Africa</p> <p>Legal Advisor 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</p> |
| 2009 – 2010 | <p>DFID, United Kingdom Regional Climate Change Programme</p> <p>Researcher, Legal Analysis and Legal Advisor Regional Climate Change Programme, funded by UK DFID:</p> <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 | <p>eThekweni Municipality Durban Landfill Gas to Power Generation Clean Development Mechanism (CDM) Project</p> <p>Legal Advisor 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.</p> |
| 2003 – 2009 | <p>DANIDA South African CDM Programme</p> <p>Legal Advisor Legal advisor for the Danida South African CDM Programme via the Royal Danish Embassy to South Africa</p> |

Publications and Conference Papers (selected)

A Gilder, O Rumble and M Parker Concise Guide to Carbon Tax LexisNexis, October 2020, see: <https://store.lexisnexis.co.za/categories/tax/income-tax-180/concise-guide-to-carbon-tax-skuZASKUPG5617>

A Gilder, O Rumble, M Parker and G Stiles Comprehensive Guide to Carbon Tax LexisNexis (forthcoming, quarter two, 2021)

A Gilder and O Rumble Handbook of South African Climate Change Legislation LexisNexis (forthcoming, quarter three, 2022)

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

Podcasts and Online Events:

September 2020) Interviewed on Business Day TV in the company of Ms Barbara Creecy, the South African Minister for Environment, Forestry and Fisheries on the release of the Low Emission Development Strategy. See:

<https://www.youtube.com/watch?v=ejushA9ChaA&feature=youtu.be>.

(September 2020) Invited expert speaker for a Virtual South Africa-EU Town Hall on Border Carbon Adjustments organised by the European Roundtable on Climate Change Sustainable Transition.

See: <https://ercst.org/event/virtual-south-africa-eu-town-hall-on-border-carbon-adjustments/>.

(May 2020) Invited expert speaker for a podcast of the Konrad-Andenauer-Stiftung e.V (Brussels office), entitled Carbon Pricing in the Global South – Refining the EU’s Climate-Development Nexus. See: <https://soundcloud.com/user-367378336/carbon-pricing-in-the-global-south-refining-the-eus-climate-development-nexus>.

(April 2020) Invited expert speaker for an online event of the Konrad-Andenauer-Stiftung e.V (Brussels office), entitled Dreaming of a Global Carbon Price – Myths, Challenges and Reality-Checks. See: <https://soundcloud.com/user-367378336/dreaming-of-a-global-carbon-price-on-myths-challenges-reality-checks>.

Other publications

- Gilder A and Rumble O South Africa: A Global Air Pollution Hotspot? TaxTalk South African Institute of Tax Professionals, 30 March 2020, at: <https://www.thesait.org.za/news/498350/South-Africa-A-Global-Air-Pollution-Hotspot.htm>.
- Gilder A and Rumble O (Guest Editors for the Special Issue) Evolving African Climate Change Law and Regulation Special Issue of the Climate and Carbon Law Review Volume 13 Number 4 (2019) – Editorial
- Gilder A and Stiles G “Comparative Approaches to Carbon Taxation in Canada and South Africa: Balancing National Aspirations with Global Realities” Special Issue of the Climate and Carbon Law Review Volume 13 Number 4 (2019)
- O Rumble, A Gilder, G Kornelius, L Burger, H Liebenberg-Enslin “Air Quality” in Strydom and King (eds) Environmental Management in South Africa (3rd ed) (Juta) (2018)
- E Swanepoel and A Gilder “Climate Change” in Fuggle and Rabie Environmental Management in South Africa (3rd ed) (Juta) (2018)
- Climate change legal specialist author for Glazewski, J., The Environmental Laws of South Africa, 2013
- Gilder A and Rumble O “Africa, Current Developments in Carbon and Climate Law” 3 Climate and Carbon Law Review (2017) 268
- 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 Parramon M South Africa and the Durban Climate Change Negotiations – Challenges and Opportunities as Hosts of COP17 Institute for Global Dialogue, 2011
- Gilder A and Parramon M Governance of Climate Change in South Africa Department of Environmental Affairs (part of the series of booklets on national climate change policy), 2012
- 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
- “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
- Rumble, A Gilder and B Dhladhla “PLC Multi-Jurisdictional Guide for Environmental Law” Practical Law Company (2012/13)
- A Tabau L Massai K Gregg A Gilder and O Rumble “Current Developments” Carbon & Climate Law Journal: Carbon and Climate Law Review (2012) Issue:2/2012, 167-173
- 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>
- Contribution to climate change chapter in Glazewski, J., The Environmental Laws of South Africa, Second Edition, 2005.
- K Naude R Stanvliet M Duckitt A Gilder B Verster and R Baber “The World Network on Biosphere Reserves – Tools for linkages in the landscape: the experiences of South African Biosphere Reserves” paper presented as part of Workshop Stream 1: Linkages in the landscape/seascape (Leaf on International Game Board) Fifth World Parks Congress, Durban, September, 2003.
- R Stanvliet-Pool and A Gilder UNESCO-MAB: South African Biosphere Reserve Implementation Guidelines UNESCO-MAB (2004).