



WERKSMANS
ATTORNEYS

Environmental

Practice area

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South African environmental law is continually evolving and now incorporates contemporary international environmental law principles such as the “polluter pays”, “cradle-to-grave”, “extended producer liability” and the “precautionary principle”.

Our environmental law practice offers high-level specialized advice in this constantly-evolving legislative landscape which has also seen a growing emphasis on corporate governance requirements in the shape of triple bottom line reporting.

We fully understand the extent to which environmental considerations affect the operations of businesses across the economy, from energy and mining to petrochemicals, agriculture, manufacturing, infrastructure and property development, tourism and transportation.

This is reflected in the comprehensive range of environmental legal issues advised on

which include due diligence investigations and environmental legal compliance with the suite of environmental laws, including waste, air emissions, environmental impact and biodiversity laws, as well as heritage law, land claims and ISO 14001 compliance and implementation. We also offer considerable environmental litigation experience and expertise and strong legislative and commercial drafting skills.

The team often collaborates with other specialist practice areas, including the Mining, Energy, Natural Resources, Property and Healthcare and Life Sciences to assist local and international companies in complying with their statutory requirements and in understanding the impact of their development projects on all aspects of the environment - from water, air and soil to the cultural heritage of affected communities.

Our team of highly-skilled specialist lawyers includes a qualified and experienced town

and urban planner and we are ideally placed to also advise on all aspects relating to land use planning.

Versatility is the hallmark of the team which is able to address advisory, regulatory, compliance, contractual and transactional issues, as well as resolve and avoid potential disputes or litigate when disputes arise.

Environmental impact assessment

Working closely with the environmental assessment practitioner and specialist consultants, we manage the application process to ensure legal compliance, avoid delays and successfully defend any appeals to ensure a favourable and legally defensible record of decision. We also represent clients who stand to be affected by a development in opposing the applications for authorisation and appealing any unfavourable decisions.



Environmental compliance

Environmental liability is strict and the environmental laws are framed widely enough to hold companies, parent companies, lenders and even directors and officers responsible for environmental degradation and pollution. We offer specialist advice on all areas of environmental legal compliance and assist our clients in meeting their statutory and corporate governance obligations.

Environmental due diligence investigations

Considering the potential for retrospective and strict environmental liability, environmental concerns are becoming increasingly important in mergers and acquisitions. Our team has significant experience in undertaking environmental due diligence investigations in respect of numerous major national and cross-border transactions.

Environmental litigation

Our attorneys have extensive experience and significant success in litigating and defending environmental cases in the various divisions of the High Court of South Africa. We have considerable Constitutional Court litigation experience and our attorneys have represented clients in many of the landmark environmental cases that have been heard in our courts.

ISO 14001

Our team has expertise and experience in advising clients on the implementation of ISO 14001 accredited environmental management systems and in independently auditing these systems.

Legal registers and compliance audits

We are frequently called upon to prepare and update environmental legal registers for our clients in various sectors and to undertake compliance audits.

Capacity building and environmental legal training

Our attorneys are often called upon to prepare and to present environmental legal training courses and lectures at universities and to various industrial, public sector and NGO clients on all aspects of environmental law.

Legislative and commercial drafting skills

Our team has significant legislative drafting experience and expertise and has been involved in drafting laws of national, provincial and municipal application and various guidelines and policies in accordance with these laws. We are also regularly called upon to draft or review environmental clauses, including warranties and indemnities, in various commercial agreements.

Werksmans Attorney's is ranked in Band 2 as a leading law firm for Environmental Law by Chambers Global since 2016.



› Meet the Team



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About us

Established in the early 1900s, Werksmans Attorneys is a leading South African corporate and commercial law firm, serving multinationals, listed companies, financial institutions, entrepreneurs and government.

Operating in Gauteng and the Western Cape, the firm is connected to an extensive African legal alliance through LEX Africa. LEX Africa was established in 1993 as the first and largest African legal alliance and offers huge potential for Werksmans' clients seeking to do business on the continent by providing a gateway to Africa.

With a formidable track record in mergers and acquisitions, banking and finance, business rescue and restructuring, commercial litigation and dispute resolution, Werksmans is distinguished by the people, clients and work that it attracts and retains. Werksmans' more than 200 lawyers are a

powerful team of independent-minded individuals who share a common service ethos. The firm's success is built on a solid foundation of insightful and innovative deal structuring and legal advice, a keen ability to understand business and economic imperatives and a strong focus on achieving the best legal outcome for clients.



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**THE CORPORATE &
COMMERCIAL LAW FIRM**
A member of the LEX Africa Alliance
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