

**CURRICULUM VITAE OF KIRSTEN MARY YOUENS**  
**ENVIRONMENTAL ATTORNEY**

**ID NUMBER:** 7308150074086

**GENDER:** Female

**CORE BUSINESS FOCUS**

2014 – date

- environmental justice
- climate justice, including social justice
- advising on conservation and protected areas
- opposing coal mining and prospecting applications in important biodiversity areas
- environmental justice litigation
- advising and drafting opinions on the protection of wildlife and protected areas
- marine protection and sustainability
- wildlife welfare and protection
- preparing and submitting comments on draft legislation relating to environmental and biodiversity issues
- preparing opinions on legislation and gaps that need to be addressed in the environmental field
- training and workshops on environmental and land rights, the EIA processes, marine and wildlife protection, the need for wild spaces and biodiversity, environmental justice and the need for an improved legislative system to protect the wildlife of South Africa.

**QUALIFICATIONS**

Kirsten wrote her Environmental Law Master's thesis on Animal Rights: A Moral and Legal Discussion on the Standing of Animals in South African Law. She graduated with an LLM *cum laude* in 2003.

Natal University, Durban

- Bachelor of Social Science degree, 1993
  - LLB degree, 1998
  - Masters in Environmental Law (*cum laude*), 2003
- Admitted Attorney of the High Court  
- Right of Appearance in the High Court

**ATTRIBUTES**

Kirsten has been an environmental activist and conservationist since she was a child. She is fearless and determined, fighting hard for things she believes in. Combined with her skills as an attorney in all areas of environmental law, she is a good person to have on your team.

Kirsten enjoys leading projects and easily wins the buy-in of teams, directing individuals and groups with confidence and success. She is a natural leader, confronting potential problems or obstacles immediately and decisively. She has excellent drafting skills and approaches problems from angles that are not necessarily the conventional way of doing so, making complex decision-making easier. Kirsten has a personable and engaging manner with her clients and a good sense of humour. She energetically and skilfully tackles big goals that are too daunting for many of her contemporaries to consider taking on, giving her the potential to motivate large groups.

## PAPERS, ARTICLES AND INTERVIEWS

- Kirsten presented at the Inaugural World Forum on Climate Justice held in Glasgow from 19-21 June 2019. Her presentation was entitled: Coal mining, climate justice and environmental law in South Africa with specific reference to the Somkhele coal mining case in Zululand, KwaZulu-Natal.
- Kirsten has published articles in several magazines and newspapers on a variety of subjects including the White Paper on Sustainable Coastal Management, the transportation of dangerous goods and prepared her final year LLB thesis on Strict Liability, Water Pollution and the Constitution. Her papers prepared in the course of her Environmental Masters included a paper on ground water pollution and the legislation pertaining thereto as well as integrated environmental management.
- She presented a paper on Justiciability of Sustainable Development, with specific reference to the National Environmental Management Act at the International Association of Impact Assessments conference in October 2001. Kirsten has presented papers in 2003 at IIR conferences in Johannesburg on the Transportation of Dangerous Goods and on the proposed Waste Management Bill and the White Paper on Integrated Waste Management.
- She wrote her Master's thesis on Animal Rights: A Moral and Legal Discussion on the Standing of Animals in South African Law.
- Kirsten has been quoted in several newspaper articles printed on the Fuleni and Somkhele matters – all published on the [www.globalenvironmentaltrust.org](http://www.globalenvironmentaltrust.org) website – as well as featured in several documentaries. These include:
- Environmental Justice in South Africa - a Legal Discussion with Specific Reference to the Fuleni Case in Northern KwaZulu-Natal.
- Dangers of being a Defender of Environmental Justice in South Africa – Saturday Star August 26, 2017 and [bizcommunity.com](http://bizcommunity.com) August 25, 2017
- [50|50 documentary on the mining threat to Hluhluwe-iMfolozi Sunday 10 September, 2017](#)
- [50|50 documentary on the mining threat to Thula Thula Game Reserve Sunday 17 December, 2017](#)
- [SAfm interview with Nancy Richards on the challenges facing environmental activists 24 November, 2017](#)
- 50/50 documentary on the mining threat to Hluhluwe-iMfolozi Game Reserve Sunday 14 October 2018 <https://youtu.be/LaRz2wmwfkY>
- A documentary film by a Paris film crew that features her central role in legal cases in Zululand. The trailer to Divided We Dance: [See it here.](#)

## PRO BONO WORK

Since June 2014 Kirsten has been actively involved with the high-profile Fuleni and Somkhele cases, opposing open cast coal mines in rural Zululand communities, on the border of the oldest Nature Reserve in Africa, the Hluhluwe-iMfolozi in KwaZulu-Natal. She represents a community organisation that started in 2015 and has grown to over 4 000 members who are fighting to protect themselves and their land from coal mining.

## ESTABLISHED CLIENTS WITH ONGOING PROJECTS

- WILDLANDS Conservation Trust;
- The Global Environmental Trust (GET);
- The Mfolozi Community Environmental Justice Organisation (MCEJO);
- Thula Thula Game Reserve.

Kirsten Youens

B.Soc.Sc LLB LLM (Env) *cum laude*

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## STRATEGIC PARTNERS

- Environmental Defender Law Centre in Montana, USA;
- The Crowd Versus, The Hague, The Netherlands
- Land and Accountability Research Centre, UCT
- Legal Aid, South Africa
- The RAITH Foundation
- Richard Spoor Attorneys
- Janice Tooley Attorneys
- Adrian Pole Attorneys

## WORKING CAREER PRE 2014

Kirsten completed her Articles of Clerkship in general litigation at Shepstone and Wylie Attorneys in Durban during 1999 and 2000. In December 2000 she resigned from that firm and took up a position as a Professional Assistant in Garlicke & Bousfield's environmental department, to focus on environmental law and be mentored by Norman Brauteset

Kirsten opened her own practice in 2006 and has been practising for her own account since then.

Kirsten has 20 years' experience in:

- environmental litigation
- conservation
- remediation
- pollution law
- corporate policy and compliance auditing
- providing opinions on various statutes, bylaws and ordinances, and many aspects of environmental law
- preparation of ISO14001 registers
- auditing clients for ISO14001 compliance
- due diligence and legal compliance
- advising clients regarding decisions and issues which may have present or future enviro-legal implications and
- reducing risk, solving issues and complying with the law
- waste management specifically with regard to the safe handling, and disposal of waste
- water management specifically with regard to registration of water uses, licensing requirements, effluent discharge permits and water pollution
- Environmental Impact Assessments, specifically regarding advice on listed activities, public participation requirements, commenting and objecting to EIAs, preparing administrative appeals
- permitting requirements in terms of the environmental management and conservation legislation
- pollution control of hazardous substances and the clean-up thereof
- marine pollution in respect of transportation of petroleum products via ship, pipeline and single buoy moorings
- environmental justice litigation
- and administrative compliance in respect of the Promotion of Administrative Justice Act

Kirsten's legal career, while not always in activism, has certainly been very formative in what she does today. During her articles at Shepstone and Wylie she was involved exclusively in litigation, including running her own trials in the Magistrate's and High Courts. In her years at Garlicke and Bousfield and Norman Brauteseth & Associates, she gained experience in commercial and environmental law and litigation. In her own practice her main clients were refineries where she was on site for two days of every week, working directly with the MD in the beginning and later, the HSSE department over a

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period of ten years, Unitrans and Arkema Resins. In these years she advised on all aspects of environmental compliance and risk, met with regulators, audited permits and sites, drafted many contracts, did days of corporate training on corporate responsibility and Health Safety and Environment with a self-created legal handbook to explain the law of delict, contract and administrative law, and was on call for emergency incident advice 24/7. She was on the receiving end of activism and many times assisted with reducing risk, mediation and negotiating settlements – especially during the SAPREF pipeline leak in 2002.

While much of her work was promoting good corporate responsibility, auditing the companies for environmental compliance and assisting them with closing gaps between the law and their compliance, there were also times when she felt her ethics were compromised. Since 2010 she has moved away from all industrial clients and while she no longer chooses to work in this field, the experience and knowledge that she gained from working with industry for over 16 years has been invaluable in the work that she does now.

## REFERENCES

- Mawande Mazibuko – Counsel, Pietermaritzburg Bar  
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- Sifiso Dladla – ActionAid  
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