



# PRO BONO AND HUMAN RIGHTS

News and insights

## OUR ENVIRONMENTAL PRO BONO CLIENTS

*"The protection of the environment and an environmentally responsible lifestyle is one such legacy that we need to mobilise our young people to embrace."* Former-Deputy President Phumzile Mlambo-Ngcuka

### DELTA ENVIRONMENTAL CENTRE

The Delta Environmental Centre (DEC) is a private, non-profit organisation. It aims, through innovative education and training programmes and consultation, to enable people to improve the quality of their environment by promoting the management and sustainable use of all resources, in line with the South African Constitution<sup>1</sup>.

DEC was founded in 1975 by Norman Bloom as the South African Nature Conservation Centre. Its vision of sustainable use of materials is strongly influenced by its history. What began as a sewage plant that made use of ecological recycling to generate its own power and supply fertilizer for grazing cattle, today the DEC is a centre for promoting environmental sustainability.

By 1895, there were more than 100 000 people living in Johannesburg. The Town Council had to address the problem of human waste disposal created by a fast growing population. But it was only in 1904, after the Anglo-Boer ended (in 1902) that the first waterborne sewage system was introduced in Johannesburg's central and southern parts. During the economic depression in the 1930s, hundreds of thousands of migrant workers flocked into Johannesburg, adding to an overburdened system.



The Delta Sewage Disposal Works opened in 1934. It provided jobs for many workers during times of economic hardship; and it formed an important part of the sanitation history of Johannesburg.

Urban expansion and technological advancement led to the closure of the Delta Works in 1963. The building, which was regarded for its significant architectural history of its period, was stripped of all equipment. It was set for demolition, but an oversight by the City Council meant the building stood derelict for more than ten years. Then Norman Bloom approached the City Council with a proposal to lease the building and use it as an environmental centre.



For more than 30 years now, DEC has taught young school children about the importance of preserving our environment. The unstable weather conditions the world is experiencing today are a direct result of our reckless use of resources and poor management of the environment. DEC seeks to change this by educating young people on environmental conservation. Every year, DEC educates and trains some 20 000 learners, 8 000 educators and 5 000 delegates who attend its conferences, seminars and meetings.<sup>2</sup>

DEC's preservation ethic is evident from the condition in which it maintains the formerly dilapidated building and clearly demonstrated through its conversion from a former sewage works plant to a vibrant environmental centre, which houses a museum and has a park with two bird watching hides.

DEC owes much of its success to the generous support it receives from corporates and academics who have a keen interest in the environment. But unstable economic conditions are making funding more difficult to come by. Donations are also hampered by the absence of certain constitutional documents. In addition, DEC has found it difficult to secure tenure in the building it leases.

Determined to preserve DEC, Di Beeton approached our firm for assistance. Cliffe Dekker Hofmeyr directors, Verushca Pillay and Christine Jesseman, and candidate attorney, Khaya Mantengu, are working to find sustainable solutions to the DEC's legal needs.

DEC's self-sustainability will ensure that it continues to show our children the way to preserve the environment for future generations.

1 www.deltaenviro.org.za/vision  
2 www.deltaenviro.org.za/ who we are

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## NEW TOOLKIT EXPLAINS THE PUBLIC PARTICIPATION PROCESS FOR MINING

### Review of the Endangered Wildlife Trust's New Toolkit

South African legislation requires public participation and consultation in any new prospecting and mining applications. However, many South Africans struggle to understand this complex process and their rights within it. To address this, the Endangered Wildlife Trust's Law and Policy Programme, in partnership with Cliffe Dekker Hofmeyr, has developed the 'Mining Toolkit'. The toolkit takes the form of a website, available at [www.miningtoolkit.ewt.org.za](http://www.miningtoolkit.ewt.org.za), which explains the mining process in simpler terms. This is the Endangered Wildlife Trust's second toolkit, built in response to a need that was identified to help the public understand and participate in the public participation process for various developments. Justine Sweet assisted with writing the legal components of the Mining Toolkit and those components were reviewed by the Environmental Practice at Cliffe Dekker Hofmeyr. Visit the Endangered Wildlife Trust at [www.ewt.org.za](http://www.ewt.org.za).



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## SHARKS IN DEEP TROUBLE



Lesley Rochat, also known as the Shark Warrior for her passionate efforts in shark conservation, is an internationally recognised marine and shark conservationist. Lesley is the principal photographer of AfriOceans Conservation Alliance (AOCA), a non-profit organisation based in Cape Town, South Africa. This organisation is at the fore-front of marine education and shark conservation. AOCA proactively encourages and lobbies for commercial, corporate and government policies and practices that provide sustainable marine conservation. By aligning with others that share its vision, and through conservation research, and compelling education and awareness initiatives, AOCA is committed to representing and preserving Africa's marine resources.

Sharks are considered to be one of the most dangerous animals in the ocean. However, they are often misunderstood and misinterpreted by the media and people alike. This article takes a look at the plight of sharks in South African waters and in particular the banned practice of shark finning.

### Shark Finning in South Africa

Shark meat is a legitimate food source for many people in poor countries as it is a good source of protein. One of the reasons for the increased targeting of sharks has been the growing trade in shark fins, which are considered a delicacy in the East, particularly in China and Japan where they fetch high prices. The sustainable exploitation of shark fins can be realistically justified when catch limitations and closed seasons are adhered to. However, as the human population increases and resources worldwide decrease, shark finning has fast become a viable source of illegal trade.

Shark finning refers to the removal and retention of shark fins to be used for, amongst others, shark fin soup and traditional cures. The process involves the capturing of a shark, removing the fins and discarding the sometimes alive shark back into the ocean where, unable to swim, the finless shark is left to sink to the bottom to be fed on by other fish. Because the finning takes place at sea, and because shark meat is not considered as valuable as the fins, fishermen do not consider it necessary to transport the bulky animal back to the market.

In addition to being directly targeted for their fins in various commercial and recreational fisheries in South Africa, it is estimated that about half of the world's total shark catch is taken as bycatch. This means that the catches are unintentional, and are taken in fishing operations which are actually targeting other species. This method of fishing is very difficult to police and fisherman often take advantage of this window of opportunity.

There are over 200 different species of sharks found in South African waters. This number is however, fast dwindling. Developed countries are facing depleted shark stocks and the all time high demand for shark fins force these foreign traders to increasingly turn their attention toward the southern seas. Foreign vessels are authorised to fish out of South African waters and the lack of adequate management policies and ineffective compliance with South African laws and regulations result in the threatened extinction of shark.

Sharks, as apex predators, play a very important role in the oceans by maintaining the biological balance in a very complex ecosystem. Sharks are at the top of the food chain and their removal from the equation threatens the stability of the marine ecosystems.

Sharks are also of very high eco-tourist value and responsible for South Africa being recognised as a shark diving Mecca of the world. Every year thousands of tourists come to South Africa to have a unique diving experience with some of the oceans top predators. This eco-tourist industry brings in millions of Rands of revenue annually, and provides job opportunities to a country with a high unemployment rate.

### AOCA

Against this backdrop, AOCA actively campaigns to ensure that shark species are protected. While it is estimated that a conservative 70 million sharks are caught worldwide every year, only three species, the whale, basking shark and great white sharks having full protective status. Since shark finning is a widespread and largely unmonitored practice, AOCA seek to extend full protective status to other shark species in South Africa. Lobbying petitions have been put forward to government to extend protection to all shark species, but the process has been tedious and slow.

Other lobbying campaigns by AOCA to save the shark include SA Shark Petition, a petition guarding against the extinction of the shark; Wanted! Dead or Alive, a campaign aimed at raising funding for save the shark; and the Tsitsikamma threat, a lobbying initiative aimed at preventing the South African National Parks and the Department of Environmental Affairs from opening sections of the Tsitsikamma Marine Protected Area for the purposes of fishing.

AOCA is a very small organisation with limited resources and staff and their initiative to protect the shark is by no means an easy feat. Lack of funding, industry politics, personal agendas and the lack lustre attitudes of people in government prolong the process of driving the campaign to a conclusion. There are numerous appeals from AOCA encouraging the public to lend their support, be it through monetary contributions, time or the simple signing of a petition.

At this stage, AfriOceans is the only organization driving this matter forward. In the words of Lesley Rochat, it is therefore proposed that "the horse that is already running in the race is backed, and that AfriOceans is assisted in winning this fight". AfriOceans can be contacted at [www.aoca.co.za](http://www.aoca.co.za).

Cliffe Dekker Hofmeyr recently represented AOCA, on a pro bono basis, in a matter involving a dispute in copyright ownership.

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