



THE WILDLIFE SOCIETY OF SOUTHERN AFRICA
DIE NATUURLEWEVERENIGING VAN SUIDER AFRIKA

Reg. No. 05/04686/06

(Incorporated Association not for gain)
(Ingevolge Vereniging sonder winsoeking)

FRN 01 1000 78 000 3

109
C109

NATIONAL OFFICE / NATIONALE KANTOOR
"Northwards"
21 Rookridge Road/Weg
Parktown 2193, Johannesburg
SP 44188, Linden 2104
South Africa/Suid Afrika
☎ (011) 482-1670
Fax (011) 482-2436

21 September 1993

The Secretary
Constitutional Committee
P O Box 307
ISANDO
1600

FAX TO: Constitutional Committee
FAX NO: 397 2211 PAGE: 1 OF: 4
ATTENTION OF: MIRIAM CLEARY
FROM: Tony Ferrar DATE: 21/9/93
COMPANY: WILDLIFE SOCIETY
FAX NO: 482-2436 Post-It Notes from 3M

Dear Sir

I have been directed by the Wildlife Society of Southern Africa to submit the following representations to your Technical Committee for inclusion in the Interim Constitution for the Republic of South Africa presently under consideration by your committee.

The Society is of the view that such constitution should include not only a fundamental human right relating to environmental conservation and protection but also directive principles to guide the State in its use and management of the environment. The Society further considers that the draft clauses appearing in previous drafts of the proposed Interim Constitution, the last of which in our possession is contained in clause 30 of the Combined Reports of your committee dated 10th August 1993, have been too anthropocentric in that the emphasis has been placed only on human health and the "health" of the environment itself has not been considered.

It is now accepted worldwide that human welfare and ultimately survival is dependent upon a sound and properly conserved environment. Reference in this regard may be made inter alia to the publication "Caring for the Earth", published by the World Conservation Union (IUCN/UNEP/WWF). As background I enclose under separate cover a locally published transcription of this document where the key principles and recommendations are presented in a South African context.

Our Society accordingly proposes, for the consideration of your committee, the inclusion of the following fundamental right and directive principles in the Interim Constitution.

1. Fundamental Right

Every person has the right to a satisfactory, ecologically sustainable, and healthy environment, and has the duty to protect it.

2. Directive Principles

2.1 The State shall ensure that renewable natural resources are used by the State, corporations and individuals in a manner which :

- 2.1.1 benefits both present and future generations;
- 2.1.2 promotes the ideal of sustainable development;
- 2.1.3 maintains ecosystems and related ecological processes, in particular those important for food production, health and other aspects of human welfare and development;
- 2.1.4 maintains biological diversity by ensuring the natural survival of all species of fauna and flora;
- 2.1.5 takes into account the environmental impact of such use, preferably by a scientifically based method of environmental evaluation; and
- 2.1.6 enhances the conservation of areas of cultural, historic and natural value.

2.2 The State shall, insofar as waste management and pollution control are concerned, actively promote :

- 2.2.1 the treatment of waste at source;
- 2.2.2 the reduction, re-use and recycling of waste; and
- 2.2.3 the promotion of clean technologies.

-3-

Please place this before your committee for its consideration. I have refrained from including in this letter any extensive motivation for the proposals. Should any such motivation be required please advise me and I will arrange for the preparation of a memorandum. Alternatively, if your committee would prefer, I will arrange for a delegation from our Society to address the committee on such motivation.

It is my understanding that the Technical Committee is at present not inclined to support the need for a set of Directive Principles relevant to fundamental rights statements. The Wildlife Society firmly believes that in the complex area of rights relating to the environment, this is not a valid view. We urge you therefore to consider ways and means to include these principles in some way so that a fuller effect can be given to the right which, out of necessity, has to be very briefly stated.

The Society further strongly supports the draft clauses 23 and 24 in the Combined Reports dated 10th August 1993 referred to above, relating to access to information and reasons for administrative decisions. The Society further strongly supports draft clauses 7 and 22 relating to Locus Standi for individuals and associations. Without these clauses the right to a sound and healthy environment enshrined in this submission would be rendered virtually worthless.

I enclose a brief description of the Wildlife Society so that you may gauge the level of support that this submission represents.

Yours sincerely

A A Ferrar

for T I STEENKAMP
PRESIDENT.

Please note that the original of this letter is in the post.



THE WILDLIFE SOCIETY OF SOUTHERN AFRICA
DIE NATUURLEWEVERENIGING VAN SUIDER AFRIKA

Reg. No. US/04452/02

(Incorporated Association not for gain)
(Ingelede Vereniging sonder winsoekmerk)

PPN 01 1000 78 000 3

P.1/1

NATIONAL OFFICE /NASIONALE KANTOOR
"Northwards"
21 Rockridge Road/Weg
Parktown 2193, Johannesburg
44189, Linden 2104
South Africa/Suid Afrika
☎ (011) 482-1670
☎ Fax (011) 482-2436

THIS IS THE WILDLIFE SOCIETY

The Wildlife Society (WLS) is South Africa's largest and oldest voluntary conservation organisation, based on personal and group membership. It has occupied a leadership position for over 65 years as an authoritative, scientifically-based body, representing the environmental concerns of all South Africans.

It is a democratic and truly independent organisation functioning at the community level throughout the country. It emphasises personal involvement in conservation and environmental education in both urban and rural areas. It is a needs-driven, growth-orientated Society, working through public advocacy based on reliable information. In keeping with its founding membership of the IUCN (World Conservation Union) the WLS works towards achieving more sustainable relationships between people and their environment.

The WLS employs a team of over 30 professional staff in all provinces, primarily in the fields of environmental education and conservation ecology. It is supported by 25 000 paid up members organised into 72 centres countrywide.

The WLS plays a key role in representing the environmental interests of its members and in public advocacy and lobbying at all levels. It uses environmental issues to help the democratisation process in planning and decision making.

The WLS promotes environmentally sound ethics and lifestyles through public education and through individual and community action. The conservation of wildlife and biodiversity is a high priority, especially in protected areas, and the Society plays a vital watchdog role in all aspects of environmental degradation and threat.

The WLS has a holistic perspective of the environment and is collaborative and consensus-seeking in its style. It is assertive but restrained in pursuing its objectives and depends on logical scientific argument to develop its policies. Clearly articulated policies have been developed on over forty environmental issues from Aids to Whaling, which are available to the public on request.

AAF/29 July 1993

Directors/Direkteure: T I Steenkamp (President), H S Craven (V.President),
Dr G Avery, R C A Barnatt-Harris, D A Hutton, S G Ranuy, Dr E A Zolouris, A A Ferrar (Executive/Uitvoerende).

Member of
IUCN
The World Conservation Union