

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

Case number: A155/19

Water Tribunal Case number: WT03/17/MP

In the matter of:

**LEGAL RESOURCES CENTRE**

First Applicant *Amicus Curiae*

**CENTRE FOR APPLIED LEGAL STUDIES**

Second Applicant *Amicus Curiae*

**SECTION27**

Third Applicant *Amicus Curiae*

**EQUAL EDUCATION LAW CENTRE**

Fourth Applicant *Amicus Curiae*

**NDIFUNA UKWAZI**

Fifth Applicant *Amicus Curiae*

**CENTRE FOR CHILD LAW**

Sixth Applicant *Amicus Curiae*

In the application of:

**ENDANGERED WILDLIFE TRUST**

First Applicant

**FEDERATION FOR A SUSTAINABLE ENVIRONMENT**

Second Applicant

And

**DIRECTOR-GENERAL (ACTING),**

**DEPARTMENT OF WATER AND SANITATION**

First Respondent

**ATHA-AFRICA VENTURES (PTY) LTD**

Second Respondent

---

CENTE FOR CHILD LAW'S SUPPORTING AFFIDAVIT

---

1 X0  
NEM

I, the undersigned,

**RONALDAH LERATO KARABO OZAH**

state under oath as follows:

- 1 I am the Director of the Centre for Child Law ("CCL"). I am a specialist in child law and obtained my LLM in this field in 2010. During my legal career spanning over 10 years, I have concentrated on advancing the rights of children and have played a significant role in the development of an appropriate legal framework in line with the Constitution and relevant international instruments. This work I have undertaken as an attorney and now the Director of the CCL where I have been employed for the past 13 years.
  
- 2 I am duly authorised to depose to this affidavit on behalf of the CCL, the sixth *amicus curiae* applicant in this matter. A letter to this effect is attached hereto as **Annexure "KO1"**.
  
- 3 The facts contained in this affidavit are within my personal knowledge, unless otherwise indicated, and are true and correct, to the best of my knowledge and belief.

KO  
2  
N-EM

- 4 I have read the founding affidavit deposed to by Nersan Govender (the main affidavit), in this application. I confirm that the contents thereof are true and correct in so far as they relate to myself and/or the CCL.
- 5 In addition to the facts set out in the main affidavit, I wish to provide further information pertaining to the CCL's work and role in advancing children's constitutional rights in South Africa through strategic litigation.
- 6 Over the past 22 years, the CCL has established itself as a children's rights organisation contributing to the children's rights sector through litigation, policy development, research and advocacy.
- 7 The CCL uses and develops the constitutional framework for effective public interest litigation in the field of child law. Examples of this work include its involvement in the legal developments around children's legal standing, the rules regarding the legal representation of children, the protection of children's privacy and identity and protection against cost orders.
- 8 The CCL does this work in order to advance the capacity of children and children's rights organisations to use the law to promote their rights, now and in the future. Its work in this regard advances the constitutional project of respecting, protecting, promoting and advancing the rights of children.

LEO  
3 NEM

- 9 The CCL recently represented the interests of children in the Constitutional Court decision of ***Centre for Child Law and Others v Media 24 Limited and Others***<sup>1</sup> where it successfully advanced submissions on the potentially harmful effects of publication of their names and identities as a result of being implicated in criminal proceedings. The CCL was both an institutional applicant and legal representative of an individual child and a media freedom organisation that focuses on child protection in the media.
- 10 The CCL's modus operandi includes litigating in its own name in the interests of children; representing a child and being an institutional applicant simultaneously and being an institutional client represented by another social justice organisation. There is no conflict that arises when it acts in any of these capacities.
- 11 Some of the matters of significance that the CCL has litigated include:

11.1 ***Centre for Child Law v Minister of Justice and Constitutional Development and Others***<sup>2</sup>. In this matter the CCL sought to ensure that child offenders are not subject to the minimum sentence legislation. The state respondents sought to challenge the CCL's standing as the CCL did not have an individual child client. Both the High Court and the

---

<sup>1</sup> 2020 (4) SA 319 (CC).

<sup>2</sup> 2009 (6) SA 632.

Constitutional Court found in the CCL's favour and the Constitutional Court said the following in this regard:

*"Before considering the issues, it is convenient to mention at the outset that in this Court the Minister did not persist with his challenge to the Centre's legal standing, or with the contention that the issues were purely academic. That approach was in my view correct. Although the Centre did not act on behalf of (or join) any particular child sentenced under the statute as amended, its provisions are clearly intended to have immediate effect on its promulgation. So the prospect of children being sentenced under the challenged provisions was immediate, and the issue anything but abstract or academic. The Centre's stated focus is children's rights, and in this case it has standing to protect them. It was thus entitled to take up the cudgels. To have required the Centre to augment its standing by waiting for a child to be sentenced under the new provisions would, in my view, have been an exercise in needless formalism."<sup>3</sup> (our emphasis)*

11.2 In ***Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Others***<sup>4</sup> the CCL was the legal representatives of two child

---

<sup>3</sup>Centre for Child Law v Minister of Constitutional Development and Others paras [12]-[13].

<sup>4</sup> 2014 (2) SA 168 (CC).

rights organisations challenging the criminalisation of adolescent consensual sexual activity. The CCL's interests and those of their clients in this matter were aligned and the strategy for the case included advocacy before and after the Constitutional Court finding. Particularly focused on ensuring that apart from the litigation there was an effort to educate the citizens about the unintended consequences of the criminalisation of adolescents and how this was not the correct approach to dealing with adolescents.

11.3 The CCL was an *amicus curiae* in the case of ***Biowatch Trust v Registrar Genetic Resources and Other***<sup>5</sup> where it made submissions in relation to the deleterious effect that negative costs orders would have on the capacity of public interest law bodies to initiate litigation in defence of constitutional rights.

12 The CCL uses different strategies in addition to litigation in order to ensure the advancement, promotion and protection of children's rights. The CCL represents children and/or their interests in all its work, an outcome that is negative in relation to its ability to continue to advance children's constitutional rights would be disastrous.

13 The statements made by the second respondent against the appellants' attorneys of record, the Centre for Environmental Rights (CER), which are fully set out in the main affidavit have an effect of constraining the CCL and other

---

<sup>5</sup> 2009 (6) SA 232 (CC).

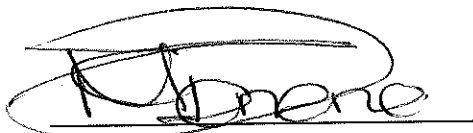
public law centres in performing their work . I submit that the CCL has an interest in the main matter as its interests and operations will be affected by the outcome of this case in so far as its approach to the litigation and advocacy it undertakes, should the second respondent be successful in its proposed modus operandi against CER.

- 14 Therefore, the CCL seeks to be admitted as the sixth *amicus curiae* in this matter in order to make submissions as set out in this affidavit. It also aligns itself with the submissions made in the main affidavit.



**RONALDAH LERATO KARABO OZAH**

The Deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to before me at Brooklyn on this the 20 day of November 2020 the regulations contained in Government Notice No. 1258 of 21 July 1972, as amended, and Government Notice No. R 1648 of 17 August 1977, as amended having been complied with.

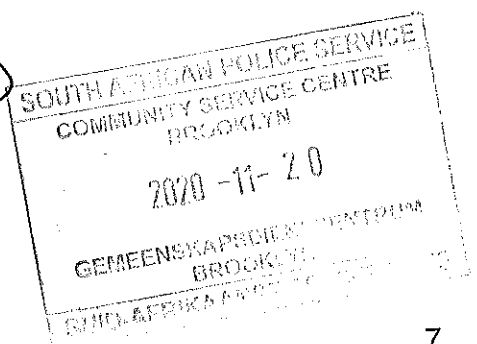


**COMMISSIONER OF OATHS**

Full names: N.E. Mgenene

Address: 119 Durabury Rd

Capacity: Millcrest  
Sergent





UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

Office of the Registrar

ANNEXURE "KO1"

16 November 2020

To Whom It May Concern

Dear Sir/Madam

**Authorisation for the University of Pretoria's Centre for Child Law to be an *amicus curiae* in the matter of Endangered Wild Life Trust and Another // Director General Department of Water and Sanitation and Another, Case no A155/19**

1. The above matter refers.
2. I hereby confirm that the Centre for Child Law has institutional approval to intervene as an *amicus curiae* in the aforementioned matter.
3. I confirm further, that Ms Ronaldah Lerato Karabo Ozah, who is the Director of the Centre for Child Law, has been authorised to depose to the necessary affidavits in this matter.

Yours faithfully

**Prof CMA Nicholson  
REGISTRAR**

K10  
NE.07