

**From:** Michele Pickover  
**Sent:** Thursday, 12 December 2024 17:00  
**To:** 'Mayor' <[mayor@overstrand.gov.za](mailto:mayor@overstrand.gov.za)>; 'annelierabie@overstrand.gov.za' <[annelierabie@overstrand.gov.za](mailto:annelierabie@overstrand.gov.za)>; 'Dean O'Neill' <[mm@overstrand.gov.za](mailto:mm@overstrand.gov.za)>  
**Subject:** Christmas Letter from the EMS Foundation

## YIPPEE! A CHRISTMAS LETTER FROM THE EMS FOUNDATION

Dear Madam Mayor and Municipal Manager,

As you are well-aware, the [EMS Foundation](#) is a registered trust, a registered non-profit organization and a public benefit organization. Our mission is the advancement and protection of the rights and general welfare of wild animals, children, elderly persons and other vulnerable groups in South Africa and Africa for the purpose of alleviating suffering, disrupting inequality in all of its forms, raising public awareness, empowering and providing dignity. We are cognisant of the entanglements of oppression and we are committed to the promotion of inclusive justice, showing compassion across species and working to build a better future for all through campaigns, research, analysis, advocacy and holding government to account. The EMS Foundation sees access to information, openness, accountability and transparency as the oxygen of democracy.

The EMS Foundation has considerable national standing and we have invested tens of millions into community development and educational projects in the Overstrand, including the building of an entirely new high school, yet your office has not even bothered to reply to correspondence sent on 3 October 2023, appealing to the Mayor for an urgent intervention and offering to assist with waste management infrastructure in Pringle Bay. What an uncalled for slap in the face.

It is with significant frustration that we send yet another letter to your good selves. Frustration because we have received nothing but the Silent Treatment, Unwarranted Aggression and Disdain from yourselves to every single attempt by the EMS Foundation to engage with the municipality in a meaningful and productive way. Frankly, it is tragically gobsmacking that every one of our reasonable, prudent, well-considered and constructive attempts, which would be beneficial to all, appear to have been deliberately and unjustifiably disregarded.

Before you cast this letter into the proverbial bin – where it seems all our reasonable and thoughtful correspondence is flung – please try and cast your eye over this history of your baseless unwillingness to engage.

*“A big part of addressing the troubling public perception trend of South African’s growing lack of trust in their government institutions and representatives starts with reaffirming the role of public servants. Our focus should be on addressing the needs of the citizens and delivering efficient, and equitable public services. The traits of the ideal public servant can only be fully attained when one has emotional intelligence, the components of emotional intelligence, like self-awareness, self-regulation, motivation, empathy and social skills are crucial for public servants to cultivate. These traits make for more effective administrators and foster stronger connections with the citizens we serve.”<sup>[1]</sup>*

Public participation means an open fair and accountable process through which

individuals and groups within selected communities can exchange views and influence decision making processes. It is further defined as a democratic process of engagement with people, deciding, planning and playing an active part in the development and operation of services that affect their lives.

The objectives of the [Overstrand Municipality Participation Policy](#), published in August 2016, are to: promote the values of good governance and human rights and to establish appropriate mechanisms, processes for public participation in municipal affairs; acknowledge the **fundamental right of all people** to participate in the governance system; promote direct and indirect platforms of participation; and provide clear sufficient and timeous information concerning community participation to communities.

It is perplexing that you have chosen, despite numerous requests, not to hold robust public consultation with **all interested parties** on the escalating human- on-baboon conflict in Pringle Bay since October 2022. In our view this decision is in direct contravention of the Municipality's Constitutional and Statutory obligation to provide transparent, democratic and accountable governance for communities and to encourage the involvement of community organisations. Despite this, the Overstrand Municipality's appears to have taken an intentional decision not to engage transparently with all sectors of civil society.

The Constitution of the Republic of South Africa provides that organs of the state must comply with five principles when procuring goods or services: procurement procedures must be fair, equitable, transparent, competitive and cost-effective. The Overstrand Municipality has never been able to offer any credible response to the pressing contents of our correspondence on the [30 May 2023](#) and the 24 July 2023 with regard to the proof of the *emergency situation* that was said to have existed that resulted in the deviation to tender processes involving the appointment of baboon management company which cost the Overstrand ratepayers tens of millions of rands.

Civil society and registered NGOs have an important role to play as well as the three levels of government and there needs to be a developed agreement on an approach to human wildlife conflict as well as an agreement on best practice and a way forward. Nonetheless, the Overstrand Municipality has repeatedly chosen to ignore all our communications which included alerts to the rising tensions and untenable situation between residents in Pringle Bay.

Perhaps if the Overstrand Municipality had heeded our warnings, the violence which has resulted in open criminality, the unnecessary and cruel killing of four baboons this year by residents, the four attacks of vandalism of property, and the countless incidents of common assault of male residents against women, could have been prevented.

In 2023 we also warned that the situation was deeply discouraging for international and local tourists as well the inhabitants of Pringle Bay after the publication in the international media about the untenable situation.

We drew your attention to the racist innuendos on the anti-baboon social media platforms, where some people used baboons to denigrate South Africans and have even compared baboons to members of a South African political party.

The EMS Foundation, interested stakeholders as well as residents of Pringle Bay, Betty's Bay and Rooiels have anxiously been waiting for the announcement of an urgent stakeholder workshop to discuss the questionable decisions taken by the Overstrand Municipality and the rising tensions in Pringle Bay since 24 December 2022.

On the 28 August 2023, **five organizations**, based in the Overstrand, [officially requested an urgent public consultation](#) with your office because of the mounting

tensions in Pringle Bay.

On the 14 September 2023 our environmental lawyers addressed [yet another urgent communication to your office](#) advising you that the information that you rely upon concerning the baboon's behaviour in Pringle Bay was incorrect and unscientific. This communication was neither acknowledged or considered, instead the Overstrand Municipality chose to engage with a small group of residents of Pringle Bay. Based on that one-sided engagement and their unscientific and non-verifiable information, procedurally unfair and flawed decisions have been made. As a result, the Overstrand Municipality has never been able to explain the [improper use of public funds and public services](#) on the 20 September 2023 in Pringle Bay.

While municipal buildings and vehicles were burning in the Swellendam Community protests by people who were struggling to afford access to basic services, in a show of disrespect of ratepayers and residents of the Overstrand, resources were used to hunt a single baboon based on absolutely no scientific or verifiable information.

The same anti-baboon group of individuals, (outspoken on social media and with whom the Overstrand Municipality openly engages), attempted to excuse the excessive show of force to the fact that there were pro-baboon protestors at the entrance of Pringle Bay. There is no evidence of any such protest, we have an abundance of video and photographic evidence to prove this.

The EMS Foundation undertook a [30-day study](#) of various, disturbing incidents that took place in Pringle Bay from September until October 2023. Besides other, serious concern was raised by Pringle Bay residents about the lack of training and the trespassing on private property by the Overstrand Municipal Eco Rangers, the chasing of baboons on the beaches restricted areas and over the sensitive fynbos areas, wilfully disregarding the Overstrand Municipality's own bylaws. This information was not acknowledged or considered, no interventions were made and as a result the criminality has escalated in Pringle Bay.

The EMS Foundation published a [media statement](#) on the 19<sup>th</sup> October 2023 the contents of this media statement are as relevant now, as they were then:

*"The EMS Foundation has publicly [challenged](#) the currently held provincial attitude that Chacma baboons are of the lowest conservation concern and our research points to the fact that the continued existence of this species is being threatened.*

*Intensive research of the management of baboons in the Cape Peninsula and the Overstrand over the past decade has highlighted the fact that the protocols established to manage baboons were instituted by a baboon management company and adopted without a public participation process by the City of Cape Town Municipality, CapeNature and the Overstrand Municipality.*

*Tens of millions of rands of taxpayers' money has been spent on attempting to manage baboons using these protocols, which according to the available data and expert and public opinion, have not been successful for baboons or humans. These protocols to their very core must now be closely examined. Baboon management at the very least requires a flexible, dynamic and compassionate approach.*

*Pringle Bay is registered as a Conservancy and is part of the Kogelberg Biosphere Reserve, a UNESCO Heritage Site. The Kogelberg is considered the heart of the Cape Floral Kingdom. The municipality, residents, visitors, property and business owners have a [critical responsibility](#) to protect and preserve the flora and fauna within this pristine natural environment."*

The EMS Foundation [raised objections](#) to the Overstrand Municipality Adapted Baboon Management Plan on the 2 May 2024. In the objection we also noted the Overstrand Municipality's decision not to engage with us or with any of the organisations based in the Overstrand or nationally, to the detriment of the safety of residents, their property and the livelihood of the baboons:

1. The EMS Foundation supports the work of a community driven baboon programme in the Kogelberg, where locally engaged, properly trained and vetted personal collect data on the baboon behaviour, operated by a locally based NGO. This team of men and women have meticulously collected data about the baboon behaviour more than a year under very trying circumstances.
2. South African primate organisations who are members of the *Wildlife Animal Protection Forum of South Africa*, a forum consisting of thirty organisations who are all also members of the ministerial appointed Wildlife Well-Being Forum, are in full support of the community programme and this NGO.
3. It is regrettable that the Overstrand Municipality has publicly maligned the necessity of this important data collection process. The community run organisation has also repeatedly requested meetings with the environmental department to discuss the information that has been collected, to no avail.
4. The data collected suggests that baboons are attracted to the present waste transfer site which is at the entrance of Pringle Bay village. Built many years ago it has outgrown its purpose. The current design does not allow for the waste to be secured so it has become a seven-day week all day and night restaurant for the baboons. The community-led programme has engaged with locally based businesses who are qualified to rebuild the dump site in such a way that the waste will be secured. The EMS Foundation agreed to fund these costs. The design and a full proposal were presented to the waste management department at the Overstrand Municipality and whilst they were very enthusiastic at the time, apparently, the Ward 10 Counsellor, Theresa Els, was of the view, unacceptably and incredulously, that there may be an ulterior motive for this offer and has never bothered to acknowledge the generous offer whilst at the same time admitting that the Overstrand Municipality does not have the budget to carry out this refurbishment themselves.
5. The most damaging part of the current untenable situation is that representatives from the Overstrand Municipality, whilst refusing to speak to the EMS Foundation or the local NPC, have instead chosen to engage only with residents who would prefer to have the baboons permanently and violently removed from the village.
6. Ignoring any semblance of neutrality, the Overstrand Municipality position is leading to an upsurge in violence not only towards the baboons but of greater concern is the escalating level of violence displayed towards women who are collecting data.
7. In the above-mentioned Plan there are no links or references provided which enable further engagement by persons seeking to understand particular proposed actions, and it is replete with unarticulated assumptions, generalisations and lack of terminological precision or explanation. It falls short of what is expected of a rational and lawful government strategy / plan/ policy. The Plan reflects critical failures in relation to transparency, public participation and accountability. There has been no opportunity for stakeholders and civil society to access the document or the plan, convene and discuss its import. We are not aware of any road-shows assisting in explaining it to the public and, overall, it reflects a top- down approach to policy making at odds with legal requirements for public participation and best practice.
8. We draw sharp attention to the requirements of public participation in section 99 read with 100 of NEM:BA; the principles of NEMA; section 4 of the Promotion of Administrative Justice Act, 3 of 2000; and the repeated emphasis on meaningful consultation and public participation in environmental matters by the courts.
9. It is implicit in the South African constitutional scheme that environmental plans / policies / strategies must contribute to the right of everyone to have the



means that any strategy must be conditional on contributing to short-, medium- and long-term environmental protection. Section 24(b)(iii) of the South African Constitution is one of three distinct obligations imposed on the State which give effect to the section 24(b) “environmental protection” right. The obligation to prevent environmental harms is a discrete obligation imposed by section 24(b)(i), while the obligation to promote conservation is imposed by section 24(b)(ii).

Given the municipality’s continued spirit of non-engagement, on 31 May 2024 the EMS Foundation was forced to submit a [Letter of Demand](#) via our attorneys, Cullinan and Associates, about the use of inhumane baboon management methods in Pringle Bay. The content of the letter confirms that no substantive response was received from you or your office, except for the confirmation of your decision not to engage with our lawyers or the EMS Foundation which unfortunately negates any opportunity for a meaningful consultation.

Of critical importance, is that you have refused to support the mediation initiative for Pringle Bay which was requested by a senior Prosecutor at the Caledon Magistrates Court.

As the violence between residents continues to escalate in Pringle Bay, the Pringle Bay ratepayers association, which is **not representative of the majority** of the residents, was urged by the Overstrand Municipality to publish an opinion poll about whether the mediation was necessary. The results of this poll therefore do not represent the opinion or wishes of the majority of the residents in Pringle Bay.

It must be noted that the same group of people who have openly advocated for the violent, illegal removal of baboons and have rejoiced openly about the vandalism in Pringle Bay did not want to take part in any mediation process. They publicly denounced such an initiative.

The current untenable situation in Pringle Bay is confounded by the [appointment](#) by the Overstrand Municipality of poorly trained Eco Rangers who have been purposefully tasked to harass and chase the baboons across the public beaches, across the lagoon and up the mountains towards the villages of Betty’s Bay and or Rooiels.

Similar actions to force the baboons into an area which could cause suffering and possible loss of life were carried out by the baboon management company *Human Wildlife Solutions*. Cullinan and Associates, environmental lawyers, acting for the EMS Foundation, [previously reminded](#) the Overstrand Municipality that such actions that cause the disturbance of ecosystems and loss of biological diversity should be avoided in terms of section 2 of the National Environmental Management Act, 107 of 1988. Concerns are being raised as why the baboons are being chased across the public beach which are frequented by residents, visitors and unaccompanied children.

We are aware of the information that has been presented to your office which includes affidavits from numerous residents in Pringle Bay as well as video and photographic evidence of the questionable behaviour of the aforementioned Overstrand Municipality staff. This includes various and numerous acts of cruelty to the baboons, shoplifting, the purchase and consumption of drugs whilst on duty, trespassing and defecation on residents properties.

It is a great pity that the municipality has shown a lack of empathy and concern for victims of violence and has refused to publicly condemn the following criminal acts:

1. **Killing of Baboons** - four baboons have been purposely killed by residents in 2024.

Two baboons died as a result of multiple pellet gun internal injuries and furthermore, the autopsy reports confirm that the female baboon was pregnant and almost full term. One

baboon was witnessed as being purposefully run-over by a business owner in Pringle Bay. R52000.00 has been offered by ordinary residents of Pringle Bay as a reward for information leading to the arrest of the baboons killers. This generous sum of money should indicate to your office the level of concern for the safety of baboons in Pringle Bay.

2. **Tyre Slashing** - Liezl Smith who volunteers for the Kogelberg Environmental Trustees, has had all four tyres of her motor vehicle slashed on two separate occasions. The first time this happened was when her car was parked on **municipal property and in a public area** near the beach. The second time, the perpetrator(s) gained unlawful entry to her property and slashed all four of tyres of her vehicle in the driveway of her home. On Sunday 8<sup>th</sup> December a further two residents, both of whom have publicly asked questions about the Overstrand Municipality Environmental Department's current baboon management plan, had their tyres slashed.
3. **Vandalising of Vehicles** – several days ago Liezl Smith's car was vandalised in the driveway of her home. Enamel paint was thrown all over her car and her driveway.

Finally, the ongoing and concerted decision not to acknowledge any of our correspondence, the failure to engage with us and with any of the numerous organisations in the Overstrand with whom we are aligned, and the failure to address the seriousness of the escalating criminal behaviour in Pringle Bay is noted.

Wishing you both a good holiday season.

Yours Faithfully,

**Michele Pickover**  
Executive Director

**Web:** <https://emsfoundation.org.za>



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[1] Mr Lusani Madzivhandila the Chief Director of Leadership and Human Resource Reviews, Leadership Management Practices at the Office of the Public Service Commission  
<https://www.dpsa.gov.za/thepublicservant/2024/08/13/building-an-ideal-public-servant-is-it-possible/>

