



TRANSMITTED BY EMAIL

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To: Overstrand Municipality
Attention: Santie Reyneke-Naude
Cc: R. Louw: cfo@overstrand.gov.za
rlouw@overstrand.gov.za

Cc: L De Villiers: ldevilliers@overstrand.gov.za
Cc: Theresa Els: tels@overstrand.gov.za
Cc: Grant Cohen: gcohen@overstrand.gov.za
Cc: Dave Bryant: bryantdave1@gmail.com
Cc: chairman@pringlebayratepayers.co.za
Cc: ra.chair@rooiels.org.za

From: Michele Pickover michele@emsfoundation.org.za

Total Pages: 6

Dear Ms Louw and Ms Reyneke Naude

Objection to the Overstrand Municipality Baboon Management Plan for Pringle Bay Announced at a Ward Meeting on 29th April 2024

The EMS Foundation NPO is a South African social justice NGO with the primary purpose of alleviating and ending suffering, raising public awareness, empowering, providing dignity to and promoting the interests of vulnerable groups, including wild animals. We have a special interest in biodiversity and we support the five interrelated principles of social justice, namely: equity, access, diversity, participation and rights. We are cognisant of the entanglements of oppression and is 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.

Our Foundation's financial commitment to the Overstrand geographical area is substantial and runs into tens of millions. We have invested a lot of time, energy and money into the Overstrand community. We strongly believe in restoring dignity to marginalised South African citizens by providing the tools for them to take hold of their lives. We are committed to finding solutions for the creation of a better South Africa for everyone. The Overstrand is one of the areas of where we have put our vision into action.

Our Foundation has already built a state-of-the-art boxing club and community facility and 3 high school classrooms to service the communities of Zwelihle and Mount Pleasant. This year we are building 6 more high school classrooms. Once completed the high school, together with academic qualifications, will also offer

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advanced technical study opportunities to the youth which will guarantee them employment. We are also generously, financially support the local boxing club in Zwelihle. This boxing club is well known in South Africa and abroad, recognised in boxing circles for its ability of producing national boxing champions. Besides being the home of boxing champions, the club forms an important safety hub for the youth, this hub played an important role during the global COVID-19 pandemic. The EMS Foundation supported food for the many people living in Zwelihle and this was distributed from the boxing club. The club has also become a safe-haven for much younger children who have no parents to care for them in the afternoons after school.

As you may be aware, our vision and interests extend beyond humans to the protection of the natural environment for the benefit of current and future generations of South Africans. Therefore, part of our support in the Overstrand is also carefully considered assistance for the protection and safekeeping of South Africa's natural environment, including the protection and well-being of the Chacma baboons in this region.

Unfortunately, in relation to environmental issues unfolding in the Overstrand, the municipality appears to be maligning and refusing to engage with legitimate NGOs and civil society who have a lot to offer in terms of problem solving, particularly in relation to human-baboon conflict, harmonious coexistence, and funding towards waste management solutions. This is most undemocratic and sadly reminiscent of apartheid-style power politics. Moreover, in relation to baboon management in the Overstrand there has also been questionable financial deviations.

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. 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.

It is regrettable that the Overstrand Municipality has publicly maligning 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.



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 has 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 not 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.

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. 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 level of violence displayed towards women who are collecting data. This has escalated to such an extent that the EMS Foundation has engaged the services of criminal lawyer Willian Booth.

The EMS Foundation has had independent primatologists and ecologists to do a site visit to Pringle Bay and to study the important database that has been collected over the past year in order that a Report may be drafted. This Report, will be published at no cost to the rate payers of the Overstrand could hold the vital clues as how to manage human baboon conflict in a sustainable harmonious way.

It is a great shame that the Overstrand Municipality town planners and environmental department did not take into consideration the significance of protecting the baboons natural foraging area in Pringle Bay, which is alluded to in the introduction of the proposed new Overstrand Municipality [Adaptive Baboon Management Plan for Pringle Bay](#), while instead permitting the unprecedented growth of the urban sprawl of the village.



In addition, the municipality is failing to enforce its own bylaws, particularly in relation to waste management, or introducing any non-violent or humane mitigation measures. These should be the very first steps in any baboon management plan.

The introduction to this Plan states that the baboons are attracted to human derived food, however, the very relevant fact that the baboons visit the Pringle Bay waste dump site on a daily basis is, peculiarly, not included. The dump site is inadequate and not baboon proof, the Overstrand Municipality and the Pringle Bay Rate Payers Association have ignored the opportunity of having the entire site rebuilt at no cost to the Overstrand rate payer. It has been scientifically proven that the baboons will not be attracted to human derived food waste sites if they achieve no satisfaction from them.

It has also been well documented that there are also numerous waste bins in the central business district of Pringle Bay that are not baboon proofed. There seems to be no political will or available law enforcement capability to fine the residents who refuse to baboon proof these bins which attract the baboons to the village, on a daily basis. Numerous residents in Pringle Bay refuse to baboon proof their homes, some continue to feed birds and other wild animals.

Instead, the Overstrand seems to want to use the baboon management methodologies devised by HWS, an external management company. These methodologies were so unsuccessful that it resulted in the cruel deaths of numerous baboons and has left a deeply divided community in Pringle Bay. Moreover, they were also not successful in Cape Town and the HWS contract was terminated. We have seen video evidence recorded from December 2022 to March 2023, of the baboon management organisation employed by the Overstrand Municipality at considerable cost to the rate payer to manage baboons with paintball guns. It is unfortunate to note they also chose to shoot at the baboons whilst they are peacefully foraging at their sleep sites, this fact was reported in the media, see:

<https://www.dailymaverick.co.za/opinionista/2021-05-31-baboon-management-city-of-cape-town-shows-its-spiteful-side/>

We have also seen the same organisation fail at keeping the baboons out of Pringle Bay by using paint ball guns, the same organisation that failed on the Cape Peninsula. We therefore have to question why the decision has been made to re-employ these unfavourable and violent methods to pretend to manage baboons, and we have to question why the Pringle Bay Rate Payers Association has supported this plan.



The Overstrand Municipality has prevented meaningful consideration or comment by a wide-range of stakeholders and interested and affected parties and the municipality is out of step with South Africa's constitutional imperatives.

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.

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.

It is implicit in the South African constitutional scheme that environmental plans / policies / strategies must contribute to the right of everyone to have the environment protected for the benefit of present and future generations. This 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).

The Plan ignores the imperative underscored by the *White Paper on Conservation and Sustainable Use of South Africa's Biodiversity* to exercise a duty of care which "avoids, minimises, or remedies adverse impacts on biodiversity".

Furthermore, the Overstrand Municipality fails to consider prevention of environmental harms, environmental safeguards and the mitigation hierarchy and fails to provide a workable risk-mitigation framework or to indicate that any risk assessment has been undertaken in respect of the proposed actions put forward in the Plan.



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The Plan is not aligned with constitutional imperatives regarding the essential links between biodiversity, conservation and animal well-being. The requirement that the well-being of animals is considered is among the objectives of NEM:BA, recognised as an element of the common-law (as is recognition of animal sentience), and integral to constitutional conservation imperatives as they pertain to biodiversity. The important link between the well-being of individual animals, conservation imperatives and the constitutional foundation of a caring and humane society is key.

The Plan is far from the legal understanding of the inter-relationship between environmental protection, animal well-being, conservation and the values of dignity, compassion and humaneness which are foundational to South Africa's constitutional democracy.

The Plan ignores the legal and ethical imperatives of animal welfare and well-being and on that basis the EMS Foundation opposes the plan in its entirety and once again demands that there is proper, democratic, unbiased stakeholder engagement.

To conclude, we are less concerned about how our Foundation, as an investor and funder totally committed to the well-being (both human and non-human) of the Overstrand area, is being treated by the municipality, and more concerned about the municipality's lack of proper, democratic stakeholder engagement with residents, civil society and NGOs.

Please acknowledge receipt of this letter and we look forward to your urgent substantive reply.

Yours sincerely,

Executive Director
Michele Pickover