



TRANSMITTED BY EMAIL

TO: **Overstrand Municipality** Date: 28 August 2023

ATT: Municipal Manager Dean O'Neill Your ref: Overstrand Baboon Management
EMAIL: mm@overstrand.gov.za

CC: Mayor, Overstrand Municipality
EMAIL: annelierabie@overstrand.gov.za

CC: Western Cape MEC for Environmental Affairs
and Development Planning
EMAIL: anton.bredell@westerncape.gov.za

FROM: Sarah Kvalsvig sarah@greencounsel.co.za

Total pages: 3 Our ref: E040-028

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*****URGENT*****

Dear Mr O'Neill

PRINGLE BAY BABOON MANAGEMENT: REQUEST FOR PUBLIC CONSULTATION

1. Introduction

- 1.1. Further to our letter of 26 August 2023 we advise that, as well as the EMS Foundation, we now act for the following organisations :
- 1.1.1. Kogelberg Villages Environmental Trustees;
 - 1.1.2. Pringle Bay Rewilding;
 - 1.1.3. Pringle Bay Conservation Group; and

Expertise grounded in experience

Cullinan & Associates Incorporated (2001/001024/21)

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1.1.4. Betty's Bay Baboon Action Group.

All of the above entities, including the EMS Foundation, are comprised of individuals who are residents and ratepayers of Overstrand Municipality.

- 1.2. The contents of this letter and indeed all past communications from us related to the baboons of the Overstrand is supported by all of these organisations and individual residents.

2. **Decision-making process regarding baboon management**

- 2.1. Our clients are concerned that tensions over baboon management within Pringle Bay are escalating.

- 2.2. It appears to us that a decision-making process with regard to baboon management in the OM is needed which is much more transparent and allows interested and affected parties to put forward their points of view. This could help to diffuse tensions and avoid a situation where disputes such as the current one regarding the removal of "Blue Tag" have to get to the stage of threatened legal action, which is not in anyone's interest.

- 2.3. We are instructed that the Baboon Liaison Group (BLG) to which your administration has referred our clients in the past does not fulfil this function as:

2.3.1. residents are not permitted to add agenda items but must raise their concerns in the general discussions at the end of the meeting;

2.3.2. there is no follow-up on concerns raised by residents; and

2.3.3. the meetings of the BLG are time-restricted and do not allow for proper submissions to be made or debated.

- 2.4. As you know the Constitution provides that the objects of local government include that it provides "democratic and **accountable** government for local communities", provides its services in a sustainable manner, promotes a safe and healthy environment and **encourages the involvement of communities and community organisations** in matters of local government (my emphasis)(section 152). The Local Government: Municipal Systems Act sets out in detail the rights of local communities, which include the right to contribute to the decision-making processes of the municipality, to submit written or oral recommendations, representations and complaints to the municipality; the right to prompt responses to their written or oral communications, including complaints and to be informed of decisions of the municipal council affecting their rights, property

and reasonable expectations and the right to demand that the proceedings of the municipal council and those of its committees must be open to the public, conducted impartially and without prejudice; and untainted by personal self-interest (Section 5).

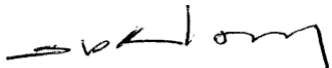
2.5. Bearing this in mind, we are instructed to ask again that you arrange a meeting open to all residents of Overstrand Municipality, the purpose of which is to agree a method or process for decision-making about baboon management that is open and transparent and that is acceptable to residents as well as officials and other stakeholders. The method or process that is adopted should be mutually agreed by the municipality and interested residents and should enable meaningful participation from all interested parties in accordance with their rights as residents.

2.6. All our clients' rights with regard to our previous letters remain of course reserved.

We look forward to hearing from you urgently.

Please acknowledge receipt of this letter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'SD Kvalsvig', written in a cursive style.

CULLINAN & ASSOCIATES INC.

Per: SD Kvalsvig