

PROVINCIAL SHARED SERVICES CENTRE: GAUTENG

Sancardia Building, Corner Stanza Bopape and Steve Biko Streets, Arcadia, Pretoria

**STATUS REPORT ON RAMA COMMUNAL PROPERTY ASSOCIATION, GAUTENG PROVINCE**

**PORTFOLIO COMMITTEE OF RURAL DEVELOPMENT AND LAND REFORM**

1. **PURPOSE**
   1. To inform the Portfolio Committee on Rural Development and Land Reform on the status of the Rama Communal Property Association.
   2. To request the Portfolio Committee on Rural Development and Land Reform to note the sequence of events at Rama Communal Property Association.
2. **BACKGROUND** 
   1. The Rama Communal Property Association (CPA/02/0435/A) which emanated from a restitution claim that was settled in 2002, has been marred by serious contention and allegations of corruption among groups with competing interests in terms of the assets and resources awarded to the CPA in lieu of the land claim settlement.
   2. This matter has previously been brought to the attention of the Parliamentary Portfolio Committee of Rural Development and Land Reform by members of a concerned group from the CPA. The portfolio committee has previously requested status reports from the Department **(Status report to Portfolio Committee in August 2015, Presentation to Portfolio Committee November 2015)**. This report is therefore to provide an update on the status of the Rama CPA since the previous reports have been submitted.
   3. In terms of the last report to the Portfolio Committee in November 2015 it was indicated that the Annual General Meeting (AGM), of which the primary purpose was for the election of a new committee, was scheduled for 26 September 2015, however, on 22 September 2015, the Department received notice of an urgent court application by the contested executive committee to stop the scheduled AGM from convening. On 25 September 2015, a court order by agreement was received, which entailed that if the applicant (those alleging to be the Rama CPA executive committee) failed to have the AGM within two months from the date of the order, then the Department of Rural Development and Land Reform needed to do so.
3. **EVENTS RELATED TO CONVENING OF AGM**
   1. Following the afore-mentioned court order, the following chronological sequence of events transpired in relation to the actions taken by the Tenure Systems Implementation (TSI) Branch of the PSSCG to convene the AGM. Please refer to **Annexure A:** RAMA CPA activities since the court order.
   2. It should be noted that not all activities related to the arrangements related to the meetings for the Rama CPA are reflected in Annexure A. Internal discussions and planning have been excluded due to the frequency and significance.
   3. All plans are currently in place for the nominations meeting to take place on 19 March 2016 and AGM on 09 April 2016. A neutral venue was identified in Pretoria. The SAPS in Madidi will assist the Department by ensuring that only the people nominated by families are allowed in the busses to be transported to the venue. All participants have been informed that they must bring their ID copies to the meeting or they will not be transported to the meeting venue.
   4. SAPS and security services in DRDLR will again assist to ensure that there is adequate security at the venue.
4. **DISCUSSION**
   1. Part of the arrangements for the planned nominations meeting and AGM included posters advertising the meetings, and newspaper advertisements which advise each beneficiary household to nominate a representative to attend the meetings. These representatives were requested to take their identity documents to Hall 14, Madidi to be verified on 11-12 March 2016, and also to complete the affidavit that had been drafted for that purpose. This was done as a security measure by agreement with the concerned group during the planning meeting, so that there is a specific list of people who would attend and those people are to be verified against the list on the dates of the meetings before being allowed to enter the buses and venue. This was aimed at excluding non-members who may disrupt the meetings. Part of the advertisements also included the contact details of the project officer, Mr. Saziso Ngidi and the Deputy Director, Ms. Alexandria Ramlagan.
   2. On 11 March 2016, Mr. Ngidi was contacted by a group of people threatening that if the meeting scheduled for 19 March 2016 proceeded, then they would come after him and Ms. Ramlagan and kill them. They elaborated that they would find where they lived and that they will show them this time because they have not listened to their signs that they did not want the new elections to take place. Mr. Ngidi and Ms. Ramlagan have reported the matter to the senior management of the PSSCG and a report has been forwarded to the CD: Security, Mr. Dumisani Lupungela to investigate and advise.
   3. Ms. Ramlagan has also received several calls from members of the CPA reporting incidences of violence and intimidation during the process to collect identity copies. People were assaulted and one was kidnapped – cases have been opened in this regard. In addition, some members have indicated that they are afraid and fear for their safety. They will feel safer if the corrupt people are arrested, as there will be loss of lives unless those people are arrested first.
   4. Despite all of the arrangements being in place for the nominations meeting and AGM to convene, the PSSCG cannot ignore the safety threats articulated by the officials and some community members.
5. **RECOMMENDATIONS**

It is recommended that the Parliamentary Portfolio Committee on Rural Development and Land Reform: Notes the contents of this memorandum in terms of the status of the RAMA Communal Property Association.

**MS. R. MASANGO**

**CHIEF DIRECTOR: PROVINCIAL SHARED SERVICES CENTRE**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

**DATE:**

**ANNEXURE A - RAMA CPA ACTIVITIES SINCE THE COURT ORDER**

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| **DATE** | **EVENT** |
| 07/10/2015 | People alleging to be the representatives of the Rama City executive committee and community barged into the office of the Director: Tenure Systems Implementation without an appointment, and issued him with a letter informing him that they are convening an AGM on 10 October 2015.  The proposed agenda did not include the election of a new committee nor any report back on the affairs of the CPA. It was also alarming that their letter contained the City of Tshwane Metropolitan municipality logo. They were advised that the meeting will not be recognised as an AGM as the court order instructed that the meeting was to happen under the auspices of the Department. |
| 08/10/2015 | Meeting with members of concerned group from Rama CPA. They raised concern over the AGM that the alleged executive committee had called and the developments on the Rama Land. An attorney who had previously dealt with this CPA on behalf of the Department was called on to assist and she engaged the attorney of record for the committee and he advised that he was not aware of the AGM. Informed concerned group that if executive committee proceeds with meeting, it will not be regarded as AGM because it was not done under our auspices. |
| 19/10/2015 | Email correspondence sent to head of security at PSSCG, Mr. Thusho Sesinyi, informing of the intention of the Tenure Systems Implementation (TSI) branch to convene the meeting to hold nominations of the CPA on 24 October 2015, as per the court order, and requesting assistance with arrangements for a strong security contingent to be arranged. Received responses from Mr. Sesinyi and the National Director: Security, Mr. Adrian Ferreira, advising that a process is to be followed in order to obtain assistance from the police and that the duration before the planned nominations meeting would not suffice for the arrangements.  Email correspondence sent to Acting Director: Communal Property Institutions, Mr. Samuel Mogaswa informing about the intention to convene the nominations meeting on 24 October 2015, and requesting assistance with facilitation of the process. |
| 20/10/2015 | Called interim committee representative, Mr. Ephraim Poo to inform him that scheduled nominations meeting cannot proceed due to timeframes required to obtain police assistance and informing of new proposed dates for the nominations meeting on 14 November 2015 and AGM on 21 November 2015. |
| 21/10/2015 | Email correspondence sent to National Director: Ms. Ompelege Mokadi informing of inability to convene afore-mentioned nominations meeting due to timeframes required to obtain assistance from police and informing of new proposed dates for the nominations meeting on 14 November 2015 and AGM on 21 November 2015 in order to comply with requirements for police assistance and requesting assistance in terms of compliance with the court order. |
| 22/10/2015 | Called Ms. Mokadi to arrange meeting to discuss arrangements for meetings with CPA.  Email correspondence sent to Mr. Ferreira requesting availability to discuss arrangements for security at proposed meetings.  Called Mr. Poo to schedule meeting for following day. |
| 23/10/2015 | TSI branch had meeting with Ms. Mokadi and Mr. Mogaswa, who advised that correspondence was to be sent out to alleged chairperson on CPA, Mr. Ntithe and concerned group forwarding the members list of the CPA.  Convened meeting with concerned group who articulated their opposition to the nominations process and AGM, as they indicated that there had not been elections since 2006 and therefore there was no standing committee to convene the AGM as per the court order. They further stated that they had been elected as the interim committee by the majority of the CPA members and in that capacity requested that the CPA be placed under administration before the AGM is convened  Sent email to Ms. Mokadi, Mr. Mogaswa and the state attorney, Mr. Thabo Chokwe informing of the requests made by the concerned group and requesting a joint meeting with them and the concerned group to discuss the way forward |
| 28/10/2015 | Email correspondence to Mr. Ferreira regarding meeting to plan for security measures at meetings  Email correspondence to Mr. Mogaswa and Ms. Mokadi again requesting a joint meeting based on requests by concerned group |
| 29/10/2015 | Called Ms. Mokadi to requests meeting based on input from the concerned group. She was not available to meet but advised that the Portfolio committee recommended the convening of the AGM after being approached by the concerned group.  Held meeting with project coordinator: CPIs, Mr. Bongani Ngubeni who advised that nominations meeting and AGM must proceed in terms of the court order. |
| 30/10/2015 | Email correspondence to Ms. Mokadi, Mr. Mogaswa and Chief Director: Tenure Systems, Mr. Jeff Sebape regarding the request by the concerned group for a meeting with them to discuss the way forward. |
| 02/11/2015 | TSI branch had meeting with Mr. Mogaswa and representatives of concerned group. Meeting resolved that nominations meeting and AGM must proceed, with separate preparatory meetings called with concerned group and alleged executive committee due to security concerns raised by concerned group. |
| 03/11/2015 | Sent invitation letter and members list to the alleged executive committee via the office of the state attorney  Sent invitation letter and members list to concerned group via their nominated email address |
| 06/11/2015 | Received call from attorney of alleged executive committee indicating that they would not attend planning meeting due to short notice and that there were documents that they had requested from the Department to plan for the meetings.  Email correspondence to state attorney regarding telephonic discussion with attorney of alleged executive committee |
| 11/11/2015 | Sent invitation letter to the alleged executive committee to the awareness session for the formation of the Communal Property Institution District Forum (CPIDF) via Ms. Mokadi’s office to the office of the state attorney  Sent invitation letter to concerned group for the awareness session for the formation of the CPIDF. |
| 12/11/2015 | Received correspondence from Ms. Mokadi and the office of the state attorney advising of meeting with the attorney of the alleged executive committee in which they were informed that the alleged executive committee had scheduled an AGM for 03 December 2015.  Series of email correspondence sent to Ms. Mokadi articulating objections to proposed AGM for various reasons. |
| 17/11/2015 | Convened briefing session regarding the formation and role of the CPIDF. Only members of the concerned group attended. |
| 20/11/2015 | Members of the alleged executive committee and other associated barged into the office of the PSSCG opposing the arrangements to convene the meetings for the election of a new committee citing that the PSSCG was not dealing with the correct beneficiaries, that they were elected by the community and that they do not want the Department involved in the developments of Rama, referring to officials as the jealous group. |
| 23/11/2015 | Convened internal meeting with CD: PSSCG and Director: Corporate Support Services, Mr. Sagren Naidoo, regarding allegations made by alleged executive committee and way forward. CD: PSSCG contacted Ms. Mokadi to request a meeting for legal guidance on the matter. |
| 24/11/2015 | Correspondence sent from Mr. Naidoo to the alleged executive committee advising of court process. |
| 26/11/2015 | Correspondence to Ms. Mokadi requesting meeting to get legal advice on the matter. |
| 27/11/2015 | Received correspondence from Ms. Mokadi indicating her availability on 01 December 2015.  Received correspondence from Mr. Mogaswa indicating that he was not available for the meeting with legal, but proposed that the AGM be scheduled for January 2016 to allow sufficient time for all arrangements, particularly with regard to security to be made.  Received correspondence from the Rama City Exco in response to the correspondence from Mr. Naidoo. Again they alleged that Mr. Mahlangu was jealous and acting illegally. |
| 30/11/2015 | Convened elections for CPIDF. Again only members of the concerned group attended.  Contacted Ms. Mokadi as follow-up to requested meeting. She indicated that she was not available at the proposed date as initially indicated (the following day). |
| 11/12/2015 | Sent email to Mr. Ferreira informing that want to convene nominations meeting on 6 February 2016 and AGM on 20 February 2016 and requested meeting to arrange security for the meetings. |
| 15/01/2016 | Received correspondence from Mr. Ferreira and Mr. Sesinyi regarding the arrangements for the security at the meetings. Sent correspondence to Mr. Ferreira and Mr. Sesinyi requesting that meeting be convened urgently to discuss arrangements.  Correspondence sent to Mr. Mogaswa requesting guidance on how to proceed with arrangements for the meetings. Received response from Mr. Mogaswa to be guided by court order. |
| 20/01/2016 | Convened meeting with Mr. Sesinyi with regard to security issues for the meetings. Resolved to assist with completion of application to SAPS. |
| 25/01/2016 | Convened meeting with Mr. Sesinyi regarding the venue for the meetings. Mr. Sesinyi proposed that a venue in Rustenburg should be used as the area where most beneficiaries reside (Madidi) in in the North West Province and therefore it would easier to obtain consent for police escort of the buses that will transport beneficiaries. He also said that Rustenburg is suitable as it is a distance from Madidi and therefore reduces the chances of disruption at the meetings. |
| 03/02/2016 | Convened meeting with members of concerned group at their request. They wanted to know the feedback on the court case regarding the administration order for the CPA that was supposed to be in November 2015, and progress on the investigation by the Hawks.  Had internal meeting with CD: PSSCG and Mr. Sesinyi regarding the venue for the meetings. Resolved that a venue should be identified closer to Gauteng as the groups that disrupt have access to money and buses/ taxis and therefore there would not be impeded by cost or distance to disrupt the meetings.  Correspondence sent to Ms. Mokadi and Mr. Mogaswa requesting feedback on the administration hearing and how the bank statements of the CPA are to be accessed in terms of the court order. |
| 04/02/2016 | Received response from Mr. Mogaswa advising that the bank accounts were requested for investigation purposes only and not in relation to AGM. He advised that AGM to be convened urgently. |
| 05/02/2016 | Received correspondence from Ms. Mokadi supporting Mr. Mogaswa’s advice**.** |
| 08/02/2016 | Received correspondence from Mr. Sesinyi with regard to the arrangements of the venues for the meetings. Responded regarding progress made for the venue bookings and requesting feedback on suitability based on quotations received. |
| 09/02/2016 | Correspondence sent to Mr. Sesinyi regarding revised dates for nominations meeting of 12 March 2016 and AGM for 26 March 2016 |
| 10/02/2016 | Correspondence received from Mr. Sesinyi regarding security concerns of proposed venue for nominations meeting (the cheapest quotation received) |
| 11/02/2016 | Had meeting with CD: PSSCG regarding the concerns raised by Mr. Sesinyi with regard to the proposed venue for the nominations meeting. Requested that finance be engaged to advise.  Had meeting with Director: Finance, Ms. Rosina Maponya, who proposed that a public facility be used such as Tshwane Events Centre for meetings.  Correspondence to Mr. Sesinyi with regard to proposal made by Ms. Maponya |
| 12/02/2016 | Sent invitation letter via Ms. Mokadi’s office to alleged executive committee to meeting to prepare for nominations meeting and AGM  Sent invitation letter to concerned group to meeting to prepare for nominations meeting and AGM. |
| 15/02/2016 | Received correspondence from Mr. Sesinyi indicating that Tshwane Events Centre was not suitable from a security perspective.  Correspondence sent to Ms. Maponya regarding advice of Mr. Sesinyi with regard to the unsuitability of her proposed venue.  Convened meeting with concerned group and Mr. Mogaswa. The concerned group raised concern with who would be allowed to participate in nominations and elections (AGM) and alleging that the CPA land had been sold without the consent of the beneficiaries. Mr. Mogaswa advised that the original CPA list is to be used for participation purposes. He also advised that if the CPA land had not been sold legally in accordance with the CPA constitution and Act, then the transaction can be legally set aside. |
| 16/02/2016 | Convened preparatory meeting for nominations and AGM. Only the concerned group attended the meeting. Discussed arrangements for the meetings. The meeting resolved that only 1 member per household as per list should attend the meetings. That person is to submit their identity document either to the concerned group or the alleged executive committee and complete and affidavit. The affidavit was drafted and given to members present to issue to beneficiaries. Also agreed on advertising methods and transport arrangements.  Convened meeting with communications section with regard to advertising arrangements (posters, print and radio).  Convened meeting with Mr. Sesinyi regarding status of arrangements for meetings.  Sent invitation letter via Ms. Mokadi’s office to again invite the alleged executive committee to a planning meeting. |
| 17/02/2016 | Prepared memorandum for use of external venue and forwarded to the National Director: Transport, logistics and Asset Management, Ms. Florah Masanabo, as per SCM policy.  Received correspondence from the Land Rights Management Facility that panellist appointed in relation to court process for application made to interdict AGM has closed her file due to agreement reached in terms of court order. |
| 22/02/2016 | Contacted office of Ms. Mokadi requesting that request be made to office of state attorney to follow-up with attorney of alleged executive committee as to why they had not attended any invitations to prepare for meetings. Was advised after follow-up with office of state attorney that when he contacted the attorney of record in response to the afore-mentioned request, that attorney of record advised him that he was no longer representing the Rama CPA and therefore had not forwarded any invitations to them.  Correspondence to office of Ms. Mokadi requesting assistance to contact the alleged executive committee.  Received correspondence from Ms. Masanabo to amend memorandum for use of external venue to include the signature of the Provincial Finance Director before her signature. Amended memorandum to include Ms. Maponya’s signature and took to her for signature. She then advised that since the motivation for the external venue is security based, then I should amend the memorandum to also include Mr. Naidoo’s signature. Amended memorandum again to include Mr. Naidoo’s signature. After he signed, took back to Ms. Maponya for her signature and then she advised that the quotations should be redone as some quotations are from central Pretoria and some are from the surroundings. She said all the quotations should be from the surroundings. |
| 23/02/2016 | Received correspondence from Ms. Mokadi in response to previous correspondence regarding communication with alleged executive committee.  Received new quotations for venues for meetings. The cheapest quote was for Farm Inn. Requested Mr. Sesinyi to inspect Farm Inn in loco in order to advise on suitability from security perspective.  Prepared poster and radio/ newspaper advertisements. Forwarded for approval and implementation**.** |
| 25/02/2016 | Correspondence received from Mr. Sesinyi indicating that after his in loco inspection of Farm Inn, it was not suitable from a security perspective.  Met with Ms. Maponya. She advised that memorandum for use of external venue should be amended to also include Mr. Ferreira. Amended memorandum, forwarded to Mr. Ferreira who signed and then took back to Ms. Maponya. Ms. Maponya signed the memorandum but did not approve the se of the second cheapest venue. |
| 26/02/2016 | Contacted Ms. Sinah Mothapu, who is the contact person listed on correspondence from Rama City Exco to invite to planning meeting. She advised that any correspondence relating to Rama CPA must be forwarded to their new attorney, Ms. Jothi Govender. Contacted Ms. Govender, who said that she had just come on as the attorney of record and therefore would need time before to familiarise herself with files before discussing. She also indicated that she would send notice of her being the attorney of record.  Contacted Mr. Mogaswa who advised that there should not be a need to communicate with the attorney as the Department wants to meet to plan for the meetings, but if there is no other contact to then send invite to attorney.  Sent invitation letter to alleged executive committee for planning meeting to Ms. Govender**.**  Received correspondence from Ms. Govender with the notice of substitution as attorney of record. It reflects that she had only come on as attorney of record on the day. |
| 01/03/2016 | Communicated requirements for meetings for nominations and AGM to SCM (transport, venue).  Correspondence to Mr. Mogaswa and Ms. Mokadi regarding the response from Ms. Govender. Received response from Mr. Mogaswa to proceed with arrangements and sent invitation to Ms. Govender for the alleged executive committee.  Correspondence to Ms. Govender reminding about invitation to alleged executive committee for planning meeting.  Correspondence received from Ms. Govender in response to invitation to alleged executive committee indicating opposition to continuation of meetings and that they will approach courts to prevent the meetings from proceeding |
| 02/03/2016 | Contacted Ms. Mokadi with regard to Ms. Govender’s response. She advised that the letter be forwarded to the state attorney to send to Ms. Govender. Sent letter to state attorney to forward to Ms. Govender |
| 04/03/2016 | Correspondence to communications to proceed with advertising for meetings.  Received confirmation of venue booking for nominations meeting. |
| 07/03/2016 | Convened meeting with communications. Advertising had not yet been done and advised that account needed to be opened with SABC by Department. Proposed that panel from national office be used to advertise.  Convened meeting with Communications and Finance. There were insufficient funds for advertising, therefore to request shifting of funds from another branch.  Compiled memorandums for approval of advertising and deviation as no funds allocated and submitted for approval. |
| 08/03/2016 | Received email from concerned group member advising that a member of the concerned group is not trustworthy, and alerting that people were coming to the office to oppose process of elections.  Met with people who alleged to be from Rama CPA but were not part of beneficiary list. Informed them that process of electing a new committee needed to be completed before another meeting to be scheduled for adding on new members by community resolution.  Engaged with SCM regarding arrangements for advertising. They indicated that it was too late for shifting of funds and advertising but proceeded with newspaper advertisement only.  Correspondence received from Mr. Sesinyi advising of requirements to be submitted to SAPS for assistance, including a liability letter and concept document.  Correspondence sent to Ms. Mokadi and SCM requesting liability letters. Received correspondence from Ms. Mokadi that she is not aware of such a letter. |
| 10/03/2016 | Compiled all documents required by SAPS (agendas, concept document) and forwarded to Mr. Sesinyi.  Correspondence received from SAPS categorising meetings as low risk. Emailed Mr. Sesinyi regarding the implications of the risk categorisation on the police presence at the meetings. |