

24th January 2012

The Chairperson
Portfolio Committee on Rural Development and Land Reform
By e-mail to Committee Secretary

Dear Mr Sizani

CONCERNS ABOUT THE ACTIVITIES OF THE DEPARTMENT, DESPITE THIS REQUEST FOR INTERVENTION FROM YOUR OVERSIGHT BODY

On 31st October 2011 the Thornhill Development Forum which I have been working with for more than 2 years submitted a number of questions regarding the Department of Rural Development and Land Reform plans to spend R64 million on a number of purchases within the boundaries of the Crossways Farm Village, a private lifestyle estate close to Thornhill, some of it in the name of the community, to be held by a community trust.

The Department appears not be taking this oversight matter seriously, because in late November the Minister made a request that we submit a copy of the complaint directly to his Chief of Staff, a request which we declined because we thought your committee would communicate with the Department on all matters and get back to us, and we thought it would be improper to open another channel for communication on this matter and undermine your processes.

A major concern for the community is the statement in the Memorandum on the departmental letterhead that a community trust had already been established and was worth a considerable amount of money. We are awaiting clarity on this matter. We assume that you have made some enquiries on these matters to the department and are awaiting their response (but acknowledge we could be making a wrong assumption). If, however, you have submitted these questions to the department, it is very puzzling that on 9th December 2011, Dr Moshe Swartz and Councillor Vernon Stuurman (Kouga Municipality Mayoral Committee Member responsible for Finance) presided over a community meeting in Thornhill where people from the other 3 settlements in Ward 7 were bussed in. The meeting was announced on the afternoon of Thursday 8th for 9.30am on Friday 9th. Very short notice and on Fridays people in rural areas go to the larger commercial centres to buy supplies for the weekend and do other business, so not a way to get good attendance.

First half of the meeting – an attempt to elect trustees:

Councillor Stuurman presided over the first half of the meeting and Dr Moshe Swartz over the second part. Cllr Stuurman opened the meeting and jumped straight into the election of the community trust. When someone from the floor tried to explain that we are waiting for answers from Parliament on this matter, their issue was suppressed and ignored, those presiding appeared determined to steamroller the communities into electing trustees before the end of the meeting.

When asked where the Trust Deed or guidelines were, the meeting was told that they were with the lawyers who would finalise the documents once the trustees were elected. Furthermore, the trust would consist of 6 trustees, 3 from the community and 3 from the municipality – it is not clear why the municipality would have such a large presence in the trust, and it was not explained why they

need to be there. We are not sure who the architects or “initiators” of this new/second? trust are, and who decided on the composition of the trust if it is a community trust. We were also not given the aims and objectives of the trust or any other information.

In response to community objections to the short notice etc, people were told to go back to their local areas and each nominate 2 or 3 people to be trustees and then from this group the final community representatives would be selected with due regard for gender, age etc.

So the municipality in the person of Cllr Stuurman told the meeting how the community trustees would be arrived at, and no one told the meeting who or how the municipality would arrive at their funds entrusted to them to deliver services to us –based on Auditor General comments on the 2010 financial statements.

The subsequent local area meeting at Thornhill was dubiously handled – the community was called to a meeting for 6.00pm, nothing happened so by 7.30pm so residents left, then at about 8.00pm after almost everyone was gone, elections were conducted with 8 or 9 people – continuing the trend of lack of participation and democracy. It appears that these people are now going to represent our community of more than 3000 people – elected by less than 1% of the residents.

The second part of the meeting addressed by Dr Swartz:

Dr Swartz made no reference to the Memorandum or the fact that there are unanswered questions about the whole matter – this led us to wonder whether your oversight committee had begun to engage with the Department by the time Dr Swartz came to the meeting on 9th December 2011. It appeared that his directorate had organised and paid for the busses and catering.

Dr Swartz then proceeded to tell the meeting that Crossways is a private development and does not need government money, and there is no government money going into Crossways (but on Friday 2nd December when Minister Nkwinti attended the sod-turning ceremony at Crossways, it was announced that the Department intended to purchase some sites within Crossways for agro-industry (which was one of budget items in the R64 million memorandum).

Dr Swartz proceeded to tell the community they had been misinformed – not sure what he was referring to because the only information we have is from the memorandum which is on his departmental letterhead. Once again, this potentially muddies the waters – was he attempting to respond to our questions about the memorandum in an indirect fashion, and also imply that people who reported that the government intended to spend the R64 million rand at Crossways are mischievous and dishonest? We were only reporting on government documents which and actually took the responsible step of asking your to investigate because it seemed out of order.

Dr Swartz also told the meeting about Ward 7 being a CRDP node, that a household baseline survey had been completed in November (this was also rushed, community given no information prior to people arriving on their doorsteps asking questions, including “is anyone in this household HIV positive?” – which is an issue which requires prior informed consent, and is probably illegal to ask in that context.)

Further more, the department is committed to “participatory development”, and “asset-based approach”. He then informed them of the “Council of Stakeholders” model and election of street committees etc. This is not asset based or participatory – what has happened to date has not been

discussed with the communities, the Thornhill Development Forum and the Loerie Business Forum have not been involved as existing community organisations, and not even recognised by the department in this process – Dr Swartz and even the municipality continue to act as if there are no community organisations existing – a basic premise of “asset-based” is to recognise and build on what exists.

In addition, there is no consultation about the future – just being informed of how the Council of Stakeholders model will work.

Dr Swartz’s presence and input begs the question: while the department knows about community concerns and knowledge of the memorandum, why are officials coming to participate in the election of the trust, and making statements about the community being misinformed? Surely this is an act of bad faith and undermining the role of your oversight committee? Usually while “investigations” are on-going there should be no attempts to retrofit things ie. elect a trust with community representations while we are waiting to find out about the trust referred to the memorandum, as well as come to tell the community they have been misinformed and then “inform” them, including that no government money would be spent in the private development, exactly a week after it was announced and reported in the local press that there were talks between the department and Crossways about the purchase of erven for agribusiness – meaning that at least that part of the memorandum is accurate.

These matters were discussed in a Development Forum meeting yesterday, and we are hereby requesting a written progress report from your committee so that we can inform the community of the facts pertaining to the memorandum – to protect ourselves from further maligning when officials from the department come to the community in future as if everything is going according to procedure and good practice.

They are clearly trying to fast track “participation” processes now, so things could get muddier if we do not get clarity from your committee. We don’t understand the “Christmas rush” to push these things with the community in the 2 weeks before Christmas.

Hoping for clarity

Yours sincerely

Melanie Preddy

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Mandated to write this follow up by Development Forum meeting of 23 January 2012.*