MEMORANDUM OF DEMANDS

FROM: UNITED CIVIL SOCIETY IN ACTION
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TO: MINISTER OF TRADE AND INDUSTRY –
Honorable Ebrahim Patel
77 Meintjies Street
Sunnyside, Tshwane

DATE: 05 MARCH 2020

1. We, members of the UNITED CIVIL SOCIETY IN ACTION, a lobby movement formed by various Civil Society and Non-profit Organizations as well as structures that focus on sustainable positive change in the lives of previously disadvantaged people; initiated by the Southern Africa National NGO Coalition (SANGOCO); Southern Africa Non-Governmental Organizations Network (SANGONeT); the Independent Beneficiaries Forum (IBF) and NotInMyName Campaign – further involved the Ekurhuleni Civil Society Forum and the NGO Workers Union of South Africa;
- a counter-veiling force to those who are intent on undermining our civil liberties and constitution;

- involved in mobilizing sectors, organizations and individuals to fight any form of social injustice, corruption and the erosion of our democracy, and to restore pride and dignity in our people;

2. We have had to leave our work obligations in the society because it has become clear to us that we need to constantly remind you of your legal and constitutional obligations.

3. Having observed media publications;
   a. continuous media reporting about alleged widespread corrupt activities, nepotism and mismanagement within the National Lotteries Commission over the past few months;
   b. pressure upon the National Lotteries Commission to release and publicize the full details of the beneficiaries on its database; and
   c. demands for the Minister of Trade and Industry to dismiss the NLC board and put the commission under administration;

4. While we, and our constituent members welcome and support all the efforts to root out corrupt activities, we maintain that due process and the rule of law should be adhered to at all times whereas nefarious methods must not be entertained at all.

5. We, therefore, have been in the forefront calling for engagement on the matter through several communiques written to the office of the Minister of Trade and Industry, with no response,
are, herewith, presenting our concerns and demands for caution towards the following factors:

i. The National Lotteries Commission is constituted by the Lotteries Act 57 of 1997 and is under the authority of the board. In terms of Section 67 of this Act, it is provided that:

ii. “(1) Subject to the Constitution, any legislation which may be enacted in pursuance of sections 32(2) or 33(3) of the Constitution or any other relevant law, no person, including the Minister, a member or employee of the board or the Department, or a former member or employee of the board or the Department, may-

iii. (a) In any way disclose any information submitted by any person in connection with any application for any license, certificate or appointment under this Act; or

iv. (b) Publish any information obtained in contravention of paragraph (a), unless ordered to do so by a court of law or unless the person who made such application consents thereto in writing.

v. (c) Any person who contravenes subsection (1) shall be guilty of an offence”.

6. We wish to highlight our principle standpoint that publicizing the information of NLC beneficiaries is against the above-mention clauses of the law, and therefore, illegal. Any publication of our personal and/or organizational information will be in contravention of this Act and we are prepared to invoke it to protect personal information.
7. Our personal information is protected by this Act, and the National Lotteries Commission and the Minister of Trade and Industry have to comply with the requisite of this Act in full, that for private information to be disclosed publicly should done so only after following the prescribed procedure as per the Act, which unfortunately have not been followed.

8. Our further concern is the impact to the civil society, which will be as a result of dismissal of the commission’s board and commission being under Administration; that:

   a. Operations of the commission are bound to be disrupted, if not suspended;
   
   b. Beneficiaries of the commission’s funding being negatively affected through lack of funding, thus disruptions in civil society’s developmental activities; in retrospect, levels of poverty increasing with needed services not delivered; and
   
   c. NGOs and NPOs workers eventually go without sustenance for ground work so desperately needed by the poor and marginalized communities.

9. Therefore, demand;

   a. That the minister refrain from publishing the information of the civil society to the public;
   
   b. The minister follow due process regarding corruption allegations, and neither suspend the board of the commission nor put the commission under administration; and duly provide assurance to the civil society;
   
   c. That the minister be considerate of the plight of the disadvantaged societies of our country, without being pressurised by the politics of the Democratic Alliance;
10. Failing which, the civil society, hence represented, is prepared to take a legal route.

11. While we understand that the Act gave the minister to appoint distributing agencies, we, however, feel that these agencies are not fully representative of all races, thus;

   a. Request the minister to provide civil society with the guidelines for appointing distributing agencies.

In relation to the National Lotteries Commission:

12. We demand the minister to assist civil society in amending the Act to be favourable regarding;

   a. Funding threshold for the commission’s beneficiary applicants be favourable to previously disadvantaged communities (being the small-scale funding), in that the small-scale seems to be designed for black organization, does not promote growth and sustainability of small project and/or civil society organizations;

   b. Short term funding, followed by the twelve (12) months’ break before organizations could apply for subsequent funding, kills organizations and does not promote momentum of projects’ impact and growth

13. It is our sincere hope that this matter is addressed through amicable means, and that no negative effect hampers the work of the civil society.

14. NB. The Minister needs to note that after twenty-one (21) days of no positive action towards these demands, the civil society shall be continuing to seek legal action.

Issued by UNITED CIVIL SOCIETY IN ACTION: