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Our ref. M van Schalkwyk/MAT3166

25 March 2020

TO: THE OFFICE OF THE MINISTER OF TOURISM

ltshabalala@tourism.gov.za; hnhlabathi@tourism.gov.za;

Pmasemola@tourism.gov.za; zndudane@tourism.gov.za

nmadlala@tourism.gov.za

AND TO: THE OFFICE OF THE DEPUTY MINISTER OF TOURISM

LMohlala@tourism.gov.za; fmaila@tourism.gov.za;

Ltheko@tourism.gov.za; NHlasa@tourism.gov.za

URGENT

BY HAND & BY EMAIL

Dear Minister Kubayi-Ngubane,

**RE: DISCRIMINATORY QUALIFYING CRITERIA FOR THE COVID-19
SMME EMERGENCY FUNDING PACKAGE IN THE TOURISM AND
HOSPITALITY SECTOR**

1. We refer to the above matter and we confirm that we Act on behalf of the civil rights organization, AfriForum.

2. AfriForum has more than 235 000 members, including thousands of small and medium enterprise business owners in the tourism and hospitality sector.
3. You announced on 24 March 2020 that the Department of Tourism has made an additional R200 million available to assist SMMEs in the tourism and hospitality sector who are under particular stress due to the new travel restrictions.
4. As per your website, accessed on 24 March 2020 (https://www.tourism.gov.za/AboutNDT/Ministry/News/Pages/COVID-19_interventions_for_the_tourism_sector.aspx) the relief will be distributed in the following manner:
 - A spatially equitable manner to ensure that all provinces benefit.
 - At least 70% of beneficiaries will be businesses that are Black owned.
 - At least 50% of beneficiaries will be businesses that are women owned.
 - At least 30% of beneficiaries will be businesses that are youth owned.
 - At least 4% of beneficiaries will be businesses that are owned by people with disabilities.
5. In this time of crisis, when South Africans must close their small and medium businesses in the tourism and hospitality sector, irrespective of the race, gender or age of the owners, it cannot be constitutionally sound to provide assistance on the grounds of race, gender or age, rather than need.
6. AfriForum herewith formally demands that the qualifying criterium of race, gender and age be withdrawn and that the racial, gender and age profile

of a struggling SMME in need, should not form part of the qualifying criteria for emergency funding at all.

7. In addition to the foregoing we demand that the process of allocation be properly regulated. We await urgent publication of appropriate regulations that set out with clarity the qualification criteria as well as the criteria to be applied in the disbursement of funds to those that qualify. Please clarify whether there is a cut-off date for applications, when the decision will be made on the grant of relief and by which date the monies will be paid out or benefits distributed.

8. We await your urgent response by no later than 16h30 on Thursday, 26 March 2020. Your failure to respond shall be deemed to be an admission of the intention to apply race, gender and age-based criteria in a constitutionally indefensible and irrational manner. Our clients shall have no option but to approach court for urgent relief if the appropriate confirmations are not provided.

Yours faithfully,

A handwritten signature in black ink that reads "Marjorie". The first letter "M" is large and stylized, with a circular flourish around it.

HURTER SPIES INC

Per. M van Schalkwyk