



Sustaining the Wild Coast (SWC) Annual Report July 2016 - June 2017



Tata Samson Gampe passed away in the course of this year. Hamba Kahle Tata.

We will remember you with gratitude and great respect for your wisdom and principled stand against that which you believed was destructive of the land and culture of the AmaMpondo.

“imali iyaphela, umhlaba awupheli”

“SWC provides a forum for promoting ‘grassroots’ insights into what sustainable development in the Wild Coast region means, helps local communities to achieve their visions of a sustainable future and acts as a civil society ‘watchdog’ to identify

and act against unsustainable and harmful practices. SWC assists local communities with media and legal actions when violations of South Africa's constitutional, environmental and human rights laws occur on the Wild Coast."

From Sustaining the Wild Coast - Governance Policies and Procedures

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1. INTRODUCTION

'Who would have imagined that the Amadiba struggle for truth and justice would serve to inspire and encourage those who regarded the election of Donald Trump as president of the United States of America in 2016 as a disastrous setback in the actualisation of fundamental human rights? After Trump's shock election, readers of the US magazine GOOD were treated to an article by freelance writer Kimon de Greef that we think is one the best articles yet written, about the resistance to mining in Xolobeni.

This online article appeared in print in a special edition titled "OGOD" which the publishers were inspired to publish when the unimaginable happened and Trump was elected president.

If SWC supporters have not yet read Kimon's report, it provides an excellent window of meaningful insight into the inspirational narrative of struggle and hope that Xolobeni embodies. See <https://www.good.is/features/issue-39-corruption-south-african-mining>,

Titled "Below the Surface", that title is an apt introduction to this Annual Report, which likewise provides a 'below the surface' account of what Sustaining the Wild Coast has done with the resources that funding agencies, donors and volunteers have generously contributed to the cause of protecting the Pondoland Wild Coast and the human rights of those whose live there. Without

this support, the activities of the past year would not have been possible, and we are grateful that we have been able to work together with all our partners in supporting the Amadiba community. Thank you.

It has been a year of both change and continuity.

Margie has taken over the chair from Sandy. SWC has formally changed its status, from a Section 21 company to a non profit company without members.

The toll road has changed from being a threatening possibility to being a construction in process, as SANRAL begins to construct the bridge haul roads, the Amadiba continue to wait for a response to their request that the road be rerouted out of their area, and lawyers prepare to launch an interdict against construction.

As far as the threat of mining is concerned, government has implemented an 18 month moratorium on mining, which means that the litigation against mining is presently on hold, but by no means forgotten.

The Amadiba Crisis Committee (ACC) has asked SWC to continue supporting them in initiating tourism and other projects that will offer alternative development opportunities to those being promised by mining and road construction, and not to be distracted by the work of resistance which is now clearly led and managed by ACC on behalf of the people who live in Amadiba Area 24. The realisation of SWC's 2012 vision to establish a Pondoland Resource Centre that will be led by a local champion and catalyse local economic development is now our primary focus.

This report is written with deep respect for the ongoing courage of the Amadiba who fight the real battle "on the ground". Thank you comrades, for all that you teach us in your commitment to this battle, and for allowing us to share in your efforts to protect your land, which is part of a bigger, threatened earth, upon which we all depend. It is also dedicated to Tata Samson Gampe who was a great example and inspiration to the struggle to honour and protect the land and the indigenous wisdom of the AmaMpondo. Hamba Kahle Tata Gampe!

2. GOVERNANCE

2.1 AUDIT

Neville Hide and Associates trading as Accumulo Consulting are our auditors.

We are grateful to San-Marie Aucamp who serves us voluntarily as an ex officio treasurer, and managed the auditing process. Thank you San-Marie!

2.2 LEGISLATIVE COMPLIANCE

The conversion of SWC's Section 21 registration to that of a Non-Profit Company without members in accordance with the latest Company Law has been completed. Our thanks go to Todd Petersen from Norton Rose Fulbright for his pro bono services in this regard, and to Sandy for managing this lengthy process.

2.3 BOARD MEETINGS

Four board meetings were held over the course of the 2016-2017 financial year;

- 22 - 23 July 2016 in Cape Town
- 19 - 20 November 2016 in Port Edward (including the AGM)
- 18 - 19 February 2017 in Port Edward
- 24 - 25 June 2017 in Port Edward

-All board meeting decisions were made with a quorum present. Sandy Heather was replaced by Margie Pretorius as chairperson. John Clarke was appointed as a board member.

2.4 FUNDRAISING and FUND MANAGEMENT

- SWC completed the management of funds which came in as a consequence of Bazooka Radebe's murder.
- A repeat donation from the Environmental Defenders Fund of the Rudolf Steiner Foundation Social Finance was made to SWC. This was divided equally between litigation costs incurred by Richard Spoor Inc. and the Amadiba Crisis Committee, with the latter portion being disbursed over the year by SWC, according to the requirements of ACC. These funds were used for a big community workshop, security upgrades for ACC members at risk following the assassination of Bazooka Radebe, petrol and cell phone expenses for ACC, and for expenses related to community attendance at the celebration to mark the end of a period of mourning for the Queen. They were also used to contribute towards the funeral of Tata Sampson Gampe and the big commemoration of Bazooka's death on Human Rights Day 2017. Attendance at such events contributes significantly to community morale and the funds that have helped to make these events successful have been hugely appreciated.
- An anonymous donation of R117k was received to cover the cost of outstanding advocates fees incurred by Cullinan and Associates in the protracted and complex litigation against the toll road.
- A grant was received by The Global Green Grants fund which was used for various expenses related to the very memorable meeting with SANRAL at Umgungundlovu Komkhulu on April 6, which was followed by important consultation with Queen, Princess Wezizwe and the Queen's team of advisors. It was also used to translate the movie "Ihlazo". See: <https://m.youtube.com/watch?v=kYEJy2RmnYk>. These funds have also been used to fund expenses related to two tourism related meetings. Some of the remaining

funds are earmarked for the production of a Pondoland Resource Centre funding proposal and flyer.

- Donations were made to SWC's Given Gain campaign "Say NO to the N2" by a few faithful supporters and will be paid over to Cullinan and Associates for ongoing litigation against the N2 toll road.
- SWC applied for, and received emergency funding from the RAITH Foundation for ongoing litigation against the N2 toll road and in particular for funding preparatory work for bringing an interdict against the road. This money was paid over to Cullinan and Associates to cover advocate and attorneys fees.

3. PROACTIVE PROGRAMMES

COMMUNITY ECOTOURISM

- Two tourism committee meetings were held, in February and April
- The Xolobeni Tourism Vision document was compiled in response to ACC's request for help in compiling a concrete proposal that can be submitted in response to request for evidence of concrete alternatives to mining.
- Quotes were compiled by Steve Hoffe for the construction of lodges and improvements to village based accommodation envisaged in the Tourism Vision document.
- Steve Hoffe was contracted to begin working on a tourism map for the area, which will be used in a broader marketing campaign to promote hiking and village based accommodation.
- The vision to establish a Pondoland Resource Centre, first envisaged by SWC in 2012, was revived and a commitment made to compile a funding proposal to raise funds to employ Sinegugu as champion of such a centre.
- Contact was maintained with Bongani Mlotshwa from Absolute Wild Coast and he led a hiking trail for Wise Women Walking in June 2017.
- Contact was also maintained with Artist Gqwetha and Vuyani Mbuzwa from Pondoland Walking Safaris, who led hiking trails for groups from Epworth School, Michaelhouse and Hilton College. This success in marketing to schools was due in large part to the efforts of Paul Fleishack who has been an enthusiastic supporter of SWC since participating in a hike.
- Sinegugu leads regular hikes with many people commenting that his hikes are the best they have ever experienced, given his depth of knowledge about all aspects of the Wild Coast and of the AmaMpondo. His December hike is becoming a traditional favourite for moms from the city and their sons who have the most wonderful outdoor experience under his guidance.
- Sadly we bid farewell to Peter Brauteseth who passed away on 16 April 2017 aged 60He was extremely supportive of ACC as a member of the eMnyameni Cottage Owners Association and an enthusiastic participant in our first Tourism committee meeting. Hamba Kahle Peter!

4. REACTIVE ADVOCACY

4.1 RESISTANCE TO N2 TOLL ROAD

4.1.1) ENGAGEMENT WITH SANRAL

Sinegugu, accompanied by John and Margie, met with the new CEO of SANRAL, MR Skhumbuzo Macozoma, in Pretoria, to personally deliver an invitation to him to visit Umgungundlovu Komkhulu, which he did on April 6.

The meeting was filmed by John and translated into English, with subtitles in isiMpondo. The film has proved to be an extremely valuable resource on social media, as evidence of the community's opposition to the road, and SANRAL's failure to properly consult and respect the rights of the Amadiba. See: <https://m.youtube.com/watch?v=kYEJy2RmnYk>

4.1.2) PREPARATION FOR LAUNCH OF INTERDICT

- Members of ACC, working with Cullinan and Associates, obtained 8 affidavits from people whose homes and lands are within the road reserve. This was an extremely challenging task as those doing the interviews had to use a GPS to work out exactly where the road reserve is situated and which homesteads will be impacted. People residing within the road reserve have not been informed about the need to relocate and no compensation agreements have yet been signed. Some people feel fearful of being seen to oppose the road which is supported by many communities further south of Mtentu where there is significant ignorance about the negative impact of the road, and many promises from SANRAL about construction jobs.
- SWC assisted in obtaining evidence of damage being done by the construction of the haulage roads, both by visiting the bridge haulage roads with an environmental specialist and through communications with the SANRAL Environmental Monitoring Committee. Unfortunately the evidence obtained was deemed inadequate for inclusion in the grounds for an urgent interdict.
- Cullinan's have commissioned affidavits from a heritage expert, a resettlement/relocation/compensation expert and from two road economists to be used in the launch of an interdict against the toll road.
- The 90 page affidavit of Nonhle Mbuthuma has been commissioned.
- The PAJA (Promotion of Administrative Justice Act) Interlocutory Application which has been postponed since 2012 is set down for October 12-13 2017. This is the application to determine whether Sinegugu exhausted internal remedies by appealing the N2 environmental authorisation. While he did not appeal in his own name, Sinegugu was an active participant in the appeals submitted by the Baleni Community, SWC and SAFCEI.

4.2 RESISTANCE TO MINING

4.2.1) SHAREHOLDER ACTIVISM CAMPAIGN LEADING TO DIVESTMENT

- Following the assassination the leader of the Amadiba Crisis Committee chair Sikosiphi 'Bazooka' Radebe, and having little confidence in the South African Police Services to bring the assassins to justice and expose the real motive, the Amadiba Crisis Committee initiated a shareholder activism campaign to educate investors about the reality on the ground, and pressurise them to disinvest.
- Besides GOOD news (see introduction)) several international news outlets featured the saga including Newsweek and The Guardian.

<https://www.theguardian.com/world/2016/jun/12/south-africa-titanium-mining-giant-xolobeni>,

The effect was positive and on 18 July 2016 MRC announced its intention to sell its 56% shareholding in the proposed mining venture to their local empowerment partner, Xolco (but disguised as Keysha Investments 178 because of Xolco's discredited reputation).

- Richard Spoor Inc has aggressively sought information on the terms of MRC's announced divestment, which the Amadiba Crisis Committee are very suspicious of, believing that it is a deceptive and distractive strategy on the part of all parties intent on mining in Xolobeni.

4.2.2) COMMUNITY OUTREACH MEETING

- On July 19, two deputy ministers, Ms Maggie Sotyu (Police) and Mr Godfrey Olifant (Mineral Resources) led a costly government sponsored "community outreach" initiative to try and calm tensions in Xolobeni. Richard Spoor attended and spoke on behalf of the community. When, instead of responding to Richard's points the Deputy Minister attacked Richard, the residents of Xolobeni rose up and prevented the meeting from proceeding further. The proceedings of the meeting and Richard's reflection on the meeting were filmed by John Clarke and can be viewed here:

<https://youtu.be/sXwUZpQRPTc>

<https://youtu.be/CMSWMqhwvD0>

"The conflict is not between one section of the community who are opposed to mining, and another section in favour of 'development'", Richard explains; "it is conflict between a community and a foreign Australian mining company".

4.2.3) DEFAMATION SUITS

A few weeks after the "Community Outreach" fiasco, Mark Caruso filed defamation suits against John Clarke, Local ANC ward councillor and Amadiba Crisis Committee founder, Mzamo Dlamini and ACC's attorney Cormac Cullinan.

These legal reprisals show that the mining company is using cynical Strategic Litigation Against

Public Participation (SLAPP) suit tactics to try to intimidate critics and smother criticism. Far from being intimidated, SWC regards this action as proof that we are doing exactly what our normative mandate requires of us: “to be a as a civil society ‘watchdog’ to identify and act against unsustainable and harmful practices”.

4.2.4) ANNOUNCEMENT OF MORATORIUM

In July 2016, the Minister of Mineral Resources Mr Mosebenzi Zwane announced his intention to declare an 18 month moratorium on any mining activity “having regard for the social and political climate at Xolobeni and reflecting on the significant social disintegration and highly volatile nature of the current situation”.

After applying pressure on the Minister of Mineral Resources, The moratorium on considering mining rights applications, was only finally put in place in June 2017 after considerable pressure was put on the Minister. The moratorium will be effective for a period of 18 months.

4.2.5) DECLARATORY ORDER SOUGHT

A founding affidavit by the Mgungundlovu Traditional Authority and the Amadiba Crisis Committee was lodged in the High Court on September 20 seeking a declaratory order against the award of any mining rights without the prior, free and informed consent of the local residents. At 1 320 pages, it is an important assertion of the right to self-determination by the Amadiba community: a right entrenched in the Constitution (section 235) but seldom invoked. Answering papers should have been filed in November or December, but were only filed by TEM in April after significant pressure from the applicants and numerous breaches of agreements by the respondents.

The Amadiba struggle against the Xolobeni mining scheme has become an inspiration for mining affected communities all over the world, and one of the case studies that the United Nations Working Group on Business and Human Rights are monitoring in their efforts to oblige member states of the United Nations to hold multinational companies accountable in their countries of registration for human rights violations.

4.2.6) SPATIAL DEVELOPMENT FRAMEWORK CHANGES CHALLENGED

In December 2016, a High Court application was launched to review and set aside the Mbizana Municipality’s designation of the Xolobeni area as fit for mining in its 2015 Spatial Development Framework. Incomplete copies of the Record of Decision were then filed by the municipality to which repeated follow ups have been made to demand additional information.

4.3 COMMUNITY GATHERINGS

Two significant events took place during the year which mobilised and demonstrated the ongoing high level of community resistance to mining and the toll road. . These were attended and supported by SWC:

Gampe's funeral

In January, a veteran of the anti mining struggle, tribe elder Samson Gampe, passed away. His funeral was an opportunity to honour his wisdom and his contribution to the fight to protect the land and way of life of the Amadiba. In answer to the question as to why he did not support mining he succinctly stated: "imali iyaphela, umhlaba awupheli" - "money finishes, the land does not".

- The funeral was an important show of strength against mining, encouraging residents of the area not to give up the long fight that their beloved father Gampe was so committed to. SWC was represented at the funeral by John and Margie. Photographs and videos taken by John were used on social media by ACC and SWC to draw attention to the ongoing resistance to mining in Xolobeni, and these can be viewed on the ACC Facebook page.
- A screening of The Shorebreak was organised by John in Joburg to honour Tata Gampe A panel discussion was held after the movie with Ronnie Kasrils participating and sharing his account of the Pondo Revolt. Donations from the audience were presented to Tata Gampe's family at the funeral.



Tata Gampe is laid to rest at his home, and the flag of ACC flies high against mining.

Commemoration of Bazooka's assassination

On March 21st 2017- Human Rights Day - a memorial was held to mark the one year anniversary of the assassination of Bazooka Radebe one year before on 22 March 2016. It was a big event with people attending from surrounding villages, mining affected communities in other parts of South Africa, and from organisations that are supporting the Amadiba Crisis Committee. Many speakers spoke in memory of Bazooka and the resistance against mining which cost him his life. The communities of Xolobeni and surrounds were encouraged by the strength of their own combined commitment to stand against mining and the presence of so many people from far afield who support their struggle.





People from all over Pondoland and South Africa came to honour Bazooka Radebe at a commemoration of his death on Human Rights Day 2017.

5. COMMUNICATIONS

5.1 Website

A big thank you to Les, Daniel and Tracey from Webpro for their ongoing pro-bono management of the website. Nikki Brighton has been contracted to design a new website.

5.2 Social Media - Facebook

Our communication via Facebook has been limited but ongoing.

5.3 Photographic exhibition

Max Bastard was commissioned to take photographs that could be used for social media purposes to create memes to highlight what is happening on the Wild Coast as well as for powerpoint presentations. This plan morphed instead into a series of photographs entitled 'Anatomy of a Struggle'. It still has to be decided how this series will be exhibited but it is hoped that eventually it will be displayed in the Pondoland Resource Centre.

5.4 Joint telephonic interview between Enei Begaye of the Black Mesa Water Coalition, Sinegugu Zukulu and Margie Pretorius of SWC and Alex Haber of Rudolf Steiner Foundation

This was organised by the Rudolf Steiner Foundation following the stand of indigenous water protectors at Standing Rock in South Dakota. It was featured in the RSF quarterly newsletter, and is available as a download at <http://rsfsocialfinance.org/2017/01/10/defend-sacred-rsf-winter-2017-newsletter/>

5.5 Submission to The Most Endangered Cultural Heritage Sites campaign 2016.

The Most Endangered Cultural Heritage Sites campaign is an annual initiative of the Heritage Monitoring Project (HMP) and the Heritage Association of South Africa to identify and raise awareness of cultural heritage sites that are at significant risk from natural or manmade forces. Val Payn made a submission featuring the cultural landscape of the AmaMpondo coastal villages of the Amadiba and it was subsequently selected as one of the ten most endangered cultural heritage sites in South Africa. This recognition has been a valuable reference in highlighting why the N2 toll road should not be built through this area of huge cultural significance, but unfortunately SANRAL and government seem unconcerned by the danger of spoiling this unique landscape. The submission can be viewed at: <http://www.theheritageportal.co.za/article/our-vanishing-heritage-south-africas-top-ten-endangered-sites-2016>

5.6 Other articles published during the year

<http://www.news24.com/SouthAfrica/News/xolobeni-villagers-are-tired-of-being-abused-20170415>,

<https://southcoastherald.co.za/202523/meeting-demands-a-say-in-mining/>,

<http://www.getaway.co.za/travel-ideas/destinations-travel-ideas/xolobeni-mining-dreams-of-tourism/>,

6. NETWORKING WITH OTHER ORGANISATIONS

Southern African Faith Communities Environmental Institute (SAFCEI)

Kate Davies as a member of both SAFCEI and SWC shares information regarding the Wild Coast with SAFCEI membership and networks.

Organisation for Undoing Tax Abuse (OUTA)

OUTA funded the commissioning of a report by road economists Gavin Maasdorp and Allen Jorgensen. They found that the 2008 economic study, completed before the global economic meltdown, was far off the mark in terms of projections of traffic volumes and anticipated socio-economic benefits versus costs and risks. Maasdorp and Jorgensen also stated that "The economic cycle is at a point where it makes sense for large, expensive infrastructure projects to be

delayed until the rates of return shown in feasibility studies undertaken some time previously can be shown to be positive again.”

Despite OUTA’s support in bringing this tax abuse to public attention, SANRAL have carried on with their plans regardless.

John was employed by OUTA for six months from February to August 2017, mainly to work on the N2 Wild Coast campaign. His article here sums up the challenge.

[http://www.icosindaba.co.za/index.php?option=com_content&view=article&id=123:bridging-the-divide-between-sanral-and-civil-society&catid=79&Itemid=493,](http://www.icosindaba.co.za/index.php?option=com_content&view=article&id=123:bridging-the-divide-between-sanral-and-civil-society&catid=79&Itemid=493)

OUTA’s 2016/7 Annual Report provided important strategic support of SWC and the Amadiba. The following excerpt underscores the collaboration.

“Amid several contentious issues surrounding the scheme, OUTA believes that the R4-billion price tag for two mega bridge crossings over the Mtentu and Msikaba gorges would amount to a gross abuse of tax money. Hence we will continue to assist the Amadiba coastal residents to articulate an alternative use of such an investment in road infrastructure and particularly one that has a direct, tangible developmental benefit to local residents.” (<https://www.oua.co.za/documentation/>,)

Legal Resources Centre, OXFAM, Alternative Information and Development Centre (AIDC)

Discussions have begun with these organisations re joint strategizing around support for ACC; including the legal teams of Richard Spoor Inc. and Cullinan and Associates.

Bench Marks Foundation

Bench Marks Foundation has requested to be kept informed of SWC’s work and Dominee Piet Beukes will be invited to a future board meeting.

Baleni High School and the Igqangi Project

The Igqangi Project continues to operate despite being under serious financial pressure. It successfully provides tutoring classes to learners in the afternoons, evenings and school holidays, and also assists matric learners with applications to university.

Umzimvubu Catchment Partnership Programme

Val attended a meeting in March in Matatiele and gave a very brief overview of SWC plans to support tourism development. She suggested that UCP/ SWC explore if there are any ways to collaborate in tourism development.

Ufudu Wild Coast Adventure

Sinegugu Zuku organised the attendance of Amadiba community members at the final event of the Ufudu Wild Coast Adventure in June, and served as a translator at this event. It is hoped that the documentary produced as a result of this event will contribute to awareness of the need to protect the Wild Coast.