

## **Annexure A**

### **About the Amadiba Crisis Community and the Region**

The Amadiba Crisis Community (ACC) has resisted the imposition of mining in their region for over a decade. It represents more than a thousand community members opposed to mining, including the majority of persons residing in and adjacent to the proposed mining area.

The ACC has successfully appealed against an earlier mining right awarded to Mineral Resource Commodities (MRC) and Transworld Energy (TEM) in 2008 in terms of section 96 of the Mineral and Petroleum Resources Development Act (MPRDA). The above shows that the community has used successful non-violent actions to oppose the forces of mining. The same forces of mining that have used official and unofficial agents to undermine their legitimate demands including the murder of activists. To date, five people have been killed, the latest being Sipho Bazooka Rhadebe.

These villages and the land in the proposed mining area all fall under the customary law jurisdiction of the Umgungundlovu Inkosana's Council. Together with the Dangezi Community, the Umgungundlovu community forms part of the Amadiba Traditional Community.

The land held by the Umgungundlovu community is not public land. Homesteads and ploughing fields are owned by individuals and households, while the rest of the land, including grazing land, is owned by the community. When significant activities are to occur on the land, the community's customary law stipulates the following procedures to be followed:

- In the custom of the community, those affected by proposed activities are the persons who have to be approached in order for a decision to be made relating to land rights and access to the land at the lowest level in a consensus-based process.
- This usually involves engaging at the sub-headman level, with more challenging or complicated questions being escalated to the iNkosana.

Approximately 55 to 60 households comprising some 500 individuals reside within the proposed mining area. Almost without exception the adults in these households are farmers who cultivate their fields and keep cattle and other livestock, which graze on community land. These households rely on the rich natural resources of the area, including wild fruits and herbs, firewood, fish and shellfish, and building materials. In addition, the households depend on streams and natural springs for their domestic water because there is no municipal water supply.

Many of the residents of the proposed mining area rely on a combination of subsistence and commercial farming. Over 90% of the households sell excess produce. The farming use includes farming a diverse range of grains and vegetables. These crops grow well in the climate and area, assisted by the area's good rainfall. The cash income garnered from crop production is important to members of the community. The community produces varying amounts of crops depending upon the quantity needed for their own consumption and for exchange or sale. Crops are also produced in terms of seasonal variety. Fruit trees growing

in the area also provide a seasonal source of food, with high nutritional value that contributes to the food security of those living in the proposed mining area.

This is particularly important given the prevalence of food insecurity in the Eastern Cape. The first South African National Health and Nutrition Examination Survey (SANHANES-1 released in 2013) revealed that 36.2% of the Eastern Cape population is food insecure, while a further 32.4% are at risk of hunger. The Xolobeni community's access to nutritious food and a diverse diet through their subsistence and commercial farming stands in stark contrast to these devastating figures.

The households in the area engage in exchange relationships around food and food production. This sharing of resources includes the sharing of crops, sea harvests and animal products. The reciprocity also extends to food production and exchange of manure used for fertilizer, cattle used for ploughing of fields, and other similar activities. These inter-linkages are important for community cohesion and would be nearly impossible to reproduce if the community were to be relocated.

Many of these types of reciprocal relationships are determined based on locality. Thus, there are higher degrees of reciprocity between neighbours or those living in closer proximity to one another in the area. Homesteads within the proposed mining block are of great significance and integrally connected to livelihoods and way of life of community members. To fracture these links, or uproot those living in the area would cause untold damage to these reciprocal survival strategies and would undermine the livelihoods and relationships upon which people have built meaning over many years.

The most important commercial activity outside of farming is eco-tourism, which employs many community members on a full-time basis while also creating part-time jobs and other opportunities for income generation. While eco-tourism has significant growth potential, the threat of mining is a major obstacle to investment that has essentially sterilized growth in that industry.

The Umgungundlovu community enjoys a rich cultural and social life. Most households surveyed have lived in the area for generations and almost all have family graves in the mining area. There are at least 396 known graves in the proposed mining block, many of which are on or near the dunes that TEM seeks to strip mine.

Families in the mining blocks surveyed participate in a number of community rituals and practices. The nature of these practices is such that there is a demonstrable importance to the community of the cultural heritage and ancestry linked to the land that these people have lived on for generations. If the mining were to go ahead, it would have a detrimental impact on the community's cultural heritage.

There are also a number of rituals that community members participate in on the land in question.

- The Umgophu ritual is a rite of passage practiced within cattle kraals as well as in various other locations on community land;
- Umnquzi is also practiced on community land throughout the area;

- The ritual of Imbeleko is also practiced in kraals across the area and entails the thanking of the ancestors when welcoming a new baby. The ancestors are specifically linked to the land on which this ritual is done. It is a way of linking and locating oneself and future generations to one's family and cultural heritage;
- The ritual of Umboyiso is practiced at gravesides across the area. Again, this ritual is intricately linked to the land and is one that provides a sick relative who is away from home with a link to home and a sense of place;
- Other rituals practiced include Umembulo, Etiya and Umxnuzo, all of which involve communication or honouring of the ancestors.

To divorce people from the land would sever this very important connection, sense of place, and linkage with the ancestors.

It should be emphasized that the link between the ancestors and the land is vital, particularly as it is on this land that the ancestors are buried. In addition, the relevance of these rituals is that many of them involve kraals, or the slaughtering of livestock. Should the community be relocated, they would have to be relocated to an area where they could have livestock not only for a food or agricultural perspective but also from a cultural perspective.

The importance of cultural practices, particularly in a historically rich and diverse nation such as South Africa, cannot be over-emphasised. Economic interests, such as the proposed mining, should not be prioritised over the interests of protection of minority rights and the preservation of culture and heritage.

Further factors that must be considered include the uniqueness of the biome and ethnobotanical elements of the area. This includes reliance on the ocean, and the socio-cultural and economic value derived from the land and ocean by members of the community.

In terms of traditional medicine, there are significant cultural practices and places linked to the land, landmarks, watercourses, and the ocean. The Umgungundlovu community has a number of traditional medical practitioners who assist the community in spiritual and traditional practices. These traditional medical practitioners also harvest many of their medicinal plants from the proposed mining block area. There is general consensus from traditional medical practitioners in the area that if the community were moved and mining were to go ahead, some people would die as a consequence. This is because removal from the area and disturbance of burial sites would result in disruption and breaking of links with ancestors, this link is important for healing.

Furthermore, in terms of heritage impact, there are various guidelines and regulations for the removal of human remains, including procurement of permits. Graves may not be altered in any way without the permission of the families concerned and a permit from the South African Heritage Resources Agency ("SAHRA").

In terms of livelihoods and the health of the community, the co-operation of the ancestors is crucial. Access to the graves of late chiefs is also vital for the health of the entire community and for particular rituals performed by traditional medical practitioners. Thus the ability to engage in healing customs and practices would be severely affected and hampered, if not destroyed entirely.

The terrestrial medicinal plant resource base is in a good state in the Pondoland area and at Xolobeni in particular. The resource is in fact expanding, which is exceptional given that in many other areas it seems that the resource is diminishing. The Umgungundlovu community is actively involved in protecting its biodiversity and plant resources, part of this is ensuring that medicinal plants are not exploited by commercial gatherers, and that other agricultural practices detrimental to the plants are kept to a minimum in specific areas.

Xolobeni is the last remaining coastal area that is available for environmental protection in South Africa, and which is accordingly prioritised for conservation in the National Protected Area Expansion Strategy.

#### Xolobeni

- falls within the globally recognised Maputaland-Pondoland-Albany (“MPA”) biodiversity Hotspot. There are just 35 such-recognised ‘Hotspots’ worldwide.
- is a Strategic Water Source area under the National Water Resource Strategy which is defined as a wetland area supplying a disproportionately high amount of water relative to its surface area and is considered vital for water security in the country.
- contains four priority estuaries, as defined in the National Estuary Biodiversity Plan. Such estuaries are prioritised partly on the basis of the scarcity of animals indigenous to those habitats.
- contains three free-flowing rivers, which are rare in SA. Two of these are considered to be Flagship Rivers by the Atlas of Freshwater Ecosystem Priority Areas of South Africa, which means their preservation is particularly important.

This area holds value for the community, which resides in the proposed mining blocks, but also for the general population of South Africa given the nature and extent of the environmental protection already in place in Pondoland, including Xolobeni.

The Pondoland area as a whole has been identified by the South African National Biodiversity Institute (SANBI) as one that warrants protected status.

This is because it forms part of an international biodiversity hotspot stretching from the Eastern Cape to Mozambique – the Maputaland-Pondoland-Albany Hotspot; it is the last large coastal area left in South Africa that is still available for coastal conservation efforts; it

is a strategic water source area; it contains a number of river estuaries and the four in Xolobeni specifically have been designated 'priority estuaries'; and it contains a number of free-flowing rivers, which are rare in South Africa.

It should be mentioned that the mining right application seeks to undercut Xolobeni's environmental significance by alleging that certain dunes in the area are degraded. This is denied categorically. Social and community memory, as well as historical source documents, establish that these dunes have been in their present state (the so-called 'environmentally degraded' state) since at least the 1800s.

Xolobeni's environmental significance to the objectors, and to the nation as a whole, must weigh heavily in considering whether TEM's mining right application should be granted.