

Crisis returns to Xolobeni

Mining interests try again

After their mining rights were revoked, MRC has made a fresh application on mining prospecting rights and the Amadiba community are not happy about the new application, writes **John Clarke**.

The conflict between local residents and the ambitions of Mineral Resources Commodities (MRC) and their black economic empowerment (BEE) partners to mine their ancestral lands was thought by the Amadiba community to have been resolved. In May 2011 Minister of Mineral Resources, Susan Shabangu had revoked the company's mining rights.

Although the Amadiba Crisis Committee (ACC) still existed, it had decided that it was premature to celebrate their victory until Xolobeni Empowerment Company (Xolco) was no longer a force. The AAC also wanted the MRC to admit that the game was over.

I advised the ACC to consider transforming themselves into the Amadiba Peace and Development Committee, and, echoing the preamble to the South African Constitution, to 'heal the divisions of their past', and 'lay the foundations for a democratic and open society' and shape a peace and developmental process that really did 'improve the quality of life', a concept they had come to understand as considerably more than the mere improvement of physical and material conditions.

However, the return of the same mining company, with the same crude 'extractive-wealth' mentality has disturbed the peace. However,

thanks to effective interventions by the traditional leadership and democratic community structures, the risk of violence has abated.

In May 2012 all Interested and Affected Parties (IAPs), who had registered as such during the previous mining rights application, were notified by GCS Consulting Services that a new Prospecting Rights Application had been lodged for the Kwanyana Block.

Zukulu called me to again assist him and the Amadiba Crisis Committee to develop a strategy to calm the anger and channel the fears that arose after notices appeared in various locations in the affected community, informing them that Transworld Energy Minerals (TEM, a subsidiary of Australian group MRC and Xolco had submitted a Prospecting Rights Application for the Kwanyana Block of the Xolobeni Mineral Sands, and inviting them to a public participation meeting.

There was also a meeting of the executive members of the ACC, Nonhle Mbuthuma, and community elders, Samson Gampe and Mashona Wetu Dlamini, to discuss how best to respond to the new crisis.

It was decided that a full meeting of the ACC should be called at Mdatja, to plan on how to respond to the advertised public participation meetings.

EMERGENCY MEETING

Since the meeting was called at very short notice, only about 12 committee members were expected to attend. Instead 60 residents arrived, mostly on foot, some on horseback, to support the committee and voice their concerns.

Some participants were neutral, possibly in favour of the mining, but their interests and concerns were expertly integrated into the lively interaction by facilitator Mbuthuma, showing the fruits of the *Training for Transformation* course she had completed. The source was pioneered by Anne Hope and Sally Timmel, in the 1980s and has become internationally renowned as a learner-driven empowerment process based on the insights of Paulo Freire, and latterly Manfred Max-Neef.

The meeting came up with a clear plan of action that would leave the Mining Rights Applicants in no doubt after the public meeting. The meeting was meant to bring out the feelings and attitudes of local residents as well as maintain peace after the discussions.

PUBLIC PARTICIPATION MEETING

The meeting took place at Mgungundlovu, Komkulu where over 300 local residents were present. The meeting moved outdoors as numbers swelled beyond what the courthouse could accommodate.



Participant from community speaks at public meeting.

Although a regular imbizo takes place every Thursday at the venue, to discuss communal matters it was delayed by the public meeting at which EIA consultants, GCS, and TEM and Xolco (the Mining Rights Applicants), would present their arguments for the new Prospecting Rights Application.

The meeting opened with GCS consultants informing the gathering that they had scheduled three public participation meetings to inform local residents of the Mining Prospecting Rights application. It is a requirement of the law to give local land owners the opportunity to ask questions and table their concerns.

The consultants asked for permission to record the meeting, take photos and register names of all those present. The meeting agreed to allow the proceedings to be filmed, but decided unanimously against the signing of a register, given their previous experience of fraud and manipulation.

It was immediately evident that the gathering was against the presentation. The Xolco supporters were a small minority of 12 people, in contrast to the over 300 ACC supporters much to the shock of the directors who thought they had popular support in the community.

Two written submissions were lodged with GCS during the meeting.

The first was from the ACC which had been drafted after the meeting at Mdatja, on the advice of the ACC attorney, Sarah Sephton of the Legal Resources Centre, and me.

The second written submission was tabled on behalf of the King of the amaMpondo, His Majesty Justice Mpondombini Sigcau, which Ms Mbuthuma had brought back with her from her visit to the amaMpondo Royal Residence at Qaukeni.

After local residents had had their say, attorney Neil Reikert, instructed by Sephton put further questions to the applicants, aimed at establishing whether this was a new application or a renewal of the previous one.

The applicants explained that it was an entirely new application, not a renewal, and that the previous application had been effectively withdrawn and the process recommenced from scratch.

The question was asked whether the information obtained from the core samples collected during the first prospecting rights could be considered legal and valid, since the prospecting rights had since been revoked.

Secondly, Andrew Lashbrooke was asked how he proposed to deal with the widespread

community distrust towards the leaders of his BEE partner Xolco in consequence of their alleged deceitful conduct when presenting a list of 3,087 fraudulently obtained names of local residents claiming their consent for the mining proposal.

In response to the first question, Lashbrooke said that as far as he was aware the core samples had been taken with the requisite permits. He did not answer the second question.

Also present was Velaphi 'Lolo' Mhloyingana a member of the Senior Traditional Leader Chief Lunga Baleni's Traditional Council who pointed out that the applicants had not explained that they had another public participation meeting planned at Dangeni.

She said that the applicants had failed to follow the proper procedure to obtain the support of the Traditional Authority, and that the meeting would not have the sanction of Chief Lunga Baleni or his council.

After the applicants had concluded their presentation the regular weekly imbizo began, with the first item on the agenda being a discussion as to how the community wished to respond to the prospecting rights application.

The applicants and their consultants were asked by Shezi to temporarily recuse themselves to allow the residents uninhibited space to discuss among themselves their collective response to the application.

The visitors agreed to leave, but the two directors of Xolco, Zeka Mnyamana (the chairperson) and Christopher Ngcwele (a director), refused to leave the meeting.

Mnyamana argued that the gathering was in response to the agreement at a previous Komkulu meeting, 'that there should be peace and reconciliation' and

an opportunity to bring all development proposals back for discussion.

'We have come today in respect to that call made at this Komkhulu. We still want to talk together as a community. If we chase others away the newspapers will portray us as a community that is divided.'

However, ACC spokesman, Mzamo Dlamini, explained to Mnyamana that since Xolco was an applicant for the mining rights it was in their capacity as a directors of a private company that he and his fellow director had been asked to recuse themselves because there was a conflict of interest between their roles as directors and their roles as community members.

Other Xolco supporters and pro-mining residents were free to remain to contribute their perspective and wishes.

Notwithstanding this ruling, the two Xolco directors refused to leave the meeting, provoking rowdiness and disorder.

The ward councillor for Ward 28, which covered the Kwanyana Block, Jackson Madayisa Dimane, suggested that all visitors or outsiders (including journalists) should leave as well but there was no support for this suggestion, when it was explained that the other outsiders were simply observers present in their professional or journalistic capacity.

After Mistoli and the tribal elders restored order the meeting continued, the lack of respect shown by Xolco directors for the Traditional Authority having demonstrated to Lashbrooke proof that Xolco was a disruptive force without local legitimacy.

CONCLUSION

To conclude matters three elders who were present were asked to express the consensus of the meeting.



Women at public meeting.

Said Bhalasheleni Mtwala of Kwanyana: 'With all this noise, it is evident that the community does not like the proposal. That is why they make such noise. So let us take home that message from Mgungundlovu Komkhulu, that anyone who is a local resident and has an offering must make a fresh request, which needs to be put to the meeting without quarrelling, so that it can be discussed peacefully.'

'We thank the journalists who have come for being here, so that they can tell the world out there that we as a community do not want this mining proposal.'

Added Zadla Dlamini of Mdatja: 'People have come in these large numbers to show clearly that the local residents here do not want mining. That is the message you should take home. If any local person is wanting it, he or she will come to Komkhulu again, but it is too late now to hear any appeal against our decision today to reject the proposed mining.'

Samson Gampe of Sigidi concurred: 'A cow that is a stranger in the herd is always chased by the rest of the herd by showing it horns. This is what we have done today, to tell the world that people of Kwanyana do not want this foreign "cow" - this mining proposal.'

'If you (the applicants) have a different animal, you are welcome to bring it along for us to have a look at it, and if the herd accept it, that is fine, but do not bring a mining "cow" back, because it is only going to cause conflict in the herd. We need a proposal that brings us together, not one that brings us conflict.'

'Also you must understand that we were born here and have grown up here. We are the ones who know best what would be good for our land. So you must not treat us as if we are children who don't know better.'

No further dissent was expressed and the applicants were therefore informed that as far as the local residents were concerned they had made their decision already and were not prepared to cooperate with the consultants in any way to further the Prospecting Rights Application. ¹⁶

This article is adapted from the report, 'Co-option and offensive exploitation: the failure of cooperative governance for the Amadiba Community'. John Clarke is a consultant social worker for the Amadiba Community and a freelance writer.