

AFFIDAVIT

I, the undersigned,

MPUMELELO MDINGI

do hereby make oath and say that:

1. I am an adult male from the Bekela village, which is in Amadiba Administrative Area Section 24 and which falls within the area of jurisdiction of the Umgungundlovu Traditional Council (Komkhulu).
2. I believe all the statements made in this affidavit to be true and correct and unless otherwise indicated, the facts in this affidavit are within my personal knowledge.
3. I live in the Bekela village. I have no street address but I live on the same road that goes past the Bekela School which is approximately 200 meters away from my homestead.
4. Living in my homestead are myself and 20 school children. The Mdatya School is approximately 1.5 kilometers away from my homestead and I rent space in my homestead to 20 children. They attend that school and their parents live too far away for the children to walk to school from their family homes.
5. I have lived in this homestead for my whole life.
6. Neither SANRAL nor anyone representing SANRAL has ever informed me of exactly where they proposed constructing the N2 Wild Coast Toll Road ("the N2"). The first time that I was informed that the N2 is planned to run close to my homestead was when I was interviewed for an affidavit in 2017 by the lawyers of the Umgungundlovu Council, the Mdatya and Sigidi villages and the Amadiba Crisis Committee.

M. Mdingi



7. I am an induna in the Council of Headwoman Cynthia Duduzile Baleni. I am therefore well acquainted with the discussion about the N2. I for example attended the meeting at Umgungundlovu Komkhulu in the beginning of April 2017 with Sanral's CEO Mr Macozoma at which he promised to come back and answer to the demand of the Umgungundlovu Traditional Authority to move the N2 away from the coast.

8. In our customary law it is the community assembled to meeting at Komkhulu that is the traditional authority.

The 23 January imbizo of the Amadiba Traditional Authority

9. I attended the large imbizo with Sanral on 23 January 2020. It was a joint meeting of the inland and coastal villages attended by over 400 residents. Chief Lunga Baleni of Amadiba, members of the inland and coastal Councils, Headman Khaliphile Baleni from the inland and Headwoman C D Baleni from the coast were there. Even police officers were there. Lt Col Freemantle of Bizana led a group of police. He apologised for their presence, which he thought was unnecessary. He said he had been told that a Minister was coming. They had come to guarantee security for the Minister.

10. A joint imbizo of the coastal and inland Amadiba has, so far I know, not happened before. It was called by the two Councils because of the pressure of Sanral on the villages of Amadiba, on the Headwoman of Umgungundlovu and on Chief Lunga Baleni who is the Chief of Amadiba.

11. Mr Craig McLachlan and Ms Nwabisa Ngxumisa of Sanral came to the imbizo together with other Sanral officials. They said they wanted to get resolutions in support of the N2 Toll Road from the Mdatya and Sigidi villages.

12. Nothing was signed. It was instead decided that Sanral must stop all works in the whole of Amadiba area, until the Amadiba have decided together where the N2 Toll Road can go.

13. The purpose of this affidavit is simply to testify about a meeting in Bekela school in March 2020. This happened in the week before the lockdown decided by the government, because of the Covid-19 pandemic.

14. I became aware of the importance of that meeting in Bekela back in March when I attended a joint meeting of the Councils chaired by Chief Lunga Baleni on Thursday 27 August 2020. The purpose of the meeting was to resume the process about N2 through Amadiba decided by the 23 January imbizo. The process was interrupted in March by the lockdown.

15. There have been two meetings of the Amadiba community leaders in February about N2. At our meeting now on 27 August, Chief Lunga Baleni said that he back in March had requested to have a meeting between Sanral and the group of leaders on 24 March. Sanral cancelled that meeting, referring to the Covid pandemic.

The meeting of Sanral and the Mbizana municipality at Bekela school

16. I have been told that Sanral's says that the meeting in Bekela took place on 18 March. As for me, I remember it was in the week before the Covid lockdown.

17. On the day of the Bekela meeting, a friend of mine told me that there is a meeting at Bekela school. I went there with him. I did not know what this meeting was about, but he is a supporter of mining in Xolobeni.

18. When I entered the venue, I understood the meeting was about the N2 High Way, because some five people from Sanral were present. Three of them were White.

19. The Mayor of Mbizana Municipality, Ms Daniswa Mafumbatha was there together with two body guards. There were also another three or four more officials, so this group from Bizana counted to about six or seven.

M. Mdingi.

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20. A sub-headman from the other side of the Kulumbe river was present. He is from the inland section of Amadiba. His name is Magijima "Ndabazabantu" Mathumbu. He was silent during the whole meeting.

21. When the meeting started, I was surprised to see Mr Tshibile Sithembiso from Mdatya village standing up saying that he today was the Acting Chief. He demanded that we must praise him by chanting "Shoot the Elephant!" ("Dubula indlovu!"). This is the slogan of praise of the Chief of Amadiba, which is Lunga Baleni.

22. Mr Tshibile Sithembiso, also called 'Nungalaza', has no traditional position. He is a "nobody" in Amadiba.

23. Councilor Mphetha Ndovela was also at the meeting, which was chaired by the local member of the Ward Committee, which is Mr Morewa Mathumbu.

24. The meeting could be held in one class room of the Bekela school. Thirty to thirty-five people were present. About 20 were residents of Bekela. All of them are supporters of the Xolobeni mining project. Except for a young man from the Zoleka family who did not speak because of his youth, I found myself being the only one in the meeting who is against mining.

25. The meeting was not announced. If there is a properly announced meeting in Bekela village, plus minus 150 villagers would be present.

26. I also noted that the Headwoman was not there, and no one else of the Umgungundlovu Council. There were no apologies from her or anyone else of the traditional leaders in Umgungundlovu announced. I drew the conclusion that they had not been invited.

27. At the meeting, we were told that the N2 High Way will be built. It will go from Mtentu river in the inland where there will be a bridge, and to Port Edward.

28. A map was presented during the meeting. People were looking at the map. I had the impression that no one could understand where the road is going.
29. At one point I stood up and said that this was not the right forum for this discussion. I said that the right forum for this discussion is the Komkhulu of Umgungundlovu.
30. Nungalaza from Mdatya then said, that this is not for Umgungundlovu to decide. "This is for Bekela village". I raised my hand again to object to this, but was told by the chair of the meeting, Mr Morewa Mathumbu, to "Shut Up" because the Chief, had spoken. "No one talks after the Chief!" I stayed quite for the rest of the meeting and listened to the proceedings. There was no meaning to speak again. Save for the Zoleka family member who was too young to speak, all in the class room were mining supporters and against me.
31. The young Zoleka family member, with nickname "Fido", came to me after the meeting and said I had been right.
32. I stayed at the very end of the meeting. An attendance register was circulated as a proof of who were there. I signed, because they said that it only indicated who had been present.
33. I do not remember any resolution of support for the N2 project. I did not see any signing of a document at the meeting. No resolution was announced by the chair. They did not ask us anything. They had come to tell us about the N2, nothing else.

The incident on Thursday 20 August 2020

34. Only recently I became aware that the meeting back in March had anything to do with what happened in Bekela on Thursday 20 August.
35. I was at home in Bekela on that day, when a TLB was working in the neighbourhood, sometime after 11.00AM. I did not connect the TLB and the crew working around it to Sanral and the N2 project. I thought they were preparing the sites for RDP houses. I have been told

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that this is a project that is coming to Bekela. Only the Ward Committee member, Mr Morewa Mathumbu, was with the crew working around the TLB. There was also a silver grey bakkie coming with the TLB.

36. It was in the afternoon I was made aware what this was about. People were gathering and were very angry. The TLB had been digging on the land of the Zoleka family. Two young men came from the Zoleka family came to my house. They said that their father wanted to speak to me about the TLB that had been digging in their land.

37. Their father, Mr Zoleka, is a sub-headman in Bekela (isibonda). Indeed, even he had not present at the Sanral and municipality meeting back in March in the Bekela school.

38. I told the young men that they must not go to the Ward Committee member's house, Mr Morewa Mathumbu, because there would be a fight. Then I went out. Other people were coming. They were very angry with Mr Mathumbu, who had been guiding the crew with the TLB and allowed the damages to happen. They wanted to go to his house.

39. I tried to stop the fight and calming the situation, and convinced them that this matter will be taken to Komkhulu and sorted out there. The day ended without bloodshed.

Conclusion

40. I wish to add, that yesterday on 31 August, me myself suddenly discovered a 1dm high concrete pillar on my property, between my house and my garden. It has a steel bar inside it sticking up. It has not been there before. I only discovered it now because the grass has been burnt down around it.

41. This structure must have been put there when I was not at home or during the night. I have not given my consent to this. Nobody has even spoken to me about it.

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42. I strongly object to the methods of the Sanral and the Mbizana municipality. They have no right to come and work for N2 in Amadiba at this point. They had no Bekela community resolution in support of what they were doing on 20 August, only a small meeting of mining supporters and a person without any standing who pretended that he could be Chief for a day.

43. Sanral and the politicians of the Mbizana municipality have no respect for our rights and for the decisions and the processes of the Amadiba villages.

44. I know and understand the contents of this statement. I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding to my conscience.

M. Mdingi

MPUMELELO MDINGI

I certify that the above signature is the true signature of the deponent who has acknowledged to me that he knows and understands the contents of this affidavit was signed and sworn to at **Port Edward** on this the 1 day of **SEPTEMBER 2020** in accordance with the provisions of Regulation R128 dated 21 July 1972 as amended by Regulation R1648 dated 19 August 1977, R1428 dated 11 July 1980 and GNR 774 of 23 April 1982.

SOUTH AFRICAN POLICE
BRANCH COMMANDER
2020 -09- 01
PORT EDWARD DETECTIVES
KWAZULU-NATAL

[Signature]
..... 04275203
K.G. GOUWS
COMMISSIONER OF OATHS
Port Edward

M. Mdingi