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31 December 2013

TRANSMITTED BY EMAIL TO: gamuller@grahammuller.co.za

Graham Muller Associates

Tel: 031 206 1249

For Attention: Graham Muller

Further Comments and Queries from Wilderness Action Group, Vertical Endeavour and African Conservation Trust on the Proposed Busingatha cableway

Further to our preliminary comments already submitted to you, we draw your attention to an article published in the media on 13 December 2013. It was revealed that the AmaZizi leadership, including the family of the late Nkosi Miya, wished to make it known that, “...*the AmaZizi community are opposed to the cableway*” and that, “*contrary to the claims of some people Inkosi Miya never agreed to have the cableway in the area. That is why he authorised the Amazizi Wilderness Group, to work with other community environmental working teams to promote a community wilderness area and work on wilderness management activities for the existing environment.*” This statement went on to say that the AmaZizi want the area proclaimed as a community nature reserve and wilderness area. The full statement that was released at the time also unequivocally stated, “*We do not want this cableway*”.

We draw your attention to several points made in your “*Feasibility Study for the Development of a Drakensberg Cable Car*” (“the feasibility study”), released in July 2013, that relate to the desirability for community support for the project:

“One of the key issues that this project will need to address is access to the site, and there are several aspects to this, including community agreement, environmental impacts and constraints and cost.” Page 8

“... community support for the project is vital. No project developed on community land will be successful without full community support and without effective stakeholder engagement.” Page 12

“The persons that would be directly affected by the cable car on an on-going, permanent basis would be those in the local community where the cable car will be located. Therefore, besides the views of the tourists and others to the area, the views of these directly affected parties are important to obtain and assess in terms of their potential impacts on the feasibility of the project.” Page 65

“The positive participation and contribution of the of the local affected communities within both South Africa and Lesotho will also be essential if the long term, sustainable and environmentally acceptable management of the cable car project. ” Page 69

The article of 13 December also noted that the statement of the AmaZizi leadership followed on a meeting, held by DEDT on 23 November 2013 at Busingatha, which, according to them, was attended by more than 10 000 people who *“overwhelmingly endorsed the project”*. The article then mentions:

“However, the AmaZizi were not present as they were in mourning for their inkosi, Mthethi Miya, who died on August 7, as well as his brother, S.W. Miya, who died on November 16.

“According to traditional protocols, during a time of mourning for an inkosi, the community, especially immediate family, do not engage in social activities, which would include attending a meeting such as that held on November 23. Consequently, the meeting was seen as disrespectful and took place without the participation of key community members.

“In a statement released on Wednesday, Sigungu Miya, brother of inkosi Miya, accused MEC Michael Mabuyakhulu of displaying a “complete lack of respect” during a time of mourning:

‘Without any consultation with us, the [MEC’s] office put up their big tents at Busingatha ... the day before the burial of the late Inkosi’s brother ... who was to be buried on 24 November. On 23 November while we, as the family, were preparing for the funeral of our Inkosi’s brother and were bringing his body from the mortuary, there were loudspeakers [heard by] a mourning tribe’ “

The Witness: [www.witness.co.za/index.php?showcontent&global\[id\]=111356](http://www.witness.co.za/index.php?showcontent&global[id]=111356)

The Busingatha meeting held on 23 November 2013 and the subsequent statement by the AmaZizi leadership raise the following questions:

1. Was the meeting arranged without consulting the AmaZizi Traditional Leadership and Authority?
2. How much notice was given of the meeting, and how was it advertised?
3. How was the number of 10 000 determined? Was there any attempt to provide registers, which is normal practice at a public gathering where a proposed development is being presented? Failing this, were photographs taken of the event to document attendance?
4. How representative were the 10 000 attendees of local endorsement of the proposal, considering that, according to the feasibility report, Okhahlamba Municipality has 151 441 residents? Furthermore, considering that the local community were still in

mourning for the death of a member of the AmaZizi royal family, how many actual residents of Busingatha attended the meeting? Unofficial reports refer to large numbers of people being “bussed in” from municipalities from as far afield as Estcourt, Ladysmith and Winterton. Please comment on this, given that the meeting was directed primarily (we assume) to actual residents of the valley who would be most directly impacted on by the cableway.

5. Were minutes taken of what was discussed? Were names of the dignitaries and government department representatives recorded? Were representatives from DEA present?
6. How was it ascertained that all of the attendees endorsed the project? What scientific or legislative methods were used to gauge this?
7. Were the full anticipated impacts of the cableway, both positive and negative, and its associated infrastructure such as the envisaged “tourism village” explained to people in a manner which they could understand?
8. In what respects does this single, mass meeting conform to fair and transparent community consultation and participation? What steps were put in place to ensure the atmosphere was conducive to inviting the community to express their concerns and opinions without belittling existing community opposition in a negative or even intimidatory manner?
9. Were the views of the community leadership accurately represented at the meeting?
10. It is accepted practice in a consultative process that people are provided with an alternative to the actual proposal. In this regard was any effort made to acknowledge the existing plan for a nature reserve and wilderness area, teamed with at least two large resort developments for which both the AmaNgwane and AmaZizi have already indicated preferred sites?

The feasibility study, on page 12, also provides a list of 7 impacts of the proposal which “*community members need to understand*”. Have these impacts been clearly explained to the local community, in particular the anticipated changes in “*the nature of community life in the valley*”, which includes impacts on the fabric of their culture, society and environment should the proposed development be implemented?

Another one of the listed impacts is that of the important matter of access to grazing land. The feasibility study mentioned that “*slightly less grazing land*” would be available (in the order of 3 hectares). This has been changed dramatically in the “*Final Draft Business Plan for the Development of a Drakensberg Cable Car*”, released in October 2013. It is stated on page 3 of this document that:

“It is important that the views from the cableway and from the upmarket resort hotel include abundant sightings of locally indigenous fauna and flora, including carpets of flowers in season. As such it is critical that the valleys over which the cable car travels and the valley in which the upmarket resort hotel is located comprise a fenced and managed conservation area that is off-limits to livestock and hunters and domestic dogs and cats”.

On page 19 of the same document, a map of this fenced off area is provided. Has this impact been communicated to the local community, since it clearly places a considerable restriction on the traditional use of their land? Furthermore it should be noted that in the community's own plans for a nature reserve, allowance is made for a managed degree of grazing, hunting and harvesting of traditional herbs in this area.

Also highlighted in the feasibility study were considerations regarding securing the lease of the land from the Ingonyama Trust Board. It was mentioned on page 71 that that the Board encourages development on their land if it is "*of benefit to the various communities*" and that, "*... the Trust cannot encumber, pledge, lease, alienate or otherwise dispose of land without the formal consent of the **Traditional Authority or Community Authority** concerned.*"

This raises the following questions:

- Has the AmaZizi leadership been consulted? If so, when, and who was present and what precisely was discussed?
- Has the Ingonyama Trust Board been consulted and made aware that the AmaZizi leadership do not want the cableway?

In accordance with the guidelines laid out in the feasibility study, we submit that proper community consultation has not been conducted; neither has it been conducted "*in a sensitive manner.*" (Page 75)

As far as we are aware no explanation has been provided as to why an alternative type of development to that of the proposed cableway has not been investigated, as is accepted practice with proposed developments during consultation. We therefore also submit that if the current proposal for the Busingatha proceeds to EIA stage, it should also consider alternatives to the proposed cableway development, namely the two large resorts teamed with the proclamation of the community nature reserve and wilderness area, mentioned above.

We trust the above questions and concerns will be given due consideration.

Please confirm receipt of this letter as soon as it is read, and please provide a response to the concerns it expresses within two weeks of your offices opening in early January.

These comments were compiled and submitted by:

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