

SOMKHELE PEACE ACCORD

ISIVUMLWANO SOKUTHULA SAKWA SOMKHELE

The SOMKHELE PEACE ACCORD is an expression by the leaders and stakeholders in and around Mtubatuba/Mpukunyoni/Tendele Mine to reduce tension and bring peace and stability in the area.

ISIVUMLWANO SOKUTHULA SAKWA SOMKHELE siyindlela yokukhombisa nokuveza kwabaholi nazozonke izinhlangothi ezithintekayo ezizungeze zasondelana naseMtubatuba/Mpukunyoni/naseMayini iTendele ugqozi lokuthi kuncishishwe izinga lencindezi kulethwe ukuthula nozinzo endaweni.

These leaders:

Labaholi bonke bavuma lokhu:

- Recognise with respect and dignity the **rights, roles and responsibilities of all stakeholders**.
Ukugcizelela ngenhlonipho nokuzithoba **amalungelo, nemisebenzi ezimele yazo zonke izinhlangothi ezithintekayo.**
- Commit stakeholders to **engaging meaningfully, regularly and transparently**.
Ukuzibophezela kwazo zonke izinhlangothi ezithintekayo **ekuxoxisaneni ngendlela eqhubekayo nevulelekile.**
- Serve as the basis for constructively working together through dialogue and mediation to **seek a resolution of the current and future issues and disputes** including social and environmental issues (and all other issues)
- Lokhu kuyisisekelo sokuxoxisana ukuze kutholwe izisombululo zezinkinga ezikhona manje nezisazobakhona kokuzayo okufaka phakathi izindaba zenhlabo nokugcinwa kwemvelo, ngokuxoxisana nokungenelela kwabalamuli abazimele
- Seek to **allay and defuse tension and violence** among and between stakeholders
- Kucinga amasu okuxosha kubhidlizwe noma yikuphi ukwesaba nodlame olungabakhona phakathi kwazo zonke izinhlangothi ezithintekayo
- Acknowledging that working together as "One Team, One Mine, One Community, One Planet", tension can be reduced and peace and stability can return, and the complicated issue as to finding the balance between sustainable development, Community needs and the environment can openly be discussed without fear or favour.

Ukumukela nokubona ukuthi ukusebenza ngokubambisana njenge "Thimba elilodwa, iMayini eyodwa, uMphakathi owodwa, noMhlaba owodwa", kunganciphisa ingcindezi kubuyiswe ukuthula nozinzo, okuyophinde kuholele ekutheni kukhulunyiswane ngodaba olubucayi lokuthola indlela yokubambisana ekuhambisaneni kwezidingo zomphakathi Kanye nokugcinwa kwemvelo okuyokhulunywa ngaphandle kokwesaba nokwenzelela okuthize.

so that we have peace, stability and prosperity in the Mpukunyoni Area.

Ukuze kube nokuthula, uzinzo nengqubekela phambili endaweni yakwa Mpukunyoni

THE ACCORD HAS BEEN APPROVED/ENDORSED/SIGNED BY THE LEADERS, THE ORGANISATIONS AND COMMUNITY MEMBERS AS OUTLINED BELOW REPRESENTING SOME 220 000 PEOPLE AND WE AGREE AS FOLLOWS:

**LESIVUMELWANO SIVUNYWE/SABUSISWA/SASAYINWA NGABAHOLI
NEZINHLANGANO NAMALUNGA OMPHAKATHI NJENGOKUCHAZWE NGEZANSI
EZIMELE ABAHLALI ABANGABA YIZINKULUNGWANE EZINGAMAKHULU AMABILI
NAMASHUMI AMABILI LAPHO KUVUNYELWANA KHONA NGALOKHU:**

- Work together to establish whether it is possible to find a way forward to ensure the sustainability of the Somkhele Mine so that it may continue to provide jobs, economic opportunity and support directly to more than 40,000 people in the region, and indirectly provide support and opportunities to 220,000 people in Mpukunyoni Area, taking into consideration Community requirements and environmental concerns.

Siyosebenza ngokubambisana sibone ukuthi kungenzeka yini ukuthi sithole indlela yokwenza isiqiniseko sokuthi iMayini yakwa Somkhele iyaqhubeka ukuze ikwazi ukuletha imisebenzi, amathuba ezomnotho nokusekela ngokuqondile okubhekiswe kubantu abangaphezulu kwezinkulungwane ezingamashumi amane esifundeni, namathuba kwabanye ngokungaqondile ngqo abangalinganiselwa ezinkulungwaneni ezingamakhulu amabili namashumi amabili abakwa Mpukunyoni, kube kubhekelwa okudingwa umphakathi nokunakekelwa kwemvelo.

- Pursue a mediation process, involving sincere engagement, to resolve the current relocation process.
Ukuzimbandakanya ekulanyulweni ngokungenelela kwezinhlangothi ezizimele ukuze kuxazululwe indaba yokususwa kwabantu
- Collectively seek resolution on the MCEJO legal disputes.

Ngokubambisana siyocinga isisombululo mayelana namacala athinta uMCEJO

- Pursue a mediation process, involving sincere engagement, to resolve environmental concerns, and
Ukuzimbandakanya ekulanyulweni ngokungenelela kwezinhlangothi ezizimele ukuze kuxazululwe izindaba ezithinta ukugcinwa kwemvelo.
- Engage in meaningful and respectful dialogue on all other issues.
Ukuzimbandakanya ekuxoxisaneni ngendlela enenhlonipho mayelanana nazo zonke izondaba.

The SOMKHELE PEACE ACCORD is an effort to find a peaceful resolution that will result in the easing of tensions in the immediate future, and with high hopes of lasting peace in the not-so-distant future.

ISIVUMELWANO SOKUTHULA SAKWA SOMKHELE siwumzamo wokuthola isixazululo esinokuthula esiyohlela ekwehliseni incindezi esikhathini esfushane esizayo, kube kunamathemba okuthula okuyohlala kukhona nasesikhathini eside esizayo.

WE FUTHERMORE AGREE AS FOLLOWS:

SIYAQHUBEKA NOKUVUMELANA NGALOKHU OKULANDELAYO:

Honouring Mrs. Fikile Ntshangase and condemnation of violence and intimidation

Ekuhlonipheni u Mama Fikile Ntshangase nokukhuza udlame nokwesabisa

All parties are saddened by the death of Mrs. Fikile Ntshangase, and express their sincere condolences to her family and friends. We condemn any form of violence and intimidation including the alleged separate incidents directed at Mrs. Mthethwa and Mr. Mdletshe of Ophondweni and offer our full support to the authorities to ensure that the perpetrators of these acts of violence and intimidation are brought before the law.

Zonke izinhlangothi zizwakalisa ukuphatheka kabi ngokufa kuka Mama Fikile Ntshangase, zizwakalisa ukukhala emndenini nakubangani. Sizwakalisa ukungahambisani nanoma iluphi uhlobo lodlame nokwesabisa okufaka phakathi izehlakalo okwabikwa ukuthi zaziqodiswe kumama Mthethwa noMnumzane uMdletshe baso Phondweni futhi sizwakalisa ukweseka abomthetho ekuqinisekiseni ukuthi abenzi bokubi okuwudlame nokwesabisa bayatholakala baboshwe babhekane nolaka lomthetho.

The Mine will offer an award of R20,000 for any credible information that will lead to the arrest and prosecution of the perpetrators of each of these incidents of violence and intimidation.

iMayini ikhipha umehlo akaboni oyizinkulungwane ezingamashumi amabili kulowo ongakhipha ulwazi oluyoholela ekutheni kuboshwe futhi kushushiswe abenzi bokubi kuleso naleso sehlakalo sokwesabisa kanye nodlame.

Root cause for escalating violence and tension and the important economic impact that the Mine has in the region:

Imbangela ngqangi yokubhebhetheka kodlame nengcindezi kanye nomthelela obalulekile wezomnotho iMayini enawo kulesifunda

The escalating violence and tension within the 220,000 strong Mpukunyoni Community stems from the uncertainty relating to the future of the Mine considering that an estimated 40,000 people from the surrounding Mpukunyoni Community directly and indirectly demonstrably benefit from the continued operation of the Mine. If the future mining areas can be secured, the Mine will have an estimated life of some 10 years and provide certainty to the many families that depend on the Mine.

Okubonakala kuwukubhebhetheka kodlame nengcindezi phakathi kwabantu abayizinkulungwane ezingamakhulu amabili namashumi amabili bakwa Mpukunyoni kubonakala kusukela ekungazini kahle mayelana nekusasa lemayini uma ubheka ukuthi abantu abalinganiselwa ezinkulungwaneni ezingamashumi amane abazungeze uMpukunyoni bayazuza ngokuqondile nokungaqondile ekuqhubekeni kweMayini. Uma kungatholakala izindawo zokumayina, iMayini iyoba nesikhathi esilinganiselwa eminyakeni eyishumi futhi ikwazi ukuqhubeka inikeze uzinzo emindeninin eminingi ehlomulayo ngobukhona beMayini.

The COVID-19 pandemic has resulted in a war against poverty and our community has not been spared as families have lost loved ones and others have lost all their income. Additionally, the Mine's finances have been decimated due to the pandemic and lockdown that impacted the global end markets for the Mine's products (resulting in an increase in debt to some R 700 million) and resulted in the Mine facing an uncertain future.

I COVID-19 ilethe impi eqondene nobubha okwenze imiphakathi yakithi njengeminye nayo ilahlekelwe abathandawo bayo abahye balahlekelwa imisebenzi yabo. Ngokungeziwe, isimo sezimali seMayini siphazamisekile ngenxa yegciwane nokuvalwa kwezwe okube nomthelela ezimakethe zomhlaba emqhiqizweni othengiswa yiMayini (Lokhu kuholele ekwenyukeni kwesikweletu saze safinyelele ezigidini ezingamakhulu ayiskhombisa zamarandi) kwaholela ekubeni manqikanqika kwekusasa leMayini.

In our community, some 72% of the families have a monthly income of less than R 2000.

Kulomphakathi wakithi imindeni elinganiselwa kumaphesenti angamashumi ayisikhombisa nambili athola okungenayo ngenyanga okungaphansi kwezinkulungwane ezimbili zamarandi(R2000).

Collectively we have to find an amicable solution to ensure a balance between community needs, the environment and the survival of the mine.

Sindawonye sidinga ukuthi sithole isixazululo esiyiqinisekisa ukulinganiswa phakathi kwezidingo zomphakathi, ukugcinwa kwemvelo kanye nokuqhubeka kweMayini.

Commitment to dialogue and mediation

Ukuzinikela ekuxoxisaneni nasekulanyulweni okuzimele

We commit to dialogue and mediation between all concerned parties as mechanisms through which we will constructively air our grievances; address concerns regarding the Mine's operations through a participative process, and to address and alleviate the fears and concerns of thousands of people who would be affected by the closure of the Mine.

Ziyazibophezela ekuxoxisaneni okunomvuzo omuhle nasekulanyulweni okuzimele phakathi kwazo zonke izinhlangathi ezithintekayo njengezindlela okuyovezwa ngazo izikhalazo zethu sonke, ukuveza ukukhathazeka okungaba khona mayelana nokusebenza kweMayini okuyokwenzeka ngendlela yokuthi wonke umuntu abambe iqhaza ngokukhululekile, kubhekwane nokwesaba nokukhathazeka kwezinkulungwane zabantu abanokuthinteka uma iMayini ingavala.

The Mine is committed and willing to address concerns over social and environmental issues (and all other issues) through dialogue and mediation.

iMayini izibophezele futhi inesasasa lokuthi kuxazululwe izinkinga ezingathinta ezenhlalo kanye nokugcinwa kwemvelo (okufaka phakathi zonke izinkinga ezingavela) kusetshenziswa ukuxoxisana kanye nabalamuli abazimele.

Standing together for peace, no violence against Women and Children and a sustainable future in the area, as the Mine can provide opportunities for 10 years if the future mining areas are secured.

Simele ukuthula, ukugxekwa kodlame olubhekiswe kwabesifazane nezingane sisekela ikusasa elisimeme endaweni yethu, njengoba iMayini ingaletha amathuba eminyakeni eyishumi(10) ezayo uma kutholakala izindawo zokumayina zesikhathi esizayo.

Together with the leadership of the entities that we respectively represent, we recognize the urgent need for peace, and we commit to ensure no violence, and specifically also commit to no violence against Women and Children and engage collaboratively, to reduce tension in the area and to peacefully resolve the complex matters in the community.

Sikanyekanye nobuholi bezinhlaka esizimele ezehlukene, siyasibona isidingo sokuthi kube nokuthula, futhi siyazibophezela ekwenzeni isiqiniseko sokuthi udlame luyagxekwa, ikakhulukazi udlame oluqondiswe kwabesifazane nezingane. Siyazibophezela ngobambisana ukunciphisa incindezi endaweni nokuthi sixazulule ngokuthula izindaba ezixakayo emphakathini.

We all stand together to promote peace and to prioritise a solution that addresses the concerns of Community members, including both those members whose well-being remains reliant on the Mine as well as those living in fear as a result of growing tensions in the area.

Sima ndawonye ukuphakamisa ukuthula nokubeka phambili isixazululo esibhekana nokukhathazeka kwamalunga omphakathi okufaka phakathi lawomalunga omphakathi athembele eMayini ngokuphila kwawo nakulawo asephila ngokwesaba ngenxa yencindezi ekhulayo endaweni.

We all stand together in engaging directly and sincerely, face-to-face (and where possible avoid protracted court proceedings), to find a peaceful resolution to prevent any violence during the festive season and beyond.

Sima ndawonye ukuthi sikhulumisane ngokuqondile nangokuthembeka, sibhekane ubuso nobuso (lapho kwenzeka khona sigweme ukusenbenzisa izinkantolo lapho singabonisana khona) ukuze sithole isixazululo esinokuthula sokuvimbela udlame kulesikhathi samaholide nasemuva kwalokho.

Expression of gratitude and commitment to work together

Ukuzwakalisa ukubonga nokuzibophezela ekusebenzeni ndawonye

We express a word of gratitude towards the below-listed entities that have been instrumental over the last few years, especially in recent months, in prioritizing sincere engagement and collaboration that have contributed to peaceful resolutions, stability and prosperity in the Somkhele area for all its stakeholders.

Sizwakalisa ukubonga okukhulu kulezinhlaka ezibhalwe ngezansi ezibambe iqhaza elikhulu eminyakeni embalwa edlule, ikakhulukazi ezinyangeni ezisanda kwedlula, ekubekeni phambili ukuxoxisana kweqiniso nokubambisana nabanye okuzale izivumelwano ezinokuthula, uzinzo nengqubekela phambili endaweni yakwa Somkhele benzela zonke izinhlaka ezithintekayo.

We commit to work with all spheres of Government including, the Minister of Mines, DG of Mines, Task Team, Regional Manager DMR, Premier KZN, Inter-ministerial Task Team, with the involvement of Community Safety and Liaison, COGTA and the Royal Council, under the leadership of Prince Thulani Zulu, the Mpukunyoni Traditional Council (TC), the Mpukunyoni Community Mining Forum (MCMF) that includes the Mtubatuba Local Municipality, Ward Councillors, the business community and AMCU, NUM and Solidarity and many community leaders, the Mpukunyoni Area Committees (MAC) around the Mine, that includes Izinduna, and the elected leaders in each Isigodi, and the wonderful men and women at the Kwa-Msane Police Station, and many other leaders in the area.

Siyazibophezela ekusebenzisaneni nazo zonke izinhlaka zika hulumeni okumbandakanya Umnyango wezokumbiwa phansi, Umqondisi jikele womnyango wezokumbiwa phansi, Ithimba lesikhashana lezokumayina, Umphathi wesifundazwe womnyango wezokumbiwa phansi, uNdunankulu wesifundazwe sakwaZulu Natal, Ithimba elimbakanya iminyango ehlukeni kahulumeni, Umnyango wezokuphepha komphakathi esifundeni, Umnyango wohulumeni basekhaya nokubusa kwendabuko, Isigungu sendlunkulu yobukhosi bakwaZulu phansi kobuholi bukaMntwana uThulani Zulu, isigungu sokubusa komdabu kwaMpukunyoni, Ikomidi elimayelana nezokumayina lakwaMpukunyoni elimbandakanya uMasipala wase Mtubatuba, amakhansela ama ward athintekayo, umphakathi wezamazibizini, kanye ne AMCU, I NUM kanye ne Solidarity, nabobonke abaholi okufaka phakathi amakomidi ezokumayina akwa Mpukunyoni asondelene neMayini, okufaka phakathi Izinduna, nabobonke abakhethwe ezigodini zabo ukumela abantu mayelana nezindaba zeMayini, nabobonke abesilisa nabesifazane eseteshini samaphoyisa aKwaMsane, nabanye futhi abaholi abakhona kulendawo.

Way Forward

Indlela eyaphambili

We commit to engage each other in good faith on the way forward as to how we will deal with all the material issues to be resolved and in particular the following:

Siyazibophezela ukukhulumisana ngokuthembeka mayelana nendlela eyaphambili okuchaza ukuthi kuzobhekwa kanjani nezinto eziphathekayo okufaka phakathi ikakhulukazi lokhu okulandelayo:

- Relocation issues, and specifically resolving the issue of the families that have not signed relocation agreements.

Izindaba ezimayelana nokusiswa kwabantu ikakhulukazi izindaba ezithinta lezomindeni engakasayini zokusiswa kwazo neMayini.

- o Tendele has agreed to sign a mediation agreement to commence February 2021 and all contact regarding the subject of the mediation will be made through the mediator, unless the affected households choose to engage with the Mine directly prior to the commencement of mediation proceedings.

ITendele livumile ukusayina isivumelwano sokulanyulwa ngumlamuli ozimele okumele siqale ekupheleni kuka Masingana ka 2021 okuyosho ukuthi konke okumayelana nokulanyulwa kuyokhulunywa kusetshenziswa umalamuli, ngaphandle uma imizi ethintekayo ikhetha yona ukuzikhulumela ngqo neMayini ngaphambi kokuqala kwezinhlelo zokulanyulwa.

- In relation to MCEJO Review Application Court Case, the Mine and MCEJO Somkhele commit to:

Mayelana necala lokubuyezwa kwamalungelo okumayina elisenkantolo lo MCEJO, iMayini kanye noMCEJO kwaSomkhele bazibophezela:

- o continue their ongoing engagement with the MCEJO Somkhele Committee and ordinary members and to address concerns,

Ukuqhubeka nokukhulumisana kwabo njengeMayini nekomidi loMCEJO lakwa Somkhele namalunga ajoyikelele ukubhekana nokukhathazeka okukhona.

- o withdraw the Review Application and to

Ukuhoxisa icala lokucela ukubuyezwa kwamalungelo okumayina

- o commit to mediation in respect of environmental concerns as outlined in the Review Application

Ukuzibophezela ekusebenzisaneni noMlamuli ezindabeni ezithinta ukugcinwa kwemvelo njengoba zichaziwe emiqulwini emayelana necala lokucela ukuthi kubuyezwe isinqumo sokunika imayini ilungelo lokumayina.

- Communication Platforms in the Community, including the TC, the MCMF, MAC and DAC structures will be used to implement the Peace Accord and local and other press will immediately be used to communicate this Peace Accord.

Ukusetshenziswa kwezinhlelo zokukhulumisana ezikhona emiphakathini okufaka phakathi ubuholi bendabuko ikodi lezokumayina elikhulu lakwaMpukunyoni, amakomidi ezokumayina ezigodi ezehlukene, amakomidi amele abasuswa ezigodi ezehlukene ukwenza lesivumelwano sisebenze, obese kuyothi abezindaba bendawo nabakwezinye izindawo, basabalalise lesivumelwano sokuthula ngokukhulu ukuzuma.

Approved/consent given/signatories to the SOMKHELE PEACE ACCORD

Abavumile/babusisa/nabasayinile kuleSIVUMELWANO SOKUTHULA SAKWA SOMKHELE

- The Parties below have approved/signed/given consent to the SOMKHELE PEACE ACCORD
Izinhlaka ezingezansi zivumelene, zasayina, zabusisa leSIVUMELWANO SOKUTHULA SAKWA SOMKHELE
- Collectively we represent some 220 000 people in the area below.
Sindawonye ngokuhlanganyela simele abantu abayizinkulungwane ezingamakhulu amabili namashumi amabili abahlala endaweni echaziwe ngezansi.
- We recognize the powerful ability of honest and transparent communication and mediation to efficiently find peaceful resolution as a result of the direct, sincere engagement that it entails.
Siyaqonda Amandla Akhona ekutheni sibe nokuxhumana kokuthembeka nokuvulelekile ukuze sithole isixazululo esinokuthula ngenxa yokuthi sivumile ukuthi sikhulumisane ngakho konke okusikhathazayo.
- We undertake to act in good faith and apply our best endeavours to resolve outstanding issues.
Siyazibophezela ukuthi siziphathe ngokwethembeka ukuxazulula noma yini engabe idinga ukuxazululwa.
- We invite all other entities that have not signed this Peace Accord, to join us and support this Peace Accord as a sign of good faith. As signatories, we are happy to amend where appropriate to take into account the concerns of parties that will join us post our signatures.
Siyamema zonke izinhla okungenzeka ukuthi azikasayini lesisivumelwano sokuthula ukuba zizibandakanye nazo zikhombise inhloso enhle yempumelelo. Njengabasayinayo sizimisele ukuchibiyela lapho kudingeka khona kulesivumelwano ukuze kunakeke okuwumuzwa wabanye abangaba yingxenye yalesivumelwano emva kokusayinwa kwaso.

Mpukunyoni Traditional Council (TC), the Mpukunyoni Community Mining Forum (MCMF), and all the parties that are members of the MCMF, including the Mtubatuba Municipality, Ward Councilors, AMCU, NUM, Solidarity, Mpukunyoni Business Association, the 130 Directly Affected Communities (DAC) that have signed relocation agreements, the Izinduna from the Izigodi where the DAC reside (collectively the "AMICUS"), the Mfolozi Community Environmental Justice Organization ("MCEJO") Somkhele, various entrepreneurs in their own name, other interested Parties and Community Members and Tendele Mining (Pty) Limited ("Tendele" which operates the Somkhele Anthracite Mine (the "Mine") (collectively referred to as the "Parties")

Isigungu sokubusa komdabu kwaMpukunyoni, Ikomidi elimayelana nezokumayina lakwaMpukunyoni nawo onke amalunga alelikomidi lezokumayina, elimbandakanya uMasipala wase Mtubatuba, amakhansela ama ward athintekayo, i- AMCU, I NUM kanye ne Solidarity, umphakathi wezamazibizini, imindeni eyikhulu namashumi amathathu yabasuswa esayinile izivumelwano neMayini, Izinduna eziphethe lapho kuhlala khona abasuswa(ababizwa ngokuthi abangani benkantolo), inhlangano I Mfolozi Community Environmental Justice Organization yakwa Somkhele (MCEJO Somkhele), osomabizini abehlukene abazimele, ezinye izinhla ezithintekayo, namalunga omphakathi kanye ne Mayini iTendele (Pty) Limited ("Tendele") esebenza iMayini iSomkhele ekhiqiza I Anthracite ("iMayini") (Ngokuhlanganyela bonke bebizwa ngokuthi "Izinhlangothi")