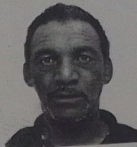




REPUBLIC OF SOUTH AFRICA
NATIONAL IDENTITY CARD

Surname:
ANDREWS
Names:
ANTHONY
Sex:
M
Nationality:
RSA
Identity Number:
5903115067084
Date of Birth:
11 MAR 1959
Country of Birth:
RSA
Status:
CITIZEN



Signature:

Anthony Andrews

SUID-AFRIKAANSE POLISIEDIENS
COMMUNITY SERVICE CENTRE

09 JUN 2022

CSC
LAMBERTS BAY
SOUTH AFRICAN POLICE SERVICE

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I certify that this document is a true reproduction/copy of the original
oorspronklike wat deur my persoonlik besigtig is en dat volgens my
which was examined by me and that, from my observations, the
waarnemings, die oorspronklike nie op enige wyse gewysig is nie
original has not been altered in any manner.

Handtekening/Signature

Anthony Andrews
09 Jun 2022

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No.: 12994 / 2021

In the matter between:

OBSERVATORY CIVIC ASSOCIATION	First Applicant
GORINGHAICONA KHOI KHOIN INDIGENOUS TRADITIONAL COUNCIL	Second Applicant
and	
TRUSTEES FOR THE TIME BEING OF LIESBEEK LEISURE PROPERTIES TRUST	First Respondent
HERITAGE WESTERN CAPE	Second Respondent
CITY OF CAPE TOWN	Third Respondent
THE DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT	Fourth Respondent
THE MINISTER FOR LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT	Fifth Respondent
CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL OF THE CITY OF CAPE TOWN	Sixth Respondent
EXECUTIVE MAYOR, CITY OF CAPE TOWN	Seventh Respondent
WESTERN CAPE FIRST NATIONS COLLECTIVE	Eight Respondent

CONFIRMATORY AFFIDAVIT

AA WRC

I, the undersigned

Anthony Andrews

do hereby make oath and say as follows:

1. I am an adult male and I am the paramount chief of the Guriqua and Chari-Guriqua Council, which has the address 70 Ferreira Street, Lamberts Bay, 8130
2. As the paramount chief of the Chari-Guriqua and Guriqua Council I am mandated to speak on behalf of the Chari-Guriqua and Guriqua people.
3. The facts contained in this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct.
4. Both the Chari-Guriqua and Guriqua Council and I:
 - 4.1. are deeply concerned about the negative impacts that the development of the River Club site by the First Respondent ("the Development") will have on our intangible cultural heritage;
 - 4.2. are opposed to the Development;
 - 4.3. were not consulted by Mr Rudewaann Arendse in connection with the preparation of his reported titled "River Club First Nations Report" dated November 2019 ("the AFMAS Report");

AA WLL

- 4.4. believe the decisions to permit the development to go ahead were taken without our input and without our consent; and
- 4.5. are not members the Western Cape First Nations Collective ("the FNC") which is the Eighth Respondent in this matter, and the FNC is not authorised to speak on our behalf, whether in relation to the Development or any other matters.

Consultations undertaken by Rudewaan Arendse of AFMAS

5. I understand that Mr Rudewaan Arendse was commissioned by the Western Cape Provincial Department of Transport and Public Works to prepare a report on:
 - 5.1. the significance of the Two Rivers Urban Park ("TRUP") to First Nations by identifying intangible cultural heritage ("ICH") specific to the TRUP, through Khoi and San oral history, as articulated by indigenous custodians;
 - 5.2. the collective First Nations aspirations for celebrating First Nation ICH at the TRUP; and
 - 5.3. how the indigenous narrative of the First Nation's ICH can be incorporated into the spatial governance of the TRUP, by developing heritage related design informants (as informed by the indigenous narrative).

AA KRE

6. This report culminated in the TRUP First Nations Report ("the TRUP Report") of 25 September 2019. Mr Rudewaan Arendse did not consult the Chari-Guriqua and Guriqua Council during the preparation of that report.

7. I have been advised that Mr Rudewaan Arendse was subsequently commissioned by the First Respondent ("the Developer") to prepare the River Club First Nations Report ("the AFMAS Report").

8. I confirm that neither I nor the Chari-Guriqua and Guriqua were notified by the Developer or Mr Rudewaan Arendse or engaged with regarding our intangible cultural heritage associated with the River Club site or how the development will affect our intangible cultural heritage associated with the TRUP, and consequently neither myself nor my tribe were consulted by Mr Arendse in relation to the AFMAS Report.

9. The Developer and/or Mr Arendse / AFMAS were well aware that both I and the Chari-Guriqua and Guriqua Council wished our view in relation to the Development and its potential negative impacts on the environment and on our cultural heritage, to be taken into consideration by the authorities responsible for deciding whether or not to authorise the Development. My reasons for saying this appear below.

9.1. I understand that in his submission to the Ministerial Appeal Tribunal dealing with the provisional protection of the River Club, under case number 1511 2504 WD 1217E, High Commissioner Jenkins of the Goringhaicona Khoi Khoi Indigenous Traditional Council noted the Guriqua as one of a number of affected Indigenous groups. Mr

AA KRC

Arendse had available to him all the documentation from the Tribunal meetings. He should therefore have been aware that we have an interest in protecting Khoi and San heritage.

- 9.2. The Chari-Guriqua and Guriqua Council has a facebook page at <https://www.facebook.com/Guriqua-Tribe-444241639715610/>, which is easily traceable. AFMAS and Mr Arendse should have used this information to communicate with us and arranged for us to participate in the consultation which culminated in his AFMAS Report.
- 9.3. The Chari-Guriqua and Guriqua Council and I have been involved in numerous public engagements over the rights of indigenous people on the West Coast. For example, in 2016, I am listed in an article in the Cape Argus about fishing rights for indigenous people on the West Coast (<https://www.pressreader.com/south-africa/weekend-argus-sunday-edition/20160207/281728383558666>). A heritage consultant with expertise in intangible heritage should know how to reach out to all relevant indigenous knowledge holders when conducting a study of intangible heritage of any site.
10. Despite the Chari-Guriqua and Guriqua Council being cited in the Ministerial Appeal Tribunal proceedings and having accessible contact details as explained above, neither I nor the Chari-Guriqua and Guriqua Council were consulted by Mr Arendse or the Developer in relation to the proposed development. We do not approve of or support the development by the First

AA WRC

Respondent, nor are we represented by the Eighth Respondent (the Western Cape First Nations Collective also known as the "FNC").

11. I received no invitation from the Developer to participate as an Interested and Affected Party (I&AP) in the developer's re-zoning application to the City and the application for Environmental Authorisation to the Province, or any processes in relation to this development, nor did I get any notifications of any such meetings in relation to these processes. Consequently, not only were results of consultation with myself and the Chari-Guriqua and Guriqua Council omitted from the AFMAS Report, but our comments and objections in the relation to the applications by the Developer to the City and Province were not taken into consideration and were not before the City or Province when they decided to grant the respective authorisations to the Developer.

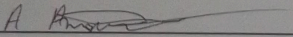
Cultural and heritage significance of the site and TRUP area

12. The site at which the River Club development will take place and the larger TRUP, is of significant cultural and heritage significance to my tribe. The site and the TRUP. My Tribe and I share intangible cultural heritage, historical value and memoirs of resistance and for various other spiritual reasons the site and TRUP area is sacred to us and a significant part of our intangible cultural heritage.
13. We do not regard any of the conditions to the respective authorisations to be sufficient for purposes of safeguarding our intangible heritage associated with the site. In our view, the aspects of the Development which the

AA KRL

Developer claims will give expression to, and celebrate, our intangible cultural heritage (i.e. the proposed indigenous gardens, cultural and media centre, amphitheatre, and "heritage eco-trail") do no such thing.

14. Had I or the Chari-Guriqua and Guriqua Council been meaningfully consulted by Mr Arendse in respect of the River Club development, we would have contributed important information relevant to the decision-making process (including the information in this affidavit) which should have been made available to the decision-makers (whether by inclusion in the AFMAS Report or otherwise).



Anthony Andrews

I hereby certify that the deponent has acknowledged that he:

- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on her conscience.

Thus signed and sworn to before me, at **[Place]** on **[day**
and month] 2022.

AA
WRC

703 74830

W R Cicero Sgt

COMMISSIONER OF OATHS

NAME: Wayne Ronville Cicero
CAPACITY: Sergeant
ADDRESS: 74 Jaanekker Street Lamberts Bay
AREA: W Cape



AA