

Environmental activists bid to stop the corporate bullies

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Xolobeni community members harvesting crops.

Durban - Environmental activists and NGOs are to launch a campaign to resist corporate intimidation. Called “Asina Loyiko: Standing Together against Corporate Bullying”, the initiative will be launched on May 28 at the Open Society Foundation in Cape Town.

The Centre for Environmental Rights (CER), groundWork, Earthjustice and Human Rights Watch will support the event.

KwaZulu-Natal-based groundWork representative Robby Mokgalaka said: “We’re launching this Anti-Slapp suit Campaign because attacks and harassment have created an atmosphere of fear, for community members and environmental activists, including those who mobilise to raise concern about damage to their livelihoods from the environmental and health risks of mining.

“Strategic Litigation Against Public Participation (Slapp) suits is litigation which can be assumed to come into conflict with the rights and ability of people to participate in public debate over matters of public interest and concern,” he said.

Mokgalaka added that Slapp suits were aimed at silencing criticism in a way that undermined constitutional rights to freedom of speech. “We are proud of those who speak out. We say if people stand for something, they will not fall for nothing.”

On May 29, a day after the launch, the group will be outside the Western Cape High Court, where the case of Australian Mineral Resources Commodities Ltd (MRC) against CER is being heard.

The mining company is suing CER for defamation, based on comments by individuals critical of MRC and its subsidiaries’ operations in South Africa - including statements made by attorneys then employed by CER, during a lecture at the University of Cape Town Summer School.

The suit is linked to the high- profile Xolobeni Mining case in the Eastern Cape, where the company proposed a titanium mine along 22km of the pristine Wild Coast. The Xolobeni community raised concerns about displacement and destruction of the environment.

In November, the community and environmental activists won the case in the South Gauteng High Court, which has since been taken on appeal by the minister and Department of Mineral Resources, which also proposed a survey of the area.

Xolobeni activist and head of the Amadiba Crisis Committee, Nonhle Mbuthuma, said this week: “When Mineral Resources Minister Gwede Mantashe appealed, it seemed like a government in contravention of our Constitution. At Xolobeni, we do not have a problem with the appeal, we will take this to the Constitutional Court.

“We advise other communities to be careful of letting people into their houses to take over.” She added that they would not give up the land as it belonged to generations to come and “needs to be taken care of”.

Meanwhile, the uMkhanyakude District’s Tendela coal mine is facing similar issues, where community members and environmental activists have been sued for defamation, for voicing concerns.

Zahra Omar, attorney for CER, which will be at the launch, said: “Many communities have to deal with such problems, but people have a right to raise their concerns as we live in a free country.

“The practice of deploying Slapp suits to silence activists is becoming more prevalent, so this briefing provides context in respect of their use and information on the court cases.”

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