

"75 10"

From: Ernest Robbertse

Sent: Saturday, March 3, 2018 12:39 PM

To: Denis Cacho

Cc: Schutte Richard ; Richard Penn Sawers ; Milbank Rory ; Heathcote Richard ; Van Heerden Craig ; Kaye Susan ; yusi@tembe.co.za ; lengunter@yahoo.com ; Bhekisisa Khoza ; Sifiso Keswa ; Inkosi M I Tembe ; Sthabiso Chiliza

Subject: Expenditure in Tembe

Greetings Denis

Thanks for your kind words and summary of spend .. It is important for the entire Tembe tourism team to know that revenue they collect for conservation is wisely managed and spent.

I may not describe the following eloquently or adequately but you will get the gist of my thinking :-

Thanks must be the other way around ,, We need to thank the HO's for managing the levies in a responsible manner together with the EKZNW officials.

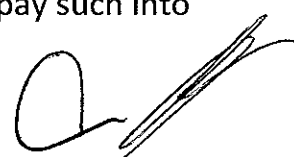
The funds are **not** a donation from the lodge, as we view them as mandatory in terms of EKZNW "eco-tourism in protected areas" policy. ""complement state funding for nature conservation, and hence to maintain the nature conservation resource base"".

Tourism operations must not be a burden to the conservation budget but must add to the state budget as described in the relevant EKZNW policy doc . (Which we use as our operational bible). There is no provision in EKZNW eco-tourism policy for conservation to subsidise tourism . It is tourism that must compliment state funding for conservation.

The entire Tembe tourism team whose hard work collects these funds/levies would of course prefer to see these funds used in Tembe as it is necessary to protect the resource of their employment now and for future generations.

We were some time back faced with the dilemma of "serving two masters" when the new "land claimant owners", the Tembe Community Trust exercised control of their asset and quite correctly ordered that tourism concession rental be paid to them instead of Isivuno/Ezemvelo. It was out of this dual compliance dilemma that we decided on a guest conservation levy that would exceed in revenue the original concession fee paid to Isivuno/Ezemvelo.

The further dilemma we faced was that levies collected at Tembe from "fans" of Tembe would be used at Tembe for Tembe, hence the reluctance to pay such into



some general revenue fund in Pretoria or Pmb which may or may not have channelled all or some of "Tembe money" back to Tembe.

This levy arrangement was also put together during a period of zero competent & appropriate "guidance from above". The only guidance communication received in this regard from a former board member was an inappropriate undermining of our government's land restitution program & policy.

Going forward , we are currently reviewing the conservation levy and are doubling it for foreign tourists while leaving it as is for RSA tourists in line with practice by other parks.

This with other plans will see the amount collected nearly double over the next year.

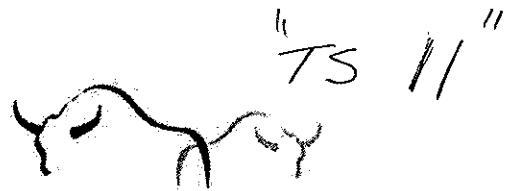
Once again it is us that must thank the HO's for holding and managing these funds so effectively. Further, we also collect a similar "community" levy which is proving more than challenging.

best regards & tank-you

Ernest Robbertse

Tembe Safari(Pty) Ltd
t/a Tembe Elephant Park & Lodge

A handwritten signature in black ink, appearing to be 'ER' followed by a stylized flourish.



macgregor.erasmus

ATTORNEYS

Our reference: Callum Smythe/Ranitha/
Your reference: Mr Lander/hl/TE05/09

21 May 2018

Patrick Lander Attorney
WESTVILLE

PER E-MAIL: secretary@patricklander.co.za

Dear Sirs

TEMBE SAFARIS (PTY) LTD / EZEMVELO KZN WILDLIFE & ANOTHER

We are attaching* hereto the Answering Affidavit. There are two missing Confirmatory Affidavits which we will deliver in due course. We have not been able to finalise these due to time constraints.

Please would you advise if you require these papers to be delivered to you in hard copy.

As you will see, there is an averment made that the boma at Tembe is required in order to house lion. In asking the question we most certainly do not concede that our client requires your client's consent. The pending litigation is the only reason it is posed.

We seek your confirmation that the animals may be moved to a holding facility/boma at Pongola until the finalisation of this matter.

You will see that there is a degree of urgency relating to the lion issue. If the opportunity to export these animals is not ceased, they will have to be culled. This is obviously what nobody wishes to do and I would imagine that your client would feel likewise.

JOHANNESBURG
Office No. NI02A | Thrupps Illovo Centre
204 Oxford Road | Illovo | 2196
Postnet 124 | Private Bag X11 | Birmann Park | 2015
Tel: 011 268 0720 | Fax: 011 268 2403

DURBAN (HEAD OFFICE)
Bond Square | 1st Floor
12 Browns Road | The Point | Durban | 4001
Postnet 278 | Private Bag X04 | Dalbridge | 4014
Tel: 031 201 8955 | Fax: 031 201 8966

CAPE TOWN
Unit S1 | Urban Hub
142 Buitengracht Street | Cape Town | 8001
P.O. Box 455 | Cape Town | 8000
Tel: 021 422 0830 | Tel: 021 492 2891 | Fax: 021 422 1224

PETERMARTIZBURG
17 Park Lane | Hilton | 3245
Tel: 084 808 4863 / 033 343 1162

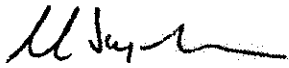
www.macgregorerasmus.co.za | info@meattorneys.co.za

B-BBEE Status: Level 2 Contributor | B-BBEE RECOGNITION LEVEL: 125% | BEE RATED Certificate No. BR6539-120514

Partners: Bruce Macgregor | Richard Erasmus | Bhanna Hansjee | Jacques Schabott | Mpho Titus | Stefan Hill | Elco Geldenhuys
In-House Counsel: Charmaine Nel | Associates: Glen Kirby-Hirst | Hendri Pretorius | Preshni Govender | Helen Blackbeard | Zuziwe Mlirwa
Qudsiyyah Majum | Kyle Beauchamp | Sheri-Leigh Baillache-Bowes | Linden Bowes | Lauren Anderson | Sarah Smythe
Practice No. 5441

Please will you take most urgent instructions on this point and let us hear from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Callum Smythe', with a stylized, flowing script.

CALLUM SMYTHE
MACGREGOR ERASMUS ATTORNEYS

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by several loops and a final flourish.

" TS 12 "

PATRICK LANDER

ATTORNEY * CONVEYANCER

Patrick Allan Lander BA (NATAL) LLB (STELL)

Our Ref : Mr Lander/hl/TE05/9

Your Ref : Mr Callum Smythe/Cathy

13a Hopson Road
COWIES HILL 3610
REPUBLIC OF SOUTH AFRICA
P O Box 87, WESTVILLE, 3630
Tel : +27 31 267 1626 & 267 1628
Cell : 083 653 2102
Fax : +27 31 267 1636
Direct fax : 0866 920 913
e-mail : secretary@patricklander.co.za
Docex 1, Westville
Website : www.patricklander.co.za

May 28, 2018

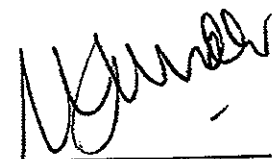
To: MacGregor-Erasmus Attorneys
Callum@meattorneys.co.za

Dear Sirs,

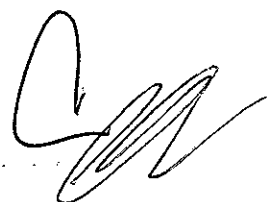
RE: TEMBE SAFARIS (PTY) LTD / EZEMVELO KZN WILDLIFE
CASE NUMBER D4244/18

My client is not agreeable to the wild dogs being relocated to Pongola. They are to be released and retained at Tembe pending the finalisation of this application. The lions can be kept in the boma pending their removal and my client will then bear the costs of relocating the dogs and returning them to the boma.

Yours faithfully,



PATRICK LANDER
c.c. Adv. H A de Beer SC
Mr E Robbertse



19 MAY 2018

Dear All

Bhekabantu, Mbangweni, and Kwanolaba

As the Communities of Kwanolaba, Mbangweni and Bhekabantu we as a group have decided to change the statements made about the wild dogs with regards to the following reason:

AGREEMENTS ARE

1. Communities must be informed first before there is any damage outside.
2. The wild dogs will be well monitored and well managed.
3. The Alphas as well as other older members in the pack will be collared with GPS devices so that their location is always known. This will be for ease of mind of the Communities surrounding the Park.

If these agreements are followed, it can be determined that the communities will have no problem releasing the wild dogs out of the boma and back into Tembe Elephant Park. Looking at further development in the area we are calling for a meeting to allow for positive solutions about any and all affected communities that have lost.

TEMBE TRADITIONAL COUNCIL
Induna Yase Mbangweni

ISIGODI BHEKABANTU
INDUNA NGWEDE

DATE: 19-05-2018

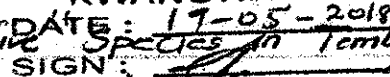
SIGNATURE: 

P. O. Box 400
Kwangwanase

Three (3) Indunas have come to the decision to keep wild dogs in Tembe Elephant Park for conservation benefits and economic development in the area.

MAHLUNGU, TEMBE
INDUNA
P. O. BOX 4001
KWANGWAN, SE 3973

We in fact wish to keep all "Big five" species in Tembe for benefits of the communities and companies to save our Park.
Your faithful: Mbangweni, Bhekabantu, and Kwanolaba

DATE: 19-05-2018
SIGN: 

TYPED TRANSCRIPT OF ANNEXURE "TS13"

19 May 2018

Dear All

Bhekabantu, Mbangweni and KwaNolaba

As the communities of KwanDdaba, Mbangweni and Bhekabantu we as a group have decided to change the statements made about the wilddog with regards to the following reason.

Agreements are:

- [1] Communities must be informed first before there is any damage outside.
- [2] The wilddogs will be well monitored and well managed.
- [3] The alphas as well as other older members in the pack will be collared with GPS devices so that their location is always known. This will be for ease of mind of the communities surrounding the park.

If these agreements are followed, it can be determined that the communities will have no problem releasing the wilddogs out of the boma and back into Tembe Elephant Park. Looking at further development in the area we are calling for a meeting to allow for positive solutions about any affected communities that have lost cattle and goats.

A handwritten signature in black ink, consisting of a large, stylized capital 'Q' followed by several sweeping, connected strokes that trail off to the right.

Three (3) Induna have come to the decision to keep wilddogs in Tembe Elephant Park for conservational benefits and economic development in the area.

We in fact wish to keep all "big five" species in Tembe for benefits of the communities and companies to save out park.

Your faithful

Mbangwani, Bhekabantu and KwNdaba

SIGNED BY

1. Tembe Traditional Council
2. Isigode Bhekabantu
3. Mahlungulu Tembe Induna

A handwritten signature in black ink, consisting of a large, stylized capital 'Q' followed by several horizontal and diagonal strokes.

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU - NATAL LOCAL DIVISION, DURBAN

CASE NO: D4244/18

In the matter between: -

TEMBE SAFARIS (PTY) LTD

Applicant

and

EZEMVELO KZN WILDLIFE

First Respondent

ENDANGERED WILDLIFE TRUST

Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

PATRICK ALLAN LANDER

make oath and say: –

I am a duly admitted attorney of the KwaZulu-Natal Division of the High Court of South Africa and my practice is situated at 13a Hopson Road, Cowies Hill, Westville, Durban.



2.

I have read the replying affidavit deposed to by ERNEST ALBERT ROBBERTSE and I confirm the correctness of what is therein stated insofar as it relates to me.



PATRICK ALLAN LANDER

I certify that the deponent hereto has acknowledged that the deponent knows and understands the contents of this Affidavit which was signed and sworn to before me at Pinetown this 29 day of May, 2018, the regulations contained in Government Notice R1258 of 21st July 1972 as amended having been complied with.



COMMISSIONER OF OATHS

ANTHONY GORDON CLULOW
COMMISSIONER OF OATHS
PRACTISING ATTORNEY R.S.A.
1A WOODSIDE AVENUE PINETOWN 3610