

The Chairperson

Hon SD Selamolela, MP

Portfolio Committee on Transport

Parliament of the Republic of South Africa

22 February 2026

Dear Hon Chairperson and Members

**GRIEVANCE REGARDING THE CONDUCT OF THE APPOINTED FACILITATOR
AND HER REPORT TO THE COMMITTEE ON THE ENGAGEMENT BETWEEN
SANRAL AND THE PETITIONERS**

1. The above matter refers.
2. Kindly note that we write to the Portfolio Committee on Transport ("Committee") regarding the process that followed the Committee's resolution that the Amadiba Community Petitioners and the South African National Roads Agency SOC Ltd (SANRAL) should engage with one another in order to explore a possible middle ground in respect of the proposed N2 Wild Coast Highway Toll (N2WCHT).
3. The Petitioners remain grateful to the Committee for affording the Community the opportunity to be heard and for facilitating an engagement process between the parties as part of its oversight function.
4. As the Committee will recall, it was at the request of the Petitioners that the Committee appointed a facilitator to assist the parties in their engagement. The purpose of the facilitator, as understood by the Petitioners, was to:
 - 4.1. ensure a fair and balanced engagement between the parties;

- 4.2. assist in structuring discussions in a constructive manner;
 - 4.3. help identify areas of common ground; and
 - 4.4. facilitate movement toward a mutually acceptable solution or at least meaningful progress.
- 5. Importantly, the facilitator's role was never understood to be that of an adjudicator, evaluator, or decision-maker. The Petitioners did not consent to any process in which the facilitator would pronounce on the merits of the competing positions of the parties.
- 6. Unfortunately, the process that unfolded did not reflect the Committee's intention nor the Petitioners' understanding of the facilitator's role.
- 7. From the outset of the engagements, the facilitator appeared to assume a posture aligned with SANRAL's position. The Petitioners experienced the process as one in which:
 - 7.1. the facilitator repeatedly framed discussions in a manner that privileged SANRAL's proposals;
 - 7.2. key issues raised by the Community, including the proposed mid-term review of the N2WCHT and the inland route alternative between the Mtamvuna and Mtentu Rivers, were not given equal or meaningful consideration;
 - 7.3. the facilitator intervened in discussions in a way that appeared to test and challenge the Petitioners' position rather than neutrally manage the process; and
 - 7.4. the process did not reflect the procedural fairness and balance expected of a facilitation exercise.

8. The facilitator's subsequent report to the Committee reinforces the Petitioners' concerns. The report reads not as a neutral account of discussions, but rather as a document that:
 - 8.1. evaluates the merits of the parties' respective positions;
 - 8.2. adopts conclusions aligned substantially with SANRAL's stance; and
 - 8.3. effectively positions the facilitator as an adjudicator rather than a neutral facilitator.
9. This outcome is deeply concerning to the Petitioners, as it undermines the purpose of the Committee's intervention, which was to enable a constructive and good-faith engagement process aimed at identifying a middle way.
10. The Petitioners therefore respectfully raise a formal grievance with the Committee regarding:
 - 10.1. the manner in which the facilitation process was conducted; and
 - 10.2. the character and conclusions of the facilitator's report.
11. In light of the above, the Petitioners respectfully request that the Committee:
 - 11.1. Note the concerns raised regarding the facilitation process;
 - 11.2. Reconsider the weight to be attached to the facilitator's report;
 - 11.3. Afford the Petitioners an opportunity to present their own account of the engagements and their concerns regarding the process; and
 - 11.4. Consider whether a fresh, genuinely neutral facilitation process — or another mechanism deemed appropriate by the Committee may be

necessary to achieve the objective originally envisaged by the Committee.

12. The Petitioners remain committed to constructive engagement and to assisting the Committee in exercising its oversight role in a manner that promotes fairness, accountability, and a just resolution of this matter.
13. We trust that the Committee will receive this submission in the spirit in which it is made and we remain available to appear before the Committee as requested by the petitioners.

Yours sincerely

Nonhle Mbuthuma obo Petitioners