**Statement: Judge Goliath grants an interdict to stop the River Club development**

The Observatory Civic Association and the Goringhaicona Khoi Khoin Indigenous Traditional Council welcome Judge Goliath’s ruling in favour of our application to interdict the ongoing construction at the River Club site in Observatory. In her carefully crafted judgement, she noted the importance of First Nation Peoples’ deep and sacred linkage to the site through lineage, oral history, past history and narrratives, indigenous knowledge systems, living heritage and collective memory. She found that the fundamental rights to culture and heritage of Khoi and San peoples were under threat if the development was allowed to proceed. She agreed that our argument about the threat of irreparable and imminent harm to heritage was reasonable.

Notably, Judge Goliath dismissed the idea that the developers’ claim to suffer financial loss were relevant. She concluded that the developers were fully aware of the risks they were taking in proceeding with the development when they knew the development was contested and subject to litigation.

She also dismissed the argument that the development has substantial economic, infrastructural and public benefits, because “this matter ultimately concerns the rights of indigenous peoples” and economic benefits “can never override the fundamental rights of First Nations Peoples.”

Importantly, the Judge noted that the consultation process involving the LLPT consultant, Rudewaan Arendse on the Khoi narrative “was wholly inadequate” and that his reports exacerbated a conflicted and divisive situation. Her finding confirms the failure of the process to ensure meaningful engagement and proper consultation.

Her directive orders the developers to refrain from any further construction, earthworks or other works on the site until two conditions are met. Firstly, there must be meaningful engagement and consultation with all affected First Nations Peoples (not just those who support the development); and secondly, that no construction may proceed until a final determination is made with respect to the validity of the rezoning and environmental authorisation.

Judge Goliath’s interpretation is exactly what we have been saying since this development was first on the table. It also confirms the urgency of heritage grading of this sacred site – a site that has been abused by the developers with the tacit collusion of public officials who have valued financial benefits for some over respect for the living heritage associated with the most significant pre-colonial landscape in the country.

Despite a fierce propaganda attack by the developers and their supporters, smears against us and multiple efforts to undermine our campaign, we have stayed firm to our principles and to the solidarity between indigenous organisations, civic associations, NGOs and faith-based groups. We will not stand back when it comes to the truth and to justice. We thank Judge Goliath for holding to the same principles.

Going forward, we will actively pursue the High Court review where we will demonstrate why the decisions to permit the develop were wrong.

The River Club is part of a precinct that is current undergoing grading assessment as a National Heritage Site and which should have been declared a heritage park years ago. We believe that it is not only of national significance but should be nominated, along with the SAAO, as an International Heritage site because it the Ground Zero of resistance to colonial intrusion in South Africa and bears the history of resistance to colonialism that can never be buried in concrete.

Until it is free of occupation, of concrete, of colonial appropriation by Amazon and the ongoing threat and destruction of our sacred river and embankments, we will not stop our campaign to establish what should be a heritage site for all South African.