



Debriefing Report for postponement of scheduled relocation of burials located at site WCB 004 on the farm Welverdiend 23 IS affected by BHP Billiton Boschmanskrans expansion project in the Steve Thswete Local Municipality in Mpumalanga.

Progress & Status Report (4)

December 2014

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Debriefing Report for postponement of scheduled exhumation and reburial of human graves located at site WCB 004 affected BHP Billiton Boshmanskrans expansion project in the Steve Tshwete Local Municipality in Mpumalanga.

December 2014

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External Review: BHP Billiton and SAHRA

For and on behalf of
BHP Billiton

Approved by: Dr. McEdward Murimbika

Signed:

Position: Principal Investigator

Date: December 2014

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1 DOCUMENT INFORMATION

TITLE:	DEBRIEFING REPORT FOR:		
	POSTPONEMENT OF SCHEDULED RELOCATION OF HUMAN BURIALS LOCATED AT WCB 004 AFFECTED BHP BHP BILLITON BOSCHMANSKRANS EXPANSION PROJECT IN STEVE TSHWETE LOCAL MUNICIPALITY IN MPUMALANGA PROVINCE.		
PURPOSE OF SCOPE:	The purpose of this document is to detail the engagement and consultation of affected families who had previously consented to the relocation of their family graves located at Burial Site WCB004 being undertaken by Nzumbululo Heritage Solutions in Mpumalanga Province.		
DOCUMENT VERIFICATION			
Signature:			Position:
Name:			Date:
Consulted	Tebogo Mutinyane of BHP Billiton to review the document. The document also went through Nzumbululo Heritage Solutions Quality Assurance Department for internal review.		
ENDORSED	Client Project Responsible Officer to sign off.		
Signature			Position
Name:			Date:

Nzumbululo RACIE Terms

R	Responsible: the person actually produces the document
A	Accountable: the person who has to answer for quality assurances
C	Consulted: those who are consulted before the document is finalized
I	Informed: those who must be informed when the document is published
E	Endorsed: those who must approve the final document before it is published by the client

Issue	Date	Reason For Issue	Responsible	Accountable
1		Debriefing report for postponement of scheduled relocation of human burials located at site WCB 004 affected by BHP Billiton Boshmankrans expansion project in Steve Tshwete Local Municipality in Mpumalanga Province.	T. Mlilo	Dr. M. Murimbika

Citation:	BHP Billiton Wolvekrans: Heritage Mitigation Report		
Recipients:	BHP Billiton Energy Coal South Africa Limited (BECSA)		
Mafu Funeral Home Reference	4500453054		
BHP Billiton Reference	4201714011		

1.2. EXECUTIVE BRIEF

This report outlines the debriefing exercise conducted for families who had previously consented to the relocation of their family graves at site WCB 004 located on the farm Welperdiend 23 LS in Steve Tshwete Local Municipality. The purpose of this debriefing exercise was to formally inform and seek consent from affected families about the postponement of the scheduled relocation of their family graves located at site 004 in Mpumalanga. BHP Billiton Wolvekrans Colliery requested to postpone the relocation of graves due to challenges related to access to private property where the graves are located. The exercise involved tracking the grave custodians/ descendants and consulting them over the postponement of the scheduled relocation of their family graves.

The interested and affected parties (A& IPs) were consulted in accordance with the relevant legislation. During the consultations it was noted that the Burial Permit issued by SAHRA (Permit ID 1338) issued to Nzumbululo Heritage Solutions will expire in February 2015. As such if the postponement exceed beyond February 2015, they will be need to renew the permit before any relocation of graves takes place.

The debriefing covers a total of 100 graves from Burial Site WCB 004 located within a private property (Welperdiend 23 LS). Although not all custodians were identified, the majority of graves are known and we are still conducting grave custodian/ descendant verifications. The mine confirmed that as soon as they resolve the issue of access to the site with affected landowners, they will inform the affected families. Further stakeholder consultations are being held to obtain information on outstanding graves.

1.3. ABBREVIATIONS

AIA	Archaeological Impact Assessment
C	Contractor
CECO	Construction Environmental Conservation Officer
EAP	Environmental Assessment Practitioner
ECO	Environmental Conservation Officer
EIA	Environmental Impact Assessment
EM	Environmental Manager
EMP	Environmental Management Plan
HIA	Heritage Impact Assessment
LIA	Late Iron Age
NHRA	Nation Heritage Resources Act, Act 25 of 1999
PM	Project Manager
SM	Site Manager
SAHRA	South African Heritage Resources Agency

1.4. DEFINITIONS

The following terms used in this Archaeological /Heritage Mitigation Report are defined in the National Heritage Resources Act [NHRA], Act No. 25 of 1999, South African Heritage Resources Agency [SAHRA] Policies as well as the Australia ICOMOS Charter (*Burra Charter*):

Archaeological Material remains resulting from human activities, which are in a state of disuse and are in, or on, land and which are older than 100 years, including artifacts, human and hominid remains, and artificial features and structures.

Chance Finds means Archaeological artefacts, features, structures or historical cultural remains such as human burials that are found accidentally in context previously not identified during cultural heritage scoping, screening and assessment studies. Such finds are usually found during earth moving activities such as water pipeline trench excavations.

Compatible use means a use, which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

Conservation means all the processes of looking after a place so as to retain its cultural significance.

Cultural Heritage Resources Same as **Heritage Resources** as defined and used in the National Heritage Resources Act (Act No. 25 of 1999). Refer to physical cultural properties such as archaeological and palaeontological sites; historic and prehistoric places, buildings, structures and material remains; cultural sites such as places of ritual or religious importance and their associated materials; burial sites or graves and their associated materials; geological or natural features of cultural importance or scientific significance. **Cultural Heritage Resources** also include **intangible resources** such as religion practices, ritual ceremonies, oral histories, memories and indigenous knowledge.

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural Significance also encompasses the complexities of what makes a place, materials or intangible resources of value to society or part of, customarily assessed in terms of aesthetic, historical, scientific/research and social values.

Environment The surroundings within which humans exist and that are made up of: i. the land, water and atmosphere of the earth;

ii. micro-organisms, plant and animal life;

iii. any part or combination of (i) and (ii) and the interrelationships among and between them; and,

iv. the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being. This includes the economic, social, cultural, historical and political circumstances, conditions and objects that affect the existence and development of an individual, organism or group.

Environmental impact assessment An Environmental Impact Assessment (EIA) refers to the process of identifying, predicting and assessing the potential positive and negative social, economic and biophysical impacts of any proposed project, plan, programme or policy which requires authorisation of permission by law and which may significantly affect the environment. The EIA includes an evaluation of alternatives. As well as recommendations for appropriate mitigation measures for minimising or avoiding negative impacts, measures enhancing the positive aspects of the proposal and environmental management and monitoring measures.

Expansion means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased;

Fabric means all the physical material of the place including components, fixtures, contents and objects.

Grave A place of interment (*variably referred to as burial*), including the contents, headstone or other marker of such a place, and any other structure on or associated with such place. A grave may occur in isolation or in association with others where upon it is referred to as being situated in a cemetery (*contemporary*) or **Burial Ground** (*historic*).

Heritage impact assessment (HIA) refers to the process of identifying, predicting and assessing the potential positive and negative cultural, social, economic and biophysical impacts of any proposed project, plan,

programme or policy which requires authorisation of permission by law and which may significantly affect the cultural and natural heritage resources. The HIA includes recommendations for appropriate mitigation measures for minimising or avoiding negative impacts, measures enhancing the positive aspects of the proposal and heritage management and monitoring measures.

Historic Material remains resulting from human activities, which are younger than 100 years, but no longer in use, including artefacts, human remains and artificial features and structures.

Impact The positive or negative effects on human well-being and / or on the environment.

In Situ material Material culture and surrounding deposits in their original location and context, for example an archaeological site that has not been disturbed by farming.

Interested and affected parties Individuals, communities or groups, other than the proponent or the authorities, whose interests may be positively or negatively affected by the proposal or activity and/ or who are concerned with a proposal or activity and its consequences.

Interpretation means all the ways of presenting the cultural significance of a place.

Late Iron Age this period is associated with the development of complex societies and state systems in southern Africa.

Material culture means buildings, structure, features, tools and other artefacts that constitute the remains from past societies.

Mitigate The implementation of practical measures to reduce adverse impacts or enhance beneficial impacts of an action.

Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

Protected area means those protected areas contemplated in section 9 of the NEMPAA and the core area of a biosphere reserve and shall include their buffers;

Public participation process A process of involving the public in order to identify issues and concerns, and obtain feedback on options and impacts associated with a proposed project, programme or development. Public Participation Process in terms of NEMA refers to: a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific matters

Setting means the area around a place, which may include the visual catchment.

Significance can be differentiated into impact magnitude and impact significance. Impact magnitude is the measurable change (*i.e. intensity, duration and likelihood*). Impact significance is the value placed on the change by different affected parties (*i.e. level of significance and acceptability*). It is an anthropocentric concept, which makes use of value judgments and science-based criteria (*i.e. biophysical, physical cultural, social and economic*).

Site A distinct spatial cluster of artefacts, structures, organic and environmental remains, as residues of past human activity.

Use means the functions of a place, as well as the activities and practices that may occur at the place.

2. INTRODUCTION

2.1. Brief Background

The BHP Billiton Wolvekrans Colliery grave relocation exercise forms part of an on-going mining expansion initiated by BHP Billiton years back. This process was necessitated by the mining expansion program currently underway in the affected area. Phase 1 Heritage Impact Assessment study identified more than 300 graves as potentially affected by the proposed mining project. A preliminary Status Quo study by Nzumbululo completed in 2013 recorded more than 134 graves within the proposed mine footprint. In accordance with the NHRA, Nzumbululo Heritage Solutions conducted the social consultations with the Affected and Interested Parties (A&IPs) for the project. Descendants and custodians of the affected graves were tracked and engaged on the mitigation exercise. Descendants and custodians agreed and consented to the relocation of their family graves. To date approximately 30 graves were relocated in 2014. However the mine was forced to postpone the scheduled relocation of graves at WCB 004 due to failure to secure access to the affected private property. As a result Nzumbululo Heritage Solutions in collaboration with Mafu Funeral Home was requested to official inform affected families about the postponement of the relocation exercise.

2.1. Brief Background to Grave relocation Process

The grave relocation process at BHP Billiton was necessitated by the scheduled mining expansion project. The affected area is dotted with burial sites whose custodians have since moved to new settlements in Witbank, Middelburg and KwaMhlanga areas. The affected graves cannot be preserved in situ because open cast coal mining and associated infrastructure will destroy the entire surface and even if they were to be preserved in situ custodians would not be able to access the graves. As such it became necessary to relocate the burial

grounds to areas where custodians can access the graves but following a legal and consultative process. This exercise involved the affected families, the developer, local authorities and other A&IPs. Custodians of the affected graves gave consent to relocation of the graves to safer sites as part of the BHP Billiton brokered Settlement Relocation exercise

In line with the said legislation, Nzumbululo in collaboration with Mafu Funeral Home applied for and obtained a Burial permit from the Department of Health under the Human Tissue Act (Act No.65 of 1983) and authorisation from eMalahleni and Steve Tshwete Local Municipality, SAPS and SAHRA Burial Unit to exhume and relocate the affected human remains. Relocation of hundred (100) graves at WCB 004 was postponed due to failure BHP Billiton to secure access to the site located on a private property. The following sections of the report provide the results of the debriefing exercise that was carried out in line with the relevant permits and applicable regulations as well as the wishes of the affected families.

2.2. Heritage Legislation

All burial grounds and individual graves are protected by law irrespective of their age or location within the Republic of South Africa. Furthermore, there are regulations, which control handling and management of human remains and grave goods. In terms of the Section 36 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) no person may, without a permit issued by the relevant heritage resources authority:

- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
- (b) destroy, damage, alter, exhume or remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

(c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment, which assists in the detection or recovery of metals.

Therefore, in addition to the formal protection of culturally significance graves, all graves which are older than 60 years and which are not already located in a cemetery (such as ancestral graves in rural areas), are protected. Communities, which have an interest in the graves, must be consulted before any disturbance can take place. The graves of victims of conflict and those associated with the liberation struggle will have to be included, cared for, protected and memorials erected in their honour where practical. Regarding graves and burial grounds, the NHRA distinguishes between the following:

- Ancestral graves
- Royal graves and graves of traditional leaders
- Graves of victims of conflict
- Graves of individuals designated by the Minister by notice in the Gazette
- Historical graves and cemeteries
- Other human remains, which are not covered in terms of the Human Tissue Act, 1983 (Act No.65 of 1983).

Furthermore, all human remains are also protected under the Human Tissue Act, 1983 (Act No.65 of 1983). In addition, Municipal Ordinances provide additional protection for both burial grounds/cemetery and gravesites within certain localities under their jurisdiction (Appendix 3).

3. BURIAL WCB 004

Burial Site WCB 004 is located partially within the mine footprint on the following geographic coordinates 26 02. 46.0' S, 29 25.11.6' E. One hundred graves were recorded at this site. The graves were tagged from Grave number 31 to Grave number 130. The burial is the largest so far recorded within the mine footprint.

The burial site belongs to farm dwellers that were moved to various places in Mpumalanga.

Figure 1: Topographic map show burial sites affected by the proposed mine development.

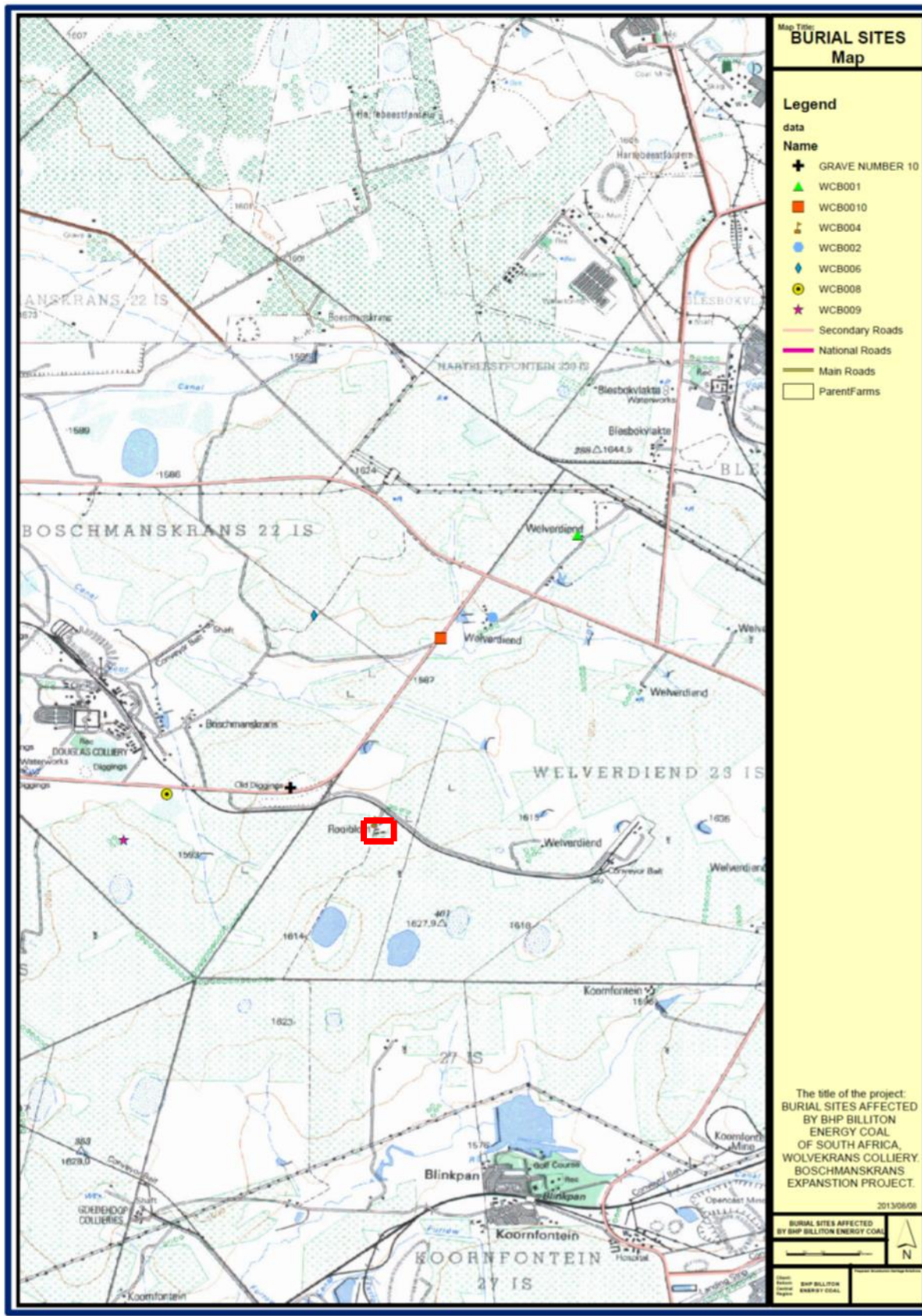


Figure 2: Google image showing a closer view of WCB 004 Burial site.

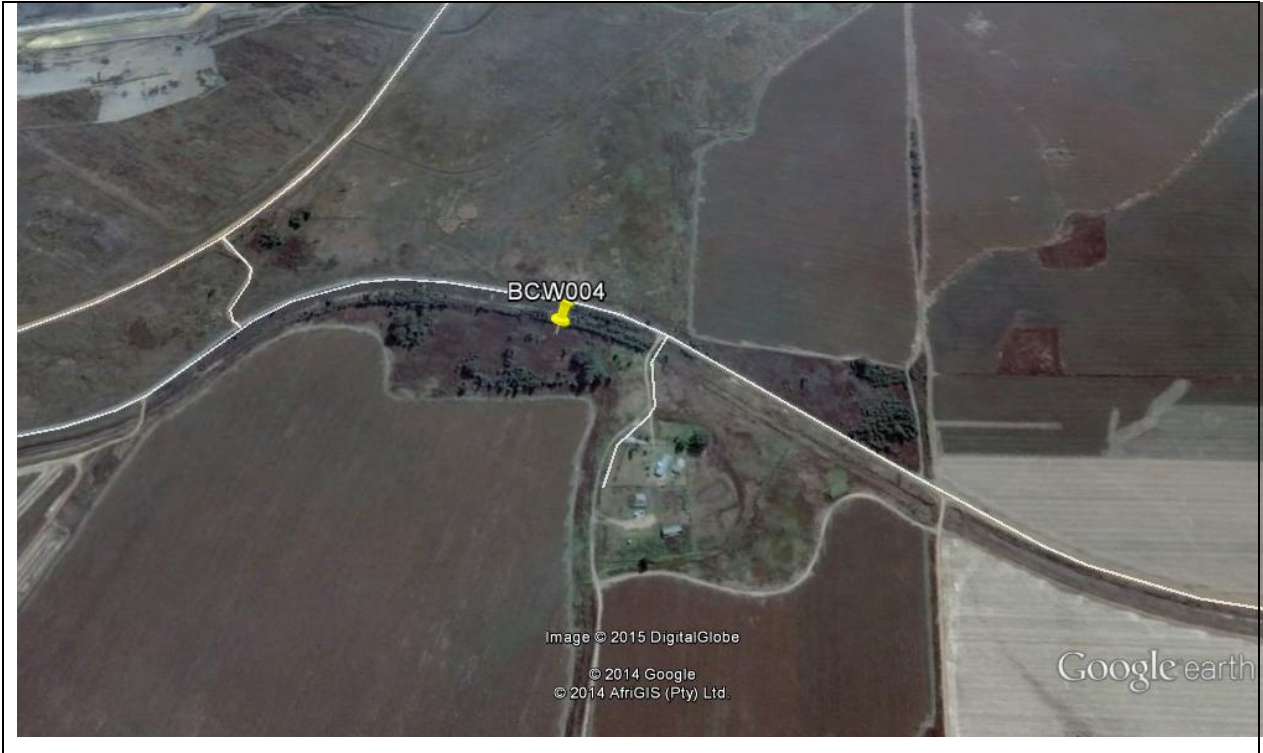


Figure 3: Google image showing Burial site WCB 004, pending relocation and other sites already relocated A.



4. DEBRIFING AND PUBLIC CONSULTATIONS

The relocation team has been liaising with Teboho Motinyane, Nokhutula and Wonderboy Masilela from BHP Billiton Wolvekrans Colliery to trace families that previously resided in the affected project area. The Nzumbululo team visited Amos Hlatshwayo in Middelburg and he requested to consult with his family members before he could endorse the resceduling. We arranged to meet him on the 26th of December 2014 at his work place near Middelburg. We beriefed him on the postponement of the relocation exercise and he confirmed that he understood the cercumstances behind the postponement. He signed the debriefing letter on behalf of the Hlatshwayo.

On the same day we met Linah Nkosi and her family represntatives at Komati Power Station. We explained the pospostponement of the scheduled relocation exercise and the family endorsed the postponement. The family however complained that they had made all the necessary arrangements and expect the mine to reimburse them for the preparations.

On the 28th of November 2014 we tracked Samuel Mokgabudi in Middelburg. Samuel is the elected representative of the Mokgabudi family scattered in the Middelburg and Witbank mining areas. As usual we beriefed him on the status of the scheduled relocation exercise and apologised for the delay in informing the affected families. The Mokgabudi familiy indicated that they had also made advanced preparation for the relocations and would expect the mine to reimburse them for the preparations. We informed them that the mine is aware of their plight and they have put in place measures to resolve the matter.

On the 1st of December 2014 we proceeded to Mackay in KwaMhlanga to meet Mr Samuel Masilela. Mr Samuel Masilela has always been in touch with

our office, so he was aware of the looming postponement of the scheduled relocation of his family graves. He endorsed the postponement of the scheduled relocation and requested us to prioritise relocation of his family graves when the relocation commences. He also informed us about some custodians whom we had not identified before.

After meeting Mr Masilela we proceeded to Witbank where we had scheduled three meetings. We met Emmah Musindo at Hlalanikahle section and we proceeded to meet the Sigudla family in the same section. The Sgudla family requested us to explain the relocation process for the benefit of other family members who failed to attend previous meetings. We explained the challenges that resulted in the delay and subsequent postponement of the exercise. The family raised some pertinent issues notably that they had made all the necessary preparations according to their tradition in vain. They had already bought burial spaces for their family graves and they are worried that they will not be refunded for the preparations. We advised that the relocation team will forward their concerns to the mine for consideration. The family endorsed the rescheduling.

On the 3rd of December we proceeded to Kinross where we met Mr Johannes Sigudla. Like Samuel Masilela, Mr Sgudla is always in touch with our office regarding the relocation of his family graves. He was aware of the challenges leading to the delay and subsequent postponement of the relocation exercise. He accepted the postponement of the exercise and advised us to inform him in time once the matter is resolved.

We had scheduled to meet Mr Jacobus Petrus Joubert (0823227212) in December 2014 unfortunately he passed away and we decided to wait for the family to elect another representative to work with. We also saw it fit to allow the family to settle before we can talk to them about the relocation exercise. We relocated 24 graves for his family and we are confident that the family will cooperate with us until the end of the relocation exercise.

We observed that all the families we consulted had made advanced preparation for the relocation exercise. Those intending to relocate their family graves to rural areas had already obtained burial spaces. The majority of the families had also consulted their family sangomas to conduct rituals prior to the actual exhumation and relocation. We also observed that the families are very keen to relocate their family graves. The affected families advised that any further rescheduling may not be tolerated in the future because they have already made advanced preparations for the relocation of their family graves.

LIST OF CONSULTED CUSTODIANS/DESCENDANTS

Date	Custodians who were present	No. of graves
26/11/2014	Linah Nkosi	6
26/11/2014	Amos Hletshayo	4
28/11/2014	Samuel Mokgabudi	4
01/ 12/ 2014	Masilela Samuel	1
01/12/2014	Elias M. Mtsweni	5
01/12/2014	Emma Sigudla	5
01/12/2014	Emmah Msindo	5
03/ 12/ 2014	Johannes Sgudla	2
03/12/2014	Ntuli Family (Phola)	9
03/12/2014	Mahlangu Family (Hlalanekahle)	11
03/12/2014	Sithole William	Number of graves not known
	Ntuli Family	The family was consulted but have a pending issue yet to be resolved with the mine
	Mahlangu Family (Witbank)	They have graves at the site but the remaining descendants could not identify all the graves
	Jobert Family	The family has two graves at the site. It was unfortunate that our key informer passed away in December while we were still busy with the debriefing exercise.

*NB The other families who had not consented initially were not asked to sign the debriefing letters



Plates 1 Shows the general view of Burial site WCB 004 at Welverdiend 23 LS



Plates 1 and 2: Shows closer view of a distinct grave at WCB 004 (L) and some graves marked by oval shaped soil heaps and homemade metal name tags (R). Note that most of such graves have been significantly been disturbed by erosion and the name tags are rusted.



Plates 3: Shows Nzumbululo team member briefing descendants about the postponement of the scheduled relocation of their family graves at OK Grocery Komati Power Station.



Plates 4 and 5: Shows Tebogo of Nzumbululo also briefing a custodian about the postponement of the scheduled relocation of their family graves (L) Samuel Masilela at his

home at Mackay Village posing after endorsing the postponement of the scheduled relocation of his family graves.



Plates 6: Shows the Sgudla Family endorsing the postponement of the scheduled relocation of their family graves while Nzumbululo team member is observing.



Plates 7 and 8: Shows team member (right) clarifying some issues concerning the postponement of the scheduled relocation of their family graves at WCB 004(L) ID for Fakude Sesi Sannie requested during the custodian verification process in Witbank.



Plates 9: Shows a custodian signing the agreement form while Nzumbululo team member is observing.

5. RECOMMENDED MITIGATION PERMIT MEASURES

Nzumbululo archaeologists obtained a Burial permit (Permit ID 1338) from the SAHRA and Mafu obtained a burial permit from Department of Health to exhume and relocate all the affected graves (See Appendix 1). The SAHRA permit will expire in February 2015 and if the postponement exceeds February we will be required to renew the burial permits.

6. CHALLENGES

The debriefing exercise was done in accordance with the relevant legislation. Affected family members are spread throughout KwaMhlanga, Middelburg, Phola and Witbank (eMalahleni) mining areas. As such we preferred to conduct one-on-one meetings instead of group meetings. The exercise ensured that all the interested and affected parties are consulted. We observed that affected families are very anxious to relocate their family graves. They made all the necessary traditional preparations for the relocation exercise. Therefore there is a need to quantify preparations and the costs incurred during such preparations. Some elected family members have since passed away prompting the relocation team to deal with new family members who are not abreast with the entire grave relocation exercise.

7. RECOMMENDATIONS

- Nzumbululo should continue with the consultation and verification process to ensure that all outstanding graves are claimed.
- The mine legal team should consult with the Ntuli Family regarding the postponement of the relocation exercise since it was agreed that the Ntuli family issue was too complex for ordinary consultation process.
- Mafu Funeral Home and Nzumbululo should continue attending to inquiries about the relocation exercise since some descendants had not yet come forward to claim their family graves.
- The relocation exercise will continue to be overseen by the accredited heritage professional and a professional Undertaker from Mafu Funeral Directors will conduct the actual exhumation and re-interment.

8. CONCLUDING REMARKS

As previously noted human remains and graves are sensitive and are usually a difficult matter to deal with, especially if it involves exhumation and reburial to open space for development work like mining, road and settlement construction as in the case of the BHP Billiton graves. Such a challenge calls for a participatory approach where all stakeholders are involved from the conceptualization of the project to the implementation of the project. In the case of the current debriefing exercise the affected families cooperated with the relocation team during consultation. Lessons are being learnt from the observations that the successful relocation of the second phase of affected graves is a result of a detailed, tedious and long exercise involving different interested parties. Nzumbululo team would like to acknowledge and thank Emanuel Musindo, Samuel, Christina, Sally and Emma Sigudla, Elias Mtsweni on behalf of the Mtsweni family, Sithole William, Johannes Sgudla, Samuel Masilela, and Samuel Mokgabudi on behalf of the Mokgabudi Family, Amos Hlatshwayo and Linnah Nkosi. Special acknowledgement goes to Samuel Masilela who has always been keen to assist with information regarding unidentified affected families.

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- SAHRA. 2002. General guidelines to Archaeological Permitting Policy.
- SAHRA. What to do when Graves are uncovered accidentally

13 APPENDIX 1: DEBRIEFING ENDORSEMENT LETTERS

Nzumbululo Heritage Solutions and Mafu Funeral Home, on behalf of BECSA (Wolvekrans Colliery), would like to inform you that due to circumstances beyond our control, we are postponing the relocation of your family grave/s from year 2014 to year 2015. You will be advised of the exact dates in due course.

As you are aware, your family graves are located on a private property. BECSA is still negotiating with the landowner for permission to access the site. Furthermore the landowner requested that the relocation exercise must be completed in one phase without stoppages.

Please acknowledge receipt of this notice of postponement of the relocation of family grave/s by signing on the space provided below.

Hope you will find this in order. For more information, please do not hesitate to contact Millo, T. (Nzumbululo Heritage Solutions).

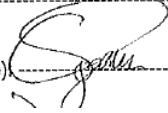
Yours Sincerely

Millo Trust
Heritage Manager for Nzumbululo Heritage Solutions

I we Samie, Christine, Solly, Emma on behalf of Zingudla family have read and understood the contents of the letter and will wait for your confirmation to relocate our family graves. The social facilitator explained the issues behind the postponement and our initial agreement and consent/s will still be binding and valid when the relocation of graves resumes.

Date: 01-12-2014

Signature: 

Witness (Full name and Signature) 

I SAMUEL MASIKELA on behalf of MASIKELA family have read and understood the contents of the letter and will wait for your confirmation to relocate our family graves. The social facilitator explained the issues behind the postponement and our initial agreement and consent/s will still be binding and valid when the relocation of graves resumes.

Date: 01-12-2014

Signature: [Signature]

Witness (Full name and Signature): Erny Mkhumbane
0707222205

I AMOS HLATSHWAYO on behalf of HLATSHWAYO A GRAVES family have read and understood the contents of the letter and will wait for your confirmation to relocate our family graves. The social facilitator explained the issues behind the postponement and our initial agreement and consent/s will still be binding and valid when the relocation of graves resumes.

Date: 26/11/14

Signature: [Signature]

Witness (Full name and Signature): [Signature]

I Samuel Mkhumbane on behalf of Family family have read and understood the contents of the letter and will wait for your confirmation to relocate our family graves. The social facilitator explained the issues behind the postponement and our initial agreement and consent/s will still be binding and valid when the relocation of graves resumes.

Date: 28/11/14

Signature: [Signature]

Witness (Full name and Signature): [Signature]

I SITHOLE WILLIAM on behalf of SITHOLE family have read and understood the contents of the letter and will wait for your confirmation to relocate our family graves. The social facilitator explained the issues behind the postponement and our initial agreement and consent/s will still be binding and valid when the relocation of graves resumes.

Date: 03-12-2014

Signature: [Signature]

Witness (Full name and Signature): _____

I LINDA NKOSI on behalf of Nikakazi Timothy, NKOSI MBhenki, NKOSI DAVID, NKOSI family have read and understood the contents of the letter and will wait for your confirmation to relocate our family graves. The social facilitator explained the issues behind the postponement and our initial agreement and consent/s will still be binding and valid when the relocation of graves resumes.

Date: 26.11.2014

Signature: LINDA

Witness (Full name and Signature): [Signature]

I ELIAS-M. MTSWENI on behalf of MTSWENI'S family have read and understood the contents of the letter and will wait for your confirmation to relocate our family graves. The social facilitator explained the issues behind the postponement and our initial agreement and consent/s will still be binding and valid when the relocation of graves resumes.

Date: 01/12/2014

Signature: [Signature]

Witness (Full name and Signature): SONIA

• Geklassifiseerd • Classified • Geklassifiseerd • Classified • Geklassifiseerd • Classified • Geklassifiseerd • Classified • Geklassifiseerd



Notification of proposed exhumation and reburial of human remains from BHP Billiton operation;

Notification is hereby given in terms of section 36 of National Heritage Resources Act (Act 25 of 1999) and section 2(1) of the Graves and Dead Bodies Ordinance 1925 (Ordinance no 7 of 1925) of the intent of exhumation and reburial of graves that could be impacted upon by the project construction and related activities.

Location of the activities

Boschmanskrans 22 IS Ptn of Remainder of Ptn 3
Boschmanskrans 22 IS Ptn of Remainder of Ptn 4
Welverdiend 23 IS Remainder of the farm

To ensure that you are identified as an interested and /or affected party, please submit your name and contact details and confirm your interest to the contact person by 30 September 2013.

Contact details : Wonderful Mafu

Tel : 013 690 2989
Fax : 013 690 2987
Cell : 082 856 7854
Email : wonderful1@live.co.za



NOTICE OF WASTE LICENSE APPLICATION PROCESSES FOR THE: PROPOSED DEVELOPMENT OF A REFUSE TRANSFER STATION IN ROCKDALE

Notice is hereby given in terms of Regulation 718, Category A, Activities 1, 7, 9 and 18 (for the New Refuse Transfer Station) of the National Environmental Management Waste Act (Act 96 of 2008) to carry out the following activity:

PROJECT DETAILS: The Steve Tshwete Local Municipality is proposing to undertake the following project:
The Proposed Development of a New Waste Transfer Station in Rockdale.

The Steve Tshwete Local Municipality (STLM), provides a weekly refuse service to households in the Rockdale, Nazareth, Hlabonani, and Middelburg Ext areas, however, there is still evidence of widespread illegal curb side dumping.

The proposed Refuse Transfer Station (RTS) will attempt to alleviate the illegal dumping in the area, as well as provide a centralized facility where source separation of recyclables and garden refuse can take place. The proposed Refuse Transfer Station will be located on Portion 6 of the Farm Rockdale No 442 JG off the N11.

ENVIRONMENTAL ASSESSMENT PRACTITIONER: Jeffares & Green (Pty) Ltd has been appointed by STLM as the independent Environmental Assessment Practitioner to undertake the necessary processes to obtain a Waste License for the proposed new Rockdale RTS.

RELEVANT CONTACT PERSON:

Stuart Gowen-Jackson
Jeffares & Green (Pty) Ltd, PO Box 1109, SUNNINGHILL, 2157
Tel No: 011 807 0600
Fax No: 011 807 1007
e-mail: stuart@jg.co.za

OBTAIN MORE INFORMATION ON THE PROJECT: A Background Information Document (BID) providing details on the proposed project, legislation and proposed processes to be followed can be obtained from the consultant detailed above.

OPPORTUNITY TO PARTICIPATE: Interested and Affected Parties (IAPs) are invited to provide written comments together with the relevant project reference number, their name, email address, and contact details to the contact person indicated above by no later than the **30th of August 2013**. Written comments can be faxed, e-mailed, or could be posted to the consultant.

REVIEW OF DRAFT AND FINAL REPORTS: The Draft Basic Assessment Reports will be made available for Public Review and Commentary Authority Review for a 40 day review period. Registered MAPs will be notified in writing of the date during which these Reports will be made available for Public Review, as well as the venue and website where these Reports can be reviewed. Furthermore, the Ward Councilor(s), will be notified of the Public Review period. Should substantial comment be received on the Draft Basic Assessment Report, the Final Basic Assessment Report will also be made available for a 21 day Public Review period, and the notification and review procedure will be the same as above.

STEVE TSHWETE LOCAL MUNICIPALITY

ADJUSTMENT BUDGET WITH THE REVISED SERVICE DELIVERY TARGETS 2012/2013 FINANCIAL YEAR

Notice is hereby given in terms of Section 21A of the Municipal Systems Act that the Adjustment Budget with the revised service delivery targets was approved by Council per Resolution SC51/07/2013 on 25 July 2013. Copies of the Adjustment Budget and the Revised Service Delivery and Budget Implementation Plan for the Financial year 2012/2013, are available for public inspection at the Office of the Executive Director (Financial Services, Civic Centre, Middelburg and on Council's official website: www.stewetshwete.m.gov.za).

W D FOUCHE
MUNICIPAL MANAGER



Observer
Tel. 013 243 1434

P O BOX 1197 MIDDELBURG
MURMALLANGA 1050
TEL: 013 282 9595
FAX: 013 282 0380
E-mail: mtu@stha.co.za
Internet: <http://www.stha.co.za>



148 Cowen Nulli Street
Stand 406, Portion 10a 2
MIDDELBURG
1050

REQUEST FOR QUOTATIONS FOR SECURITY GUARDS AT HOPE CITY - 501 FAMILY UNITS, CHRISTIEVILLE - 179 FAMILY UNITS, 10 - BACHELOR UNITS AND 23 BUSINESS UNITS.

Steve Tshwete Housing Association is a Section 21 Company (Nonprofit organization) established in 2000, with the main intention being the provision of integrated, well located and affordable accommodation of a suitable standard to residents of Steve Tshwete Local Municipality and surrounding areas through rental.

Steve Tshwete Housing Associations is requesting quotations from various security companies with a good track record. Quotations should include grade of the security guard per shift. Briefing session will be held on the 08 August 2013 at 10 o'clock at Steve Tshwete Housing Association offices, 148 Cowen Nulli Street, Middelburg, 1050.

Interested companies should forward their quotations or proposal to: Hand delivery: 148 Cowen Nulli Street, Middelburg, 1050. Fax: 013 282 0380. Email: mtu@stha.co.za. For more enquiries please contact Ms Nicolie Mkhartshwa at 013 282 9595.

Closing date for application is 16 August 2013. Should you not hear from us within 30 days after the closing date, assume that your application was unsuccessful.



Isaziso sokukhishwa kwama thuna amadala eBhpbilliton Mine

Sazisa wonke umuntu ohlala e Middelburg nezindawo ezakhelene nayo (Hendrina, Emalaheni, njalunjalo) ukuthi kuzokhishwa wonke amathuna amadala ase bhpbilliton Mine.

Lesi saziso senziwa ngokubambisana ne Section ye National Heritage Resource act (Act 25 of 1999) ne Section 2 (1) umthetho wango 1925 wama thuna kanye nezidumbu (ordinance no 7 of 1925) Mayelana nesifiso sokwemba amathuna nokungcwatshwa kwawo kabusha. Uma ngabe uyathinteka kulomsebenzi sicela usazise ngokukhulu ukusheha.

Indawo lapho kuzokhishwa khona amathuna amadala

**Boschmanskrans 22 IS Ptn of Remainder of Ptn 3
Boschmanskrans 22 IS Ptn of Remainder of Ptn 4
Welverdiend 23 IS Remainder of the farm**

Ukuze uqiniseke ukuthi yiso ngempela isihlobo sakho, nokuthi siyobekwa kuphi ngendlela efanele.

Sicela ufake igama lakho kanye nalapho ungalokakala khona, konke lokhu sikucela ngaphambi kokuba kufike umhla ka 30 September 2013.

Ningathintana : Wonderful Mafu
Tel : 013 690 2989
Fax : 013 690 2987
Cell : 082 856 7854
wonderful1@live.co.za

geklassifiseerde

candidates must be an **Employed Nurse**. Please send CV, qualifications, proof of income and registration to: **BRANCH ADMINISTRATOR BA**, Computer Institute in 85 Wood, Exeter & Ploverpost. Must have excellent typing skills. Attention to detail. Desktop/creators. Background will be administered.

BRICKLAYERS BRICK
Witbank. Candidates must have qualifications and considerable experience. No accommodation provided. Candidates must reside in the area.

KITCHEN MANAGER/CHIEF
No older than 40 with excellent managerial skills and proven track record of catering for large functions. Please send CV, with qualifications, certificates and contactable references to: **placements@tevelty.co.za or 086 276 1821**

PRESTIGE PERSONNEL BY MANDELA STREET WITBANK
TEL 013 950 2311
FAX 013 950 1388
prestige@bentic.net

TO REGISTER YOUR CV VISIT OUR WEBSITE & VIEW OUR POSITIONS
Over 1000+ vacancies available in all major industries. Please send your CV to: **CV@PRESTIGEPERSONNEL.CO.ZA**

DISPATCH MANAGER:
Grade 12-Maths & Science. Brick making knowledge. Supervising work, supply & demand availability. Computer literacy.

SITE SUPERVISOR:
Qualified Engineer or supervisory and Project Management. 3 yrs experience. R15,000-20,000.

FRONT OFFICE LADY PD
Our client requires the services of a neat, well presented female no older than 30 for a Head Office position in Witbank. Candidate must be very well spoken, fully bilingual, computer literate and able to provide excellent service to Directors and clients. Sales and Marketing will be advantageous. Excellent organizational skills.

MARKETER
Looking for a presentable female with excellent marketing skills in promoting and selling services (not products). Ideal candidate must have minimum 3-5 years marketing experience and considerable references. Drivers license and own transport required. Please send detailed CV, with qualifications, certificates and contactable references to: **placements@tevelty.co.za or 086 276 1821**

CONTRACT UG MINERS:
Fluency in English. CM/Booker.

CONTRACT UG FITTER:
Trade test, 3-5 years experience. CM/Booker. Gas & Fibre cert. 5-6 years relevant exp.

SALES PERSONNEL- Witbank:
Exp in office equipment, Salary neg.

PROCESOR/TECHNICIAN-Middelburg:
With 1 technical & Mining exp. R15 000.00 per month

CREATORS CLERK:
3-5 years relevant exp & exp in Motor Industry. Salary neg.

CAR SALESMAN -Witbank:
Exp in Motor Industry

INTERNAL SALES LADY -Witbank:
Strong personality, very personable job. Must have product knowledge of Bread Electric, Hypotherm, Pearl and Weaving consumables and equipment.

INSURANCE COMPANY:
Person with short term insurance exp required for Comp in Witbank. Salary market related.

TEMP ADMINISTRATOR:
3 - 5 years exp in Buying/Temp Admin. Salary market related.

BUSINESS UNIT MANAGER:
3 years exp in sales, management related and 3 years exp in sales, management related exp required. Salary neg.

INTERNAL SALES PERSON:
Exp in sales of steel & metal. Salary R10 - R15 000.00 per month.

MARKETING PERSON:
Sales/Marketing/Digital - 5 years sales exp. In the engineering field.

SALES EXECUTIVE:
Grade 12 Degree in Sales and Marketing/Marketing. R15,000-20,000

CONTRACT ADMINISTRATOR:
Must have 3 years contract management exp.

Q3 tertiary qualification or Commercial qualification. Contract management exp. ACCOUNTANT:
Motor industry Middleburg. Music with Degree of 3-5 years relevant exp.

6850 Sales / Marketing Manager
FMCG AREA SALES MANAGER
Estimate @ R100k.00 pa
R1000000

0859 Domestic

BACHELORS FLAT
For rent in Tassel Park, R2000 per month. Contact Jean-Louis 082 973 5746

MARTHA IS LOOKING FOR DOMESTIC WORK
6/9 DAYS A WEEK. SLEEP IN.
082 535 5374

CHRISTINA IS LOOKING FOR DOMESTIC WORK
3/4 DAYS A WEEK. SLEEP IN.
078 236 1490

NURSE IS LOOKING FOR DOMESTIC WORK
3 OR 5 DAYS A WEEK. SLEEP IN.
078 181 8884
072 405 4822

MY NAME IS BONHLE I am looking for domestic work for 3, 4, 5 OR 6 days.
072 550 0744

CHRISTINA IS LOOKING FOR DOMESTIC WORK FOR MONDAY TO FRIDAY. SLEEP IN.
072 990 9034

SOPHIE BOEK HUSBAND
VRS 2 DVE. 14 WEEK DINGSID 8H DONDERDAG SLAAP UIT.
075 989 119

THANDI IS LOOKING FOR DOMESTIC WORK
Monday - Friday. Sleep in or out. 3 or 5 days a week.
071 990 2433

CHRISTINA
Book keep in Witbank. **Shanel 078 062 4871 en verwysing July 083 657**

DIALLOH IS LOOKING FOR DOMESTIC WORK
3/5 DAYS A WEEK. SLEEP IN OR OUT.
084 541 7256

EMELINA IS LOOKING FOR DOMESTIC WORK
2, 3 or 5 Days a week. Monday, Thursday, Tuesday & Friday. Three Floors. Sleep out.
077 831 8276

GUESTHOUSE DOMESTIC WORKER NEEDED
Contact 082 408 2025

LENDAN
Is looking for domestic work for 3 - 5 days a week. Sleep out.
073 500 8117

MARIA IS LOOKING FOR DOMESTIC WORK
3 OR 5 DAYS A WEEK. SLEEP OUT. R10
Elaine Brown: 083 200 2477
Marie: 082 528 2733
082 787 1896

MARVLINE IS LOOKING FOR DOMESTIC WORK
Domestic work 4 Days a week. Tuesday - Friday. Sleep out.
078 783 8291

0900 LEGALS

0910 Public / Legal Notices

LIQUIDATION AND DISTRIBUTION ACCOUNTS IN DECEASED ESTATES LYING FOR INSPECTION
In terms of section 35(5) of Act 66 of 1965 notice is hereby given that copies of the liquidation and distribution accounts (final and final, unless otherwise stated) in the estates specified below will be open for inspection for all the persons interested therein for a period of 21 days from the date of publication hereof, whichever may be the later, and at the offices of the Masters and Magistrates as stated. Should no objection thereto be lodged with the Masters concerned during the specified period, the accounts will proceed to make payments in accordance with the accounts.

1. Registered number of estate
3084332004
Surname
Christina marais

ANN MARTHA
Identity Number
89072 08 5

DANIEL WILHELM
Identity Number
54060 0064 08 1

Period of inspection other than 21 days
WITBANK
MAGISTRATE'S OFFICE
PRETORIA

KRUGEL HEINSEN INCORPORATED
Registered and address
ROUTE N4 BUSINESS PARK
PROFFICE BUILDING 23

CONCORO CRESCENT
SEN FLEURY 21
EMALAHLENI
EMALAHLENI
Date
03/08/2013
Tel
013 690 2400
Notice for Publication in the Government Gazette on 02/08/2013

LIQUIDATION AND DISTRIBUTION ACCOUNTS IN DECEASED ESTATES LYING FOR INSPECTION
In terms of section 35(5) of 1965 notice is hereby given that copies of the liquidation and distribution accounts (final and final, unless otherwise stated) in the estates specified below will be open for the inspection of all persons with an interest therein for a period of 21 days from the date of publication hereof, whichever may be the later, and at the offices of the Masters and Magistrate's as stated. Should no objections thereto be lodged with the Masters concerned during the specified period, the accounts will proceed to make payments in accordance with the accounts.

Registered number of estate
3084332004
Surname
Christina marais and surname of surviving spouse
DANIEL WILHELM
PHILIPUS FUCHSBERGER
Identity Number
54060 0064 08 1

Christina marais and surname of surviving spouse
STOMCORN LETTA
Identity Number
630415 0250 08 2

MAGISTRATE'S OFFICE
WITBANK
Masters Office:
PRETORIA
Advertiser, and address:
M DAVEL

CO VAN RENSBURG
KRUGER RAKWIENA
2 WELLS STREET
CHIR WELLS & MANDELA
STREETS
WITBANK
(Ref: MAT 10681)
Date: 28 July 2013
Tel: 013 690900
E: 013 690900
NOTICE FOR PUBLICATION IN THE GOVERNMENT GAZETTE ON 2 AUGUST, 2013. RP091810

NOTICE
Notice is hereby given in terms of section 16 of the Minerals and Petroleum Resources Development Act, 2002 (Act No 28 of 2002):
Duma Coal (Pty) Ltd, has applied for a prospecting right for Coal referenced **MP 24/1/10 1189 P/1** on the farm **Koosmoos 282 JG and Bredouws 414 JG**, in the management district of **Emalahleni**. We would like to engage the local property owners, interested and Affected Parties, situated in the management district of **Emalahleni**.
Should no objections thereto be lodged with the Masters concerned during the specified period, the accounts will proceed to make payments in accordance with the accounts.

Particulars of project applicant:
Duma Coal (Pty) Ltd
Postal Suite 348
Cape Town, 0017
Phone: 082 741 3600
Fax: 082 718 7527
Email: **info@dumacoal.co.za**
Lizette Salway (086 741 5600).
Tobias Gregory Ngoma (078 812 6434)

Christina marais
MADALA PETRUS
STOMCORN LETTA
Identity Number
630415 0250 08 2

Christina marais and surname of surviving spouse
STOMCORN LETTA
Identity Number
630415 0250 08 2

MAGISTRATE'S OFFICE
WITBANK
Masters Office:
PRETORIA
Advertiser, and address:
M DAVEL

Notification of proposed exhumation and reburial of human remains from BHP Billiton operation;

Notification is hereby given in terms of section 36 of National Heritage Resources Act (Act 25 of 1999) and section 2(1) of the Graves and Dead Bodies Ordinance 1925 (Ordinance no 7 of 1925) of the intent of exhumation and reburial of graves that could be impacted upon by the project construction and related activities.

Location of the activities

Boschmanskrans 22 IS Ptn of Remainder of Ptn 3
Boschmanskrans 22 IS Ptn of Remainder of Ptn 4
Welverdiend 23 IS Remainder of the farm

To ensure that you are identified as an interested and /or affected party, please submit your name and contact details and confirm your interest to the contact person by 30 September 2013.

Contact details : Wonderful MaFu

Tel : 013 690 2989
Fax : 013 690 2987
Cell : 082 856 7854
Email : wonderful1@live.co.za

Isaziso sokukhishwa kwama thuna amadala eBhpbilliton Mine

Sazisa wonke umuntu ohlala e Middelburg nezindawo ezakhelene nayo (Hendrina, Emalahleni, njalonzalo) ukuthi kuzokhishwa wonke amathuna amadala ase bhpbilliton Mine.

Lesi saziso senziwa ngokumbambana ne Section ye National Heritage Resource Act (Act 25 of 1999) ne Section 2 (1) umthetho wango 1925 wama thuna kanye nezidumbu (ordinance no 7 of 1925) Mayelana nezifiso sokwemba amathuna nokungcwatshwa kwawo kabusha uma ngabe uyathinteka kulomsebenzi sicela usazise ngokukhulu ukusheha.

Indawo lapho kuzokhishwa khona amathuna amadala

Boschmanskrans 22 IS Ptn of Remainder of Ptn 3
Boschmanskrans 22 IS Ptn of Remainder of Ptn 4
Welverdiend 23 IS Remainder of the farm

Ukuze uqiniseke ukuthi yiso ngenzela isihlobo sakho, nokuthi siyobekwa kuphi ngendlela efanele.

Sicela ufake igama lakho kanye nalapho unqathokala khona, konke lokhu sikucela ngaphambi kokuba kufike umhla ka 30 September 2013.

Ningathintana : Wonderful MaFu
Tel : 013 690 2989
Fax : 013 690 2987
Cell : 082 856 7854
wonderful1@live.co.za

4 Rhodes Street
Witbank
1035



MAFU'S
FUNERAL
HOME

REGNO: 2008/034594/23
VAT NO: 4520216570

P.O. Box 4776
Witbank
1035

TEL : (013) 690 2989
FAX : (013) 690 2987
wonderful1@live.co.za
wonderful@mafusfuneralhome.co.za

EMALAHLENI FM : 013 696 1439

EKWEKWEZI FM : 012 431 5302



Notification of proposed exhumation and reburial of human remains from BHP Billiton operation;

Notification is hereby given in terms of section 36 of National Heritage Resources Act (Act 25 of 1999) and section 2(1) of the Graves and Dead Bodies Ordinance 1925 (Ordinance no 7 of 1925) of the intent of exhumation and reburial of graves that could be impacted upon by the project construction and related activities.

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Welverdiend 23 IS Remainder of the farm

To ensure that you are identified as an interested and /or affected party, please submit your name and contact details and confirm your interest to the contact person by 30 September 2013.

Contact details : Wonderful Mafu

Tel : 013 690 2989
Fax : 013 690 2987
Cell : 082 856 7854
Email : wonderful1@live.co.za



Isaziso sokukhishwa kwama thuna amadala eBhpbilliton Mine

Sazisa wonke umuntu ohlala e Middelburg nezindawo ezakhelene nayo (Hendrina, Emalahleni, njalonzjalo) ukuthi kuzokhishwa wonke amathuna amadala ase bhpbilliton Mine.

Lesi saziso senziwa ngokubambisana ne Section ye National Heritage Resource act (Act 25 of 1999) ne Section 2 (1) umthetho wango 1925 wama thuna kanye nezidumbu (ordinance no 7 of 1925) Mayelana nesifiso sokwemba amathuna nokungcwatshwa kwawo kabusha uma ngabe uyathinteka kulomsebenzi sicela usazise ngokukhulu ukushehsa.

Indawo lapho kuzokhishwa khona amathuna amadala

Boschmanskrans 22 IS Ptn of Remainder of Ptn 3
Boschmanskrans 22 IS Ptn of Remainder of Ptn 4
Welverdiend 23 IS Remainder of the farm

Ukuze uqiniseke ukuthi yiso ngempela isihlobo sakho, nokuthi siyobekwa kuphi ngendlela efanele.

Sicela ufake igama lakho kanye nalapho ungatholakala khona, konke lokhu sikucela ngaphambili kokuba kufike umhla ka 30 September 2013.

Ningathintana : Wonderful Mafu
Tel : 013 690 2989
Fax : 013 690 2987
Cell : 082 856 7854
wonderful1@live.co.za

MPUMALANGA PROVINCIAL GOVERNMENT

Building No.3
No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200
Republic of South Africa



Private Bag X 11213
Nelspruit, 1200
Tel: 013 766 3429
int: +27 13 766 3429
Fax: 013 766 3491
int: +27 13 766 3491

Department of Health

Litiko Letemphilo

Umnnyango WezaMaphilo

Departement van Gesondheid

Enquires: Mr. ZC Zikalala
013-766-3154/3448/3107

03 February 2014

**The Manager
Mafu's Funeral Home
4 Rhodes Street
Emalahleni
0135**

Dear Mr. T.W Mafu

PERMIT FOR THE EXHUMATION AND RE-BURIAL OF MORTAL REMAINS OF HUNDRED (100) GRAVES FROM BHP BILLITON MINE TO BE REBURIED AT KROONDRAAI CEMETERY IN WITBANK, EMALAHLENI LOCAL MUNICIPALITY, MPUMALANGA.

Your above mentioned request dated **06 January 2013** refers:

With the powers vested to the member of the Executive Council of Health and Social Services in the Mpumalanga Cemeteries, Crematoria, and Exhumation of Bodies Act. 2005' Section 14 (1) a permit is granted for the exhumation and re-burial of mortal remains of (100) graves from BHP BILLITON Mine to be reburied at Kroomdraai Cemetery in Witbank, Emalahleni Local Municipality, Mpumalanga.



PERMIT FOR THE EXHUMATION AND RE-BURIAL OF MORTAL REMAINS OF HUNDRED (100) GRAVES FROM BHP BILLITON MINE TO BE REBURIED AT KROOMDRAAI CEMETERY IN WITBANK, EMALAHLENI LOCAL MUNICIPALITY, MPUMALANGA.

The reason for the exhumation is that there are development activities that are affecting the graves. The permission is therefore granted on condition that:

1. A registered undertaker must handle the exhumation;
2. The proceedings must take place in such a manner that no offence is given, nor is there any danger to public health;
3. Under no circumstances may the coffin be opened;
4. The necessary authorities must be notified at least seven (7) days before the exhumation take place;
5. The remains must be sealed in an airtight container and placed in a sturdy non-transparent coffin;
6. Any regulations promulgated by the cemetery-authorities must be complied with and;
7. **(Mr. M Mogale 084 512 9935** the Environmental Health Assistant Manager Nkangala District) must be notified at least seven (7) days before the exhumation take place.

Yours faithfully



2. **Dr. JV DLAMINI**
HOD: DEPARTMENT OF HEALTH



EMALAHLENI

Local Municipality

P.O. BOX 3
eMalahleni
MPUMALANGA
1035

TEL.: 013 390 6911
FAX. 013 690 6207
www.emalahleni.gov.za

eMalahleni, Mandela Street
Tel.: 013 690 6911

Ga-Nala, Quintin Street
Tel.: 017 648 2241

Ogies, Hoofweg Street
Tel.: 013 643 1027

TEL.: 013 013 692 4021/2
FAX: 086 698 0791
REFER TO: Mr. J. Makena
e-mail: meyt@emalahleni.gov.za

13 November 2013

The Managing Director
Mafu's Funeral Home
4 Rhodes Street
eMalahleni
0135

Dear Mr. T.W. Mafu

email: wonderful1@live.co.za

INTENDED RELOCATION OF ± 100 REMAINS FROM BMK EAST (BHP BILLITON OPERATION) TO KROMDRAAI CEMETERY:

Your letter dated 11 November 2013 on the above mentioned refers.

You are hereby given permission to relocate ± 100 mortal remains, and bury them at Kromdraai cemetery, subject to the following conditions:

1. That all the required document from the Government Authorities, including the approval letter from the Provincial Department of Health and Social Service, are handed in at the Directorate: Development Planning – Environmental Management Section (Parks), eMalahleni before relocation takes place;
2. That the office Environmental Management is informed at least five (5) days of the date and time of reburial, in order to prepare graves in advance;
3. That the conditions as outlined in the letter from the Provincial Department of Health and Social Services are adhered to; and

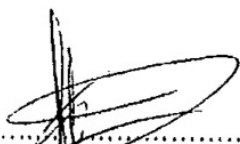
4. That the amount of R2 800-00 per mortal remain is paid at the Emalahleni Municipality bank account and proof of payment be handed in with all documents.

Banking details:

Account holder:	Emalahleni Local Municipality
Bank:	ABSA Bank
Branch:	503750
Account no.:	136 00000 91.
Ref.:	147

5. NO reburial will take place without proof of payment.

Yours faithfully



.....
T. JANSEN VAN VUUREN
ADMINISTRATOR

C:\msw\Group Files\Env. Man\LETTERS\Intended relocation of 100 remains from east (BHP Billiton to Kromdraai Cemetery)\tmc

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X 7249

Verwysing Reference	41/2/6
Navrae Enquiries	Lt Col Loubser
Telefoon Telephone	(013) 6555054
Faksnommer Fax number	(013) 655 5065

STATION COMMANDER
S A POLICE SERVICE
WITBANK
MPUMALANGA

2013-12-02

The Funeral Home

Emalahieni

1035

AUTHORIZATION FOR EXHUMATION OF EXISTING GRAVES

1. Kindly note that this office has no objection to the exhumation and relocation of the 100 graves from BHP Billiton operation.
3. The date of exhumation must be communicated with this office to monitor the process.

A handwritten signature in black ink, appearing to read 'AJ Loubser'.

LT COLONEL
POL STATION COMMANDER: S A POLICE SERVICE: WITBANK
AJ LOUBSER

BHP BILLITON EXHUMATION

Our Ref:

Enquiries: Itumeleng Masiteng
Tel: 012 320 8490
Email: imasiteng@sahra.org.za
CaseID: 4586

Date: Tuesday February 04, 2014
Page No: 1

PermitID: 1338



an agency of the
Department of Arts and Culture

PERMIT:

In terms of Section 36(3) of the National Heritage Resources Act (Act 25 of 1999)

Permit Holder: Dr McEdward Murimbika
Nzumbululo Heritage Solutions
P.O. Box 2202
Halfway House
1685

Site: BHP BILLITON (BHP BILLITON 1)

Conditions:

1. BHP Billiton Coal South Africa, Wolvekrans Colliery is proposing to expand its Boshmanskrans section. The Heritage Impact Assessment done by G and A Heritage Management consultants in October 2011 identified graves within the proposed mine expansion footprint. The identified graves cannot be avoided because open cast mining destroys the entire surface and cuts off access to burial sites. Nzumbululo Heritage Solutions in collaboration with Mafu Funeral Home were appointed to conduct Phase 2 mitigation for the affected graves. A survey that was conducted was able to identify a total of 132 graves distributed in 5 sites within the direct mine footprint. The permit will cover up to 18 more burials if they are accidentally uncovered during this exhumation and relocation. If the permit holder is not to be present on the site at all times then the heritage authority must be provided with the names and qualifications of the authorised representatives.
2. Adequate recording methods as specified in the Regulations and Guidelines pertaining to the National Heritage Resources Act must be employed. Note that the position of all excavations and objects collected must be marked on a plan of site.
3. A standard site record form must be lodged on SAHRIS.
4. Human remains must at all times be handled with respect and graves should not be disturbed except where unavoidable. The consultation procedures as indicated in the Regulations and the National Heritage Resources Act must be observed as appropriate. The recommendations for removal of graves and exhumations and for re-burial stipulated in SAHRA's Policy 'What to do when graves are uncovered', section 3, must be observed as far as possible. A report on the specimens recovered and their origin must be submitted to the heritage authority annually on or before 5 February 2015 for the duration of the permit.
5. All remains recovered, including relics and artefacts, as well as field notes and records, will be reburied at the designated local cemeteries as chosen by next of kin.
6. Reprints of all published papers or copies of theses and/or reports resulting from this work must be lodged with the relevant provincial heritage authority and SAHRA.
7. If a published report has not appeared within three years of the lapsing of this permit, the report required in terms of the permit will be made available to researchers on request.
8. It is the responsibility of the permit holder to obtain permission from the landowner for each visit, and conditions of access imposed by the landowner must be observed.



The South African Heritage Resources Agency

Street Address: 111 Harrington Street, Cape Town 8000 * Postal Address: PO Box 4637, Cape Town 8000
* Tel: +27 21 462 4502 * Fax: +27 21 462 4509 * Web: <http://www.sahra.org.za>

BHP BILLITON EXHUMATION

Our Ref:

Enquiries: Itumeleng Masiteng
Tel: 012 320 8490
Email: imasiteng@sahra.org.za
CaselD: 4586

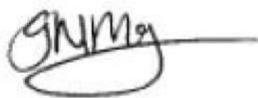
Date: Tuesday February 04, 2014
Page No: 2

PermitID: 1338



9. It is the responsibility of the permit holder to fill in excavations and protect sites during and after excavation to the satisfaction of the heritage authority and the landowner.
10. The heritage authority shall not be liable for any losses, damages or injuries to persons or properties as a result of any activities in connection with this permit.
11. The heritage authority reserves the right to cancel this permit by notice to the permit holder.

This permit is valid from **04/02/2014 to 04/02/2015**.



Itumeleng Masiteng
Heritage Officer: BBG Permitting
South African Heritage Resources Agency



Mimi Seetelo
Manager: Burial Grounds & Graves Unit
South African Heritage Resources Agency

Additional Info:

Please note that this permit may be suspended should an appeal against the decisions be received by SAHRA within 14 days from the date of the permit. SAHRA may not be held responsible for any costs or losses incurred in the event of the suspension or retraction of this permit.



Family List



Project Name: Grave Relocation Client: BHP Billiton				
Family Representative	Contact	Farm Name	Grave's Number	
1 Samaul Makgabudi	078 349 2724	Welvredien	55, 54, 56, 52, 53	
2 Solomon Nkosi	072 119 8684	Welvredien	97, 91, 90	
3 Philiimon Nkosi	079 996 6819	Welvredien		
4 Amos Oupa	079 862 2095	Welvredien	57 *2, 66, 65, 61	
5 Jeremiah Nkosi	076 773 9944	Welvredien	85, 84, 103, 104, 83	
6 Emmah Misindo	073 571 4992	Welvredien	96, 44	
7 Linah Nkosi	072 792 9118	Welvredien	92,	
8 Emmah Segudla	076 643 7667	Welvredien	67, 72, 71, Not Marked (Next to 72 grave) Not Marked (in between 71 and 72 grave.)	
9 Hilda Sibanyoni	079 673 4344	Welvredien	Not Marked	
10 Samaul Masilela	072 493 4406	Welvredien	60, 89	
11 Jacobus Kruger	082 741 0273 082 333 0153	Welvredien	26, 27 28 30	
12 Jacobus Koekemoer	071 881 2151	Welvredien	001,	
13 Johannes Sgudla	073 222 4951	Welvredien	33,	
14				
15				

15 APPENDIX 2: BURIAL RELOCATION PROJECT METHOD STATEMENT

1. DISCOVERY AND NOTIFICATION

If human burial remains are accidentally discovered during development at Mining area site the following guidelines apply:

- a) The finder will immediately cease any further activity at the site and report the site to the Project ECO. The ECO will notify the heritage expert (Archaeologist) and authorities.

2. SITE PROTECTION AND IDENTIFICATION

- a) The ECO and the Archaeologist and the permitting authority shall take reasonable measures to protect the site from environmental factors and any form of unauthorized interference or disturbance.
- b) Based on the evidence reported at the scene, the Archaeologist will investigate the site and make a preliminary determination as to the nature of the remains.
- c) Existing site inventories, land use records, and community, and authorities, should be consulted as soon as possible about possible identification of the remains. Some examination of the site/remains may be required to determine its cultural affiliation and age, and whether or not the site is modern or historic.
- d) The Archaeologist shall apply and acquire the relevant exhumation and rescue Permit from SAHRA Graves and Burial Unit.

3. INVESTIGATION AND REPORTING

- a) The ECO will direct the Archaeologist to carry out an investigation under any required permits, in consultation with the affected custodians (if available) and other affected parties, to make an initial report citing, if possible, the cultural affiliation of the human remains.
- b) Within a reasonable time to be specified by the EO, and the affected parties, the Archaeologist shall deliver a written report and any notification not yet made, to:
 - the ECO, and the affected custodians if appropriate;
 - the SAHRA;
 - the permitting authority of SAHRA Graves and Burials Unit
 - any other representative of the interred, if known.
- c) The written report shall attempt to identify:
 - the representative group of the interred;
 - the geographic boundaries of the site;

- the grave offerings or other heritage resources that may be associated with the remains or the site.

d) The Archaeologist may, with the agreement of the proper authority and the representative of the interred, if known, remove all or part of the human remains for temporary custody where the remains may otherwise be at risk prior to their re-burial at a safe site.

3.1 REPORTING

a) If the site is determined to be a contemporary burial site, the appropriate representative will be contacted in writing to provide further direction on the disposition of the remains.

b) Project contractors carrying out authorized activity where a historic or archaeological burial site is discovered can continue that activity with the consent of the EO, where appropriate. The activity must stay 150 meters away from the grave while further arrangements are made by the Archaeologist to rescue and relocate the remains to a safe cemetery.

d) The Archaeologist may publish notice of the discovery in a newspaper or other public notice seeking information on the remains and alerting members of the public about the impending relocation of the remains to a predetermined formal cemetery or burial ground.

4. SITE DISPOSITION AGREEMENT (MANAGEMENT PLAN)

4.1 When the site or remains are identified

a) The site shall not be disturbed and the EO, if on direct path of Project development work, shall initiate discussions towards entering into a site disposition agreement with the representative of the interred where applicable.

b) If the site is a historic or archaeological burial site, there must be joint approval of the site management plan on reburial as stated in the scope of services in terms of contract between Project and Mafu.

c) Decisions regarding reburial, relocation or other disposition should be determined on a case by case basis in consultation with those concerned and in a timely manner.

Site disposition agreements shall determine such things as:

1. the interim care of the human remains;
2. the scope and extent of analysis to be performed on the human remains, if any;
3. the exact location of the place where the human remains are to remain or to be interred;
4. the style and manner of disinterment, if applicable;
5. the style and manner of reinterment, if applicable;
6. the time period in which disinterment and reinterment is to take place;
7. the procedures relating to, and the final disposition of any grave offerings discovered with the human remains and any additional analysis of them;
8. the provision for future maintenance of the cemetery or site where the human remains are to be located;
9. access to the site and ways to prevent disturbance;
10. any other issue agreed upon.

4.2 When no representative is identified or no disposition is specified:

If disposition is not specified by a representative, or the remains are not claimed or no affiliation is established within a reasonable time, the Archaeologist shall with the necessary SAHRA permits and approvals provide for the following disposition:

- a) cover and leave the remains where they were found and have the site recorded as a burial site/heritage site, if on land suitable for a burial site; or
- b) have the remains disinterred and reinterred in the nearest appropriate cemetery; or
- c) remove the remains from the site for analysis and may have them reinterred in a recognized cemetery or;

d) may act as the temporary repository of the remains until they are re-located for reburial at designated cemetery.

(Where the remains were found on Mine Site but are not historic or archaeological remains, the Archaeologist may remove the remains in consultation with the Project EO and the affected parties.)

5. ARBITRATION

a) If no disposition or reburial agreement or management plan is reached within a reasonable time the matter may be referred to arbitration for settlement.

6. RECORDS

a) A record of the site and a report of the discovery and disposition plan shall be kept by the Archaeologist, for future reference to protect the site or identify the re-burial site.

b) Access to information about discovered sites will be addressed in any site management plan developed under these guidelines, and will be protected under the Access to Information and Protection of Privacy legislations, and the NHRA.

7. BURIAL RELOCATION & REBURIAL

- Burial Relocation involves the identification of each grave and the manual excavation of the interred remains. Human remains, coffin features, and grave goods are exposed, their positions in the grave are carefully recorded, and maps and photographs of each grave are made following standard archaeological recovery techniques.
- Once excavation and examination are completed, the interred along with their grave goods are inventoried and carefully wrapped in acid-free tissue. Human remains are arranged anatomically and all materials are placed in specially designed containers, specified by the laws and regulations

governed by the state where the re-interment location has been determined. The goal of re-interment is to restore as much of the original mortuary meaning as possible.

- Burial relocation is extremely culturally sensitive and Project and contractors/service provider staff understands that the utmost respect must be shown to the interred, as well as the descendant communities. We advocate respectful involvement of descendent communities in the relocation process, whenever possible, and have an excellent reputation for communicating with descendant groups.
- Mafu and Nzumbululo Heritage Solutions has extensive experience conducting cemetery relocations for government agencies, other cultural resource firms, developers and private citizens in South Africa. We assure our clients as well as the descendent communities that the greatest amount of respect and care is taken when excavating and relocating these cemeteries.

8. RISKS

1. Legal Risks

Project is exposed to a myriad of legal requirements on the local and national level when having to relocate burials. Burial relocation can infringe a number of human rights enshrined in the Constitution and legislations such the NHRA. If not carried out properly, grave relocation can impact the right to burial and dignity. Community opposition may result in protests and delays on development.

Mitigation

When human remains are identified during the development, all measures must be taken to ensure the applicable regulations are enforced including mandatory public notifications.

2. Reputational risk

Relocation of human burials in particular also brings with it high risks for the Project's reputation which is exacerbated by the instantaneous spread of news across the world via the internet. Lack of proper planning and management may lead to negative consequences, which in turn may affect the Project's reputation.

Mitigation

Human remains identified in development contexts should be handled with utter most care to ensure the exhumation and relocation takes place in accordance with the law.

3. Operational risks

Legal action arising from the inadequate planning and implementation of burial relocation may result in Project's permission to construct the Mine project site being revoked via preliminary injunctions.

Operational risks may also arise from community protests directly. Cases of community opposition and protests, has previously disrupted work for days and weeks, involving, for example, the blockage of construction sites and vital roads and infrastructure. Construction may be delayed or disrupted.

Protests may be violent and impact on the health and safety of Project staff perpetuating work delays in construction and operations. Project facilities, machinery, housing and other assets may be damaged and rendered unusable.

Mitigation

Mine Station site should have adequate security. All burial related matters should be held by the professional heritage team and reburial specialists. Human remains discovered during development should be reported to the ECO urgently and the Archaeologist notified in time to avoid any delays with the remains exposed on site. All exhumations and reburial exercises should be handled or schedule in a manner that does not require the remains to be held elsewhere temporarily.

4. Financial risks

Legal, reputational and operational risks may also lead other financial costs to the project. Moreover, costs may arise from legal action or disruptions in operations and work delays. Additional costs may be incurred when public protests require work to stop on site as a result of human remains discovery on site.

5. Human Remains Handling Risks

Exhumation, handling, transportation and reburial of human remains also pose a threat to public health if not handled to strict protocols. This risk is particularly highest in contemporary burials.

14.1 GENERAL PRECAUTIONS

The following precautionary measures can help employers and employees remain safe and healthy whilst handling human remains. The transportation, handling and storage of human remains must also be carried out in a manner that preserves public safety and maintains the dignity of the deceased person.

PERSONAL PROTECTIVE EQUIPMENT

Hand Protection:

When handling potentially infectious materials, use appropriate barrier protection including latex and nitrile gloves (powder-free latex gloves with reduced latex protein content can help avoid reaction to latex allergies). These gloves can be worn under heavy-duty gloves which will, in turn, protect the wearer from cuts, puncture wounds, or other injuries that break the skin (caused by sharp environmental debris or bone fragments). A combination of a cut-proof inner layer glove and a latex or similar outer layer is preferable.

Foot Protection:

Footwear should similarly protect against sharp debris.

Hygiene:

- Wash your hands with soap and water or with an alcohol-based hand cleaner immediately after you remove your gloves.
- Give prompt care to any wounds sustained during work with human remains, including immediate cleansing with soap and clean water. Workers should also be vaccinated against hepatitis B, and get a tetanus booster if indicated.
- Ensure disinfection of vehicles and equipment.

SUMMARY

- In general, personnel involved in the recovery and handling of human remains from a burial site can limit risk from potential exposure by following the guidelines below.
- Vinyl or Latex gloves should be worn.
- Masks and protective eyewear or face shields should be worn during procedures that are likely to generate fluids to prevent exposure of mucous membranes of the mouth, nose, and eyes.
- Gowns or aprons should be worn during procedures that are likely to generate splashes of blood or other body fluids.
- Hands and other skin surfaces should be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands should be washed immediately after gloves are removed.
- Ensure universal precautions for blood and body fluids.
- Ensure use of body bags.
- Ensure disinfection of vehicles and equipment.
- Bodies do not need to be disinfected before disposal (except in case of cholera).
- Vaccinate workers against hepatitis B.

16 APPENDIX 3: HUMAN REMAINS AND BURIALS IN DEVELOPMENT CONTEXT

Developers, land use planners and professional specialist service providers often encounter difficult situations with regards to burial grounds, cemeteries and graves that may be encountered in development contexts. This may be before or during a development project. There are different procedures that need to be followed when a development is considered on an area that will impact upon or destroy existing burial grounds, cemeteries or individual graves. In contexts where human remains are accidentally found during development work such as road construction or building construction, there are different sets of intervention regulations that should be instigated. This brief is an attempt to highlight the relevant regulations with emphasis on procedures to be followed when burial grounds, cemeteries and graves are found in development planning and development work contexts. The applicable regulations operate within the national heritage and local government legislations and ordinances passed in this regard. These guidelines assist you to follow the legal pathway.

1. First, establish the context of the burial:

A. Are the remains less than 60 years old? If so, they may be subject to provisions of the Human Tissue Act, Cemeteries Ordinance(s) and to local, regional, or municipal regulations, which vary from place to place. The finding of such remains must be reported to the police but are not automatically protected by the National Heritage Resources Act (Act 25 of 1999).

B. Is this the grave of a victim of conflict? If so, it is protected by the National Heritage Resources Act (Section 36(3a)). (Relevant extracts from the Act and Regulations are included below).

C. Is it a grave or burial ground older than 60 years, which is situated outside a formal cemetery administered by a local authority? If so, it is protected by the National Heritage Resources Act (Section 36(3b)).

D. Are the human or hominid remains older than 100 years? If so, they are protected by the National Heritage Resources Act (Section 35(4), see also definition of "archaeological" in Section 2).

2. Second, refer to the terms of the National Heritage Resources Act most appropriate to the situation, or to other Acts and Ordinances:

A. Human remains that are NOT protected in terms of the National Heritage Resources Act (i.e. less than 60 years old and not a grave of a victim of conflict or of cultural significance) are subject to provisions of the Human Tissue Act and to local and regional regulations, for example Cemeteries Ordinances applicable in different Provincial and local Authorities.

B). All finds of human remains must be reported to the nearest police station to ascertain whether or not a crime has been committed.

C). If there is no evidence for a crime having been committed, and if the person cannot be identified so that their relatives can be contacted, the remains may be kept in an institution where certain conditions are fulfilled. These conditions are laid down in the Human Tissue Act (Act No. 65 of 1983). In contexts where the local traditional authorities given their consent to the unknown remains to be re-buried in their area, such re-interment may be conducted under the same regulations as would apply for known human remains.

3. In the event that a graveyard is to be moved or developed for another purpose, it is incumbent on the local authority to publish a list of the names of all the persons buried in the graveyard if there are gravestones or simply a notification that graves in the relevant graveyard are to be disturbed. Such a list would have to be compiled from the names on the gravestones or from parish or other records. The published list would call on the relatives of the deceased to react within a certain period to claim the remains for re-interment. If the relatives do not react to the advertisement, the remains may be re-interred at the discretion of the local authority.

A. However, it is the responsibility of the developer to ensure that none of the affected graves within the cemetery are burials of victims of conflict. The applicant is also required in line with the heritage legislation to verify that the graves have no social significance to the local communities.

B. It is illegal in terms of the Human Tissue Act for individuals to keep human remains, even if they have a permit, and even if the material was found on their own land.

4. The Exhumations Ordinance (Ordinance No. 12 of 1980 and as amended) is also relevant. Its purpose is "To prohibit the desecration, destruction and damaging of graves in cemeteries and receptacles containing bodies; to regulate the exhumation, disturbance, removal and re-interment of bodies, and to provide for matters incidental thereto". This ordinance is supplemented and supported by local authorities regulations, municipality by-laws and ordinances.

DEFINITIONS AND APPLICABLE REGULATIONS

1). A "Cemetery" is defined as any land, whether public or private, containing one or more graves.

2). A "grave" includes "(a) any place, whether wholly or partly above or below the level of ground and whether public or private, in which a body is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and (b) any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenant to a grave.

3). No person shall desecrate, destroy or damage any grave in a cemetery, or any coffin or urn without written approval of the Administrator.

4). No person shall exhume, disturb, remove or re-inter anybody in a cemetery, or any coffin or urn without written approval of the Administrator.

5). Application must be made for such approval in writing, together with:

a). A statement of where the body is to be re-interred.

b). Why it is to be exhumed.

c). The methods proposed for exhumation.

d). Written permission from local authorities, nearest available relatives and their religious body owning or managing the cemetery, and where all such permission cannot be obtained, the application must give reasons why not.

6). The Administrator has the power to vary any conditions and to impose additional conditions.

7). Anyone found guilty and convicted is liable for a maximum fine of R200 and maximum prison sentence of six months.

5. Human remains from the graves of victims of conflict, or any burial ground or part thereof which contains such graves and any other graves that are deemed to

be of cultural significance may not be destroyed, damaged, altered, exhumed or removed from their original positions without a permit from the National Heritage Resources Agency. They are administered by the Graves of Conflict Division at the SAHRA offices in Johannesburg.

"Victims of Conflict" are:

- a). Those who died in this country as a result of any war or conflict but excluding those covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).
- b). Members of the forces of Great Britain and the former British Empire who died in active service before 4 August 1914.
- c). Those who, during the Anglo Boer War (1899-1902) were removed from South Africa as prisoners and died outside South Africa, and,
- d). Those people, as defined in the regulations, who died in the "liberation struggle" both within and outside South Africa.

6. Any burial that is older than 60 years, which is outside a formal cemetery administered by a local authority, is protected in terms of Section 36(3b) of the National Heritage Resources Act. No person shall destroy damage, alter, exhume or remove from its original position, remove from its original site or export from the Republic any such grave without a permit from the SAHRA.

There are some important new considerations applicable to B & C (above).

SAHRA may, for various reasons, issue a permit to disturb a burial that is known to be a grave of conflict or older than 65 years, or to use, at a burial ground, equipment for excavation or the detection or the recovery of metals.

(Permit applications must be made on the official form Application for Permit: Burial Grounds and Graves available from SAHRA or provincial heritage resources authorities.)

Before doing so, however, SAHRA must be satisfied that the applicant:

- a). Has made satisfactory arrangements for the exhumation and re- interment of the contents of such a grave at the cost of the applicant.
- b). Has made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such a grave and,
- c). Has reached an agreement with these communities and individuals regarding the future of such a grave or burial ground.

PROCEDURE FOR CONSULTATION

The regulations in the schedule describe the procedure of consultation regarding the burial grounds and graves. These apply to anyone who intends to apply for a permit to destroy damage, alter, remove from its original position or otherwise disturb any grave or burial ground older than 60 years that is situated outside a formal cemetery administered by a local authority. The applicant must make a concerted effort to identify the descendants and family members of the persons buried in and/or any other person or community by tradition concerned with such grave or burial ground by:

- 1). Archival and documentary research regarding the origin of the grave or burial ground;
- 2). Direct consultation with local community organizations and/or members;
- 3). The erection for at least 60 days of a notice at the grave or burial ground, displaying in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of the period of erection of the notice; and
- 4). Advertising in the local press.

The applicant must keep records of the actions undertaken, including the names and contact details of all persons and organizations contacted and their response, and a copy of such records must be submitted to the provincial heritage resources authority with the application.

Unless otherwise agreed by the interested parties, the applicant is responsible for the cost of any remedial action required.

If the consultation fails to reach an agreement, the applicant must submit records of the consultation and the comments of all interested parties as part of the application to the provincial heritage resources authority.

In the case of a burial discovered by accident, the regulations state that when a grave is discovered accidentally in the course of development or other activity:

a). SAHRA or the provincial heritage resources authority (or delegated representative) must, in co-operation with the Police, inspect the grave and decide whether it is likely to be older than 60 years or otherwise protected in terms of the Act; and whether any further graves exist in the vicinity.

b). If the grave is likely to be so protected, no activity may be resumed in the immediate vicinity of the grave, without due investigation approved by SAHRA or the provincial heritage resources authority; and

c). SAHRA or the provincial heritage resources authority may at its discretion modify these provisions in order to expedite the satisfactory resolution of the matter.

d). Archaeological material, which includes human and hominid remains that are older than 100 years (see definition in section 2 of the Act), is protected by the National Heritage Resources Act (Section 35(4)), which states that no person may, without a permit issued by the responsible heritage resources authority - destroy, damage, excavate, alter or remove from its original

site any archaeological or palaeontological material.

The implications are that anyone who has removed human remains of this description from the original site must have a permit to do so. If they do not have a permit, and if they are convicted of an offence in terms of the National Heritage Resources Act as a result, they must be liable to a maximum fine of R100 000 or five years imprisonment, or both.

TREAT HUMAN REMAINS WITH RESPECT

a). Every attempt should be made to conserve graves in situ. Graves should not be moved unless this is the only means of ensuring their conservation.

b). The removal of any grave or graveyard or the exhumation of any remains should be preceded by an historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of measured drawings and photographs. The report and recording should be placed in a permanent archive.

c). Where the site is to be re-used, it is essential that all human and other remains be properly exhumed and the site left completely clear.

d). Exhumations should be done under the supervision of an archaeologist, who would assist with the identification, classification, recording and preservation of the remains.

e). No buried artifacts should be removed from any protected grave or graveyard without the prior approval of SAHRA. All artifacts should be re-buried with the remains with which they are associated. If this is not possible, proper arrangements should be made for the storage of such relics with the approval of SAHRA.

f). The remains from each grave should be placed in individual caskets or other suitable containers, permanently marked for identification.

g). The site, layout and design of the area for re-interment should take into account the history and culture associated with, and the design of, the original grave or graveyard.

h). Re-burials in mass graves and the use of common vaults are not recommended.

i). Remains from each grave should be re-buried individually and marked with the original grave markers and surrounds.

j). Grouping of graves, e.g. in families, should be retained in the new layout.

k). Material from the original grave or graveyard such as chains, kerbstones, railing and should be re-used at the new site wherever possible.

l). A plaque recording the origin of the graves should be erected at the site of re-burial.

m). Individuals or groups related to the deceased who claim the return of human remains in museums and other institutions should be assisted to obtain documentary proof of their ancestry.

17 APPENDIX 4: LEGAL BACK GROUND AND PRINCIPLES OF HERITAGE RESOURCES MANAGEMENT IN SOUTH AFRICA

Extracts relevant to this report from the National Heritage Resources Act No. 25 of 1999, (Sections 5, 36 and 47):

General principles for heritage resources management

5. (1) All authorities, bodies and persons performing functions and exercising powers in terms of this Act for the management of heritage resources must recognise the following principles:

(a) Heritage resources have lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival;

(b) every generation has a moral responsibility to act as trustee of the national heritage for succeeding generations and the State has an obligation to manage heritage resources in the interests of all South Africans;

(c) heritage resources have the capacity to promote reconciliation, understanding and respect, and contribute to the development of a unifying South African identity; and

(d) heritage resources management must guard against the use of heritage for sectarian purposes or political gain.

(2) To ensure that heritage resources are effectively managed—

(a) the skills and capacities of persons and communities involved in heritage resources management must be developed; and

(b) provision must be made for the ongoing education and training of existing and new heritage resources management workers.

(3) Laws, procedures and administrative practices must—

(a) be clear and generally available to those affected thereby;

(b) in addition to serving as regulatory measures, also provide guidance and

information to those affected thereby; and

(c) give further content to the fundamental rights set out in the Constitution.

(4) Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.

(5) Heritage resources contribute significantly to research, education and tourism and they must be developed and presented for these purposes in a way that ensures dignity and respect for cultural values.

(6) Policy, administrative practice and legislation must promote the integration of heritage resources conservation in urban and rural planning and social and economic development.

(7) The identification, assessment and management of the heritage resources of South Africa must—

(a) take account of all relevant cultural values and indigenous knowledge systems;

(b) take account of material or cultural heritage value and involve the least possible alteration or loss of it;

(c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;

(d) contribute to social and economic development;

(e) safeguard the options of present and future generations; and

(f) be fully researched, documented and recorded.

Burial grounds and graves

36. (1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.

(3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—

(a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

(b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

(c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.

(5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority—

(a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and

(b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.

(6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations

of the responsible heritage resources authority—

(a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

(7) (a) SAHRA must, over a period of five years from the commencement of this Act, submit to the Minister for his or her approval lists of graves and burial grounds of persons connected with the liberation struggle and who died in exile or as a result of the action of State security forces or agents provocateur and which, after a process of public consultation, it believes should be included among those protected under this section.

(b) The Minister must publish such lists as he or she approves in the Gazette.

(8) Subject to section 56(2), SAHRA has the power, with respect to the graves of victims of conflict outside the Republic, to perform any function of a provincial heritage resources authority in terms of this section.

(9) SAHRA must assist other State Departments in identifying graves in a foreign country of victims of conflict connected with the liberation struggle and, following negotiations with the next of kin, or relevant authorities, it may re-inter the remains of that person in a prominent place in the capital of the Republic.

General policy

47. (1) SAHRA and a provincial heritage resources authority—

(a) must, within three years after the commencement of this Act, adopt statements of general policy for the management of all heritage resources owned or controlled by it or vested in it; and

(b) may from time to time amend such statements so that they are adapted to changing circumstances or in accordance with increased knowledge; and

(c) must review any such statement within 10 years after its adoption.

(2) Each heritage resources authority must adopt for any place which is protected in terms of this Act and is owned or controlled by it or vested in it, a plan for the management of such place in accordance with the best environmental, heritage conservation, scientific and educational principles that can reasonably be applied taking into account the location, size and nature of the place and the resources of the authority concerned, and may from time to time review any such plan.

(3) A conservation management plan may at the discretion of the heritage resources authority concerned and for a period not exceeding 10 years, be operated either solely by the heritage resources authority or in conjunction with an environmental or tourism authority or under contractual arrangements, on such terms and conditions as the heritage resources authority may determine.

(4) Regulations by the heritage resources authority concerned must provide for a process whereby, prior to the adoption or amendment of any statement of general policy or any conservation management plan, the public and interested organisations are notified of the availability of a draft statement or plan for inspection, and comment is invited and considered by the heritage resources authority concerned.

(5) A heritage resources authority may not act in any manner inconsistent with any statement of general policy or conservation management plan.

(6) All current statements of general policy and conservation management plans adopted by a heritage resources authority must be available for public inspection on request.



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