

A statement of significance of Madimatle Mountain

LOCATION

- 1 On the adjacent farms described as The Remainder of the Farm Randstephne 455 KQ ("Randstephne") and the Remainder of the Farm Donkerpoort 448 KQ ("Donkerpoort") Thabazimbi, Limpopo Province, (together "**the Affected Farms**") there is situated (on Donkerpoort) a mountain known by the community and worshippers of African religion and culture as "Madimatle", meaning "Pure Blood" or "Good Blood" (hereinafter referred to as "**Madimatle**"). On Randstephne there is situated a cave system that leads under the Madimatle mountain, known as the Gatkop Caves ("hereinafter referred to as "**the caves**").
- 2 Madimatle and the caves are situated within 10km from the Marakele National Park and approximately 30km east of the town of Thabazimbi, thus falling within the Thabazimbi Local Municipality and the jurisdiction of the Waterberg District Municipality, Limpopo ("**the area**"). The area has historically and is currently populated by the Bakgatla community.

SIGNIFICANCE

- 3 Madimatle and the caves have significant spiritual, ancestral and cultural heritage importance to the local community, local traditional healers, local traditional leaders, persons that practice and belong to certain African Christian denominations locally and to many other people that travel from distances afar to access Madimatle and the caves.
- 4 Investigations and interviews with believers and worshippers of African ancestral religion and culture both locally and from outside the area, together with expert reports, have shown that Madimatle has significance for people across the country, and in neighbouring countries, as well as community members living near Madimatle.
- 5 Research into Madimatle and the caves clearly supports their importance to the traditional people from a spiritual, ancestral and cultural heritage perspective. There are several Sangomas and religious church leaders based in Bela Bela, Thabazimbi and Moruleng, who have brought hundreds of people to the caves and to Madimatle over the years, for the purposes of healing, religious practice,

ancestral communication ceremonies and Sangoma initiation schools. In many instances, these include people who have come from other areas of South Africa as well as from beyond South Africa's borders. We interviewed two Sangomas / traditional health practitioners from the aforementioned areas and have prepared statements setting out the content of such interviews, which are annexed hereto marked as "**S1**".

- 6 On 24 and 25 March 2014 consultations were held with a broad range of labour tenants living in the area to determine their connection to Madimatle and the caves. In this regard, we annex hereto five statements, marked as "**S2**", which reflect the feelings of a traditional healer, born and raised in the area, who is in her 50's; a 22 year old female; a male pensioner who resides adjacent to the entrance of the caves; and a woman in her late 30's. A common thread which is evident from these statements is that Madimatle and the caves are considered to be sacred and to have a significant impact on the practices and beliefs of African religion and ancestral worship.
- 7 The Traditional Health Organisation ("**THO**"), which is an international organisation representing the interests of approximately 39 000 registered and unregistered traditional health practitioners throughout the country and in other parts of Africa, fully endorses the view that Madimatle and the caves are of religious and cultural significance to people across Southern Africa. Their endorsement is set out in their report on the significance of Madimatle, a copy of which is annexed hereto marked as "**S3**".
- 8 In the course of producing their report, the THO facilitated a workshop at which its members completed questionnaires, stating their views on the significance of Madimatle and the caves, and the consequences of potential mining on the Affected Farms. Copies of 90 completed questionnaires are annexed hereto, marked "**S4**".
- 9 The KARA Heritage Institute ("**KARA**") is an association which seeks to protect and enhance age-old principles of African culture and African religion and spirituality. One of its primary objectives is the creation of awareness around African heritage in addition to indigenous values and principles. KARA plays a fundamental role in preserving and maintaining African heritage, culture, tradition and religion awareness, by seeking inter alia to preserve sacred sites such mountains, springs or natural landscapes where traditional African activities of praise, worship and

initiation take place. Kara has produced a report regarding the significance of Madimatle and the caves, which supports the fact that it is undoubtedly a unique site for purposes of exercising African cultural and religious rights. A copy of this report is annexed hereto, marked "**S5**".

10 Ms Grace Masuku is an award winning traditionalist, environmentalist and community worker and member of the Bakgatla Bagafela tribe ("**Bakgatla**") who has worked tirelessly to preserve the cultural values and knowledge of her people. A statement deposed to by Ms Masuku explaining the significance of Madimatle is annexed hereto, marked "**S6**".

11 Aspects of Madimatle which have been highlighted by the THO, KARA and the interviewees as to the source of its spiritual significance include but are not limited to the following –

11.1 Madimatle and the caves is a place where the ancestors of the Bakgatla reside. This is where the Bakgatla go to communicate with their ancestors for purposes of receiving blessings and signs from the ancestors, in addition to carrying out ritual sacrifices known as "go phahla" for purposes of appeasing the ancestors or for purposes of making an offering in order to receive rain during draught; crops during harvest; and other blessings too numerous to mention. Madimatle is visited by the Bakgatla in order to ensure that all their needs are met; for purposes of notifying the ancestors of births; deaths; and any other news. According to the Bakgatla, ancestors must be made aware of what is happening with their descendants at all times, in order for ancestors to extend their protection and grant blessings sought to those in need.

11.2 The culture and the lives of the Bakgatla are thus strengthened by visits to Madimatle. Madimatle and the caves are interlinked, as is the case with most natural elements in a particular natural landscape with regard to African traditional religion and culture. Madimatle and the caves cannot be separated in their utility, significance and relevance. Sacrifices are made before people make visits to Madimatle and the caves, and this is dependent on the requirements that have been set by the ancestors. The caves, are seen as the gateway to Madimatle. The most symbolic aspect of Madimatle is the peak of the mountain as it is believed that the peak is closest to heaven and other celestial bodies.

- 11.3 The significance of Madimatle is traced back to the history of conquest and loss. The name Madimatle, meaning "Beautiful Blood", refers to the blood that was spilled on the mountain and has its source in the belief that there were ancestors who died inside the caves and on the hills of Madimatle during times of battle and wars, including the Mfecane war in the early 1800's. The leader of these people is believed to have died inside the cave, having died upwards in the mountain of Madimatle itself. It is the blood of these people that gives the power, solace, meaning and strength to African traditional communities and traditional health practitioners. We have been informed that, in the course of the rituals of ancestral worship, people are named after the mountain itself or named after their ancestors who died on mountains, or during times of battles or war.
- 11.4 Madimatle is known to be a place of healing because the blood of these people who died in the mountain cleanses people's sins, moral transgressions and is a significant provider and source of light and hope in the lives of everyday people. The main spirits linked with traditional healing come in the form of certain landscapes. An example of this is a spirit whose power is linked to the natural landscape of a river or water. According to African belief systems, sacred mountains are central to African religion and are the subject of many African legends. Various African tribes including the Batswana, Vhavenda, Bapedi, Basotho and Batsonga have used mountains and elements that form part of a natural landscape including caves and rivers for sacred purposes since the inception of African religion and culture. There are other similar sites of significance to other people and other tribes for different reasons in the Limpopo province. Thaba ya Modimo O'le (God has devoured) ("**Modimolle**"), a mountain near Nylstroom, is associated with ancestral spirits and regarded as a 'heaven' for ancestral activities. According to Maamushi, a Mopedi diviner - healer (*ngaka*), from Makgane, Ga - Sekhukhune in Limpopo province, most Bapedi and Batlokwa people ascend Modimolle and perform rituals in order to invoke the ancestors and plead with them to prevent natural disasters. The belief system is that God and the ancestral spirits reside in Modimolle and are not to be disturbed. Modimolle also serves the other purposes namely, initiation of *Sangomas*; communication with the ancestors to request blessings, jobs, children, peace, being similar to the purposes for which Madimatle is visited, as discussed. Madimatle and Modimolle are

regarded as mountains of heritage, which have been handed over from generation to generation the huge significance of which prevails to this day.

- 11.5 In this instance, the main spirit of Madimatle is the mountain. Certain traditional healers have a connection with the power of the mountain, which emanates from the spirit of Madimatle.
- 11.6 The caves are of significance because they are widely regarded by community members and traditional health practitioners as “the gateway” to Madimatle, to the mountain itself. By accessing the cave and walking underground, one is led to what is commonly known to the African traditional communities as the heart of the mountain. Without Madimatle, the caves would have limited significance. What distinguishes Madimatle is that the caves are underneath the mountain. Accessing the mountain from underneath as opposed to from the top is of special significance in African ancestral philosophy and religion.
- 11.7 The significance of Madimatle is linked to how traditional communities feel about themselves, their identity, sense of belonging, dignity, self-esteem and cultural identity. Madimatle has, for many years, been known as a place of significance to those people that have gone astray from their cultural and religious roots. Accessing Madimatle has been known to help communities find refuge, peace and spiritual connection with their being and ancestors.
- 11.8 Whenever there is an event of national significance – for example, during general or local elections, floods, public disobedience, mass deaths, mass accidents, or the like—the religious leaders of many denominations, which include those from both purely Christian denominations and those from purely African cultural and religious beliefs, undertake a journey to the mountains, including Madimatle and the caves, to pray for peace and tolerance in society. During the May 2014 national general election, large numbers of traditional community members, together with traditional leaders and traditional health practitioners, embarked on a journey to the caves and Madimatle in order to meditate, reflect and pray for peace and tolerance to prevail in South Africa.
- 11.9 The usage of Madimatle as a sacred site has been actively managed over the years by the elders throughout communities within South Africa and communities within neighbouring African countries ("**African communities**").

Visits to Madimatle have been made dating back over many decades and knowledge of Madimatle is widespread throughout African communities.

- 12 There are literary works that make specific reference to the cultural and religious significance of Madimatle. Renowned Tswana novelist D.P. Moloto published a book entitled "*Moji Mothlabi*" in 1964, in which the practice of ancestral rituals by the main character made on and through Madimatle is detailed extensively.
- 13 A further example of such literature is a book entitled "*Madimatle*", authored by T K Malebye published in Setswana by Van Schaick publishers on 31 March 1997, which features a short story on the significance of Madimatle. A copy of the short story is annexed hereto marked "**S7**".

THREAT

- 14 Aquila Steel South Africa (Proprietary) Limited ("**Aquila**") (which is 100% owned by Aquila Resources Limited, an Australian listed company) has secured rights to prospect for Iron Ore on the Affected Farms and, as we describe in more detail below, has already prospected on the Affected Farms on the authority of a prospecting right over the Affected Farms granted in 2008.
- 15 Aquila has since applied for a mining right to conduct an open pit iron ore mine over the Affected Farms, with an expected life span of 18 years. This application is still pending and, as such, the proposed mining activity has not commenced.
- 16 There have been various objections to the application for a mining right ("**the objections**") and such objections are still being considered by the Department of Mineral Resources. However, the local community, local traditional healers, local traditional leaders and persons that practice and belong to certain African Christian denominations locally were not adequately consulted during the prospecting right and initial mining right application process, despite being interested and affected parties. It is important to note that the mine is under a legal obligation to adequately notify and consult all interested and affected parties under the present constitutional dispensation¹.

¹ *Bengwenyama Minerals (Pty) Ltd and Others v Genorah Resources (Pty) Ltd and Others* (CCT 39/10)

- 17 The caves are located about four (4) kilometres to the South South West of the prospecting and potential mining area ("**the mining area**") and are 600 metres lower in elevation to the mining area.
- 18 The prospecting activities already undertaken and mining activities to be carried out should a mining right be granted by the Department of Mineral Resources have and will all take place on Madimatle. The location of the mining area does not preclude the exposure of the caves to the negative impacts of prospecting and mining from a spiritual and environmental perspective. Those activities that are ordinarily associated with mining will take place on the Affected Farms. Access to and from the mine on Madimatle and to and from the associated mining activities will necessitate the construction and development of extensive roads on the Affected Farms generally and on Madimatle more particularly.
- 19 The proposed mining will irreparably change the face and profile of Madimatle.
- 20 In the course of its application for a mining right, Aquila has identified a range of impacts that will arise from the mining activities, including –
- 20.1 Archaeological;
 - 20.2 Palaeontological;
 - 20.3 Anthropological;
 - 20.4 Social incorporating Sense of Place;
 - 20.5 Blasting and Vibration;
 - 20.6 Visual;
 - 20.7 Traffic; and
 - 20.8 Noise.
- 21 A range of specialist consultants were appointed to undertake studies and produce reports to determine the extent of the identified impacts on the environment and the interested and affected parties. In the course of certain of these studies, the use of the caves by various people of African descent has been clearly documented².

² Albeit that this documentation does not reflect adequately the true extent of their significance or the impact that mining will have on Madimatle and its significance from a cultural heritage perspective.

- 21.1 In the Cultural Heritage Research Essay, specific mention is made of “*evidence of the continuous use of the site as a psychological point of access to the world of ancestral worship*”³. The relevant extract is set out below:



Figures 15 and 16 Left: In front of the cave there is evidence of the continuous use of the site as a psychological point of access to the world of ancestral worship. In the view of the researcher this is one of the most vigorously utilised sites observed by him where the issue of ‘creation myths’ are concerned. **Right.** Four of the informants, Elias, Tiaan, Sello and Jeremiah are here captured in front of the shelter. Thomas Mothloki, the informal curator does not appear in the photograph. (Photographs S.M. Miller 2011)

- 21.1.1 It is noteworthy that the researcher viewed the caves as *one of the most vigorously utilised sites observed by him*.
- 21.1.2 Further, at Figure 35 below, the researcher points out that the caves were *traditionally “open to all South Africans” and especially Traditional Practitioners for many generations*. This extract is set out below:

³ Appendix E4 available at

http://www.shangoni.co.za/Cms_Data/Contents/shangoniDB/Media/documents/Aquila%20EMPR/Appendix%20E/E4/Heritage%20Final%2010%20June%202014.pdf last accessed 21 July 2014 .



Figure 35: The original signage at the entrance to the cave site has been replaced by this sign preventing entrance to the site, that has been traditionally “open to all South Africans” and especially Traditional Practitioners for many generations. Such access is provided for and protected in National Heritage

Resources Act 25 of 1999. (Also see Figs 11 and 12, the normal signage posted at cave sites as documented in 2011)



Figures 11 and 12 Four of the informants, Elias, Tiaan, Sello and Jeremiah are here captured in front of the shelter. Thomas Mothloki, the informal curator does not appear in the photograph. The south western Cape Dutch Gable of the 1920's period farmhouse.

- 21.1.3 Finally, at Figures 36 and 37, depicted below, the researcher points out that caves were continuously being used by unknown persons at the time that the researcher was present. See relevant extract below:



21.2 Appendix E5.1 to the Environmental Management Plan submitted to the Department of Mineral Resources ("**EMP**")⁴ is the report of Kearney, T. & Seamark, E. 2012. Africanbats.org⁵ ("hereinafter referred to as "**E5.1**"). E5.1 is an assessment of the bats within the caves, and lists possible mitigation measures and discusses the potential impacts of the community visiting the caves. The researchers visited the caves on 17 December 2011, and described in detail, that on public holidays and weekends, most of the community visit the caves for cultural/religious purposes. The report further describes how, during their site visit for purposes of preparing the report, the researchers witnessed three different groups of people visiting the cave for cultural/religious purposes. Figure 4.1 below is an extract from this report and shows a religious group entering the caves:⁶

⁴ Available at http://www.shangoni.co.za/public-documents/Aquila_Steel_EMPR last accessed 21 July 2014. A copy of the EMP is available on the enclosed CD.

⁵ Available at http://www.shangoni.co.za/Cms_Data/Contents/shangoniDB/Media/documents/Aquila%20EMPR/Appendix%20E/E5/Bat%20survey%20report%202012.pdf last accessed 21 July 2014

⁶ At page 37.



Figure 4.1. Group visiting Gatkop Cave on the evening of 17 December 2011.

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Africanbats.org Technical Report Nr. 01/2012 - Report for Shungoni Management Services Pty Ltd

- 21.2.1 E5.1 acknowledges the large extent of the use of the caves for religious / cultural purposes, so much so that a section on *Mitigating measures for potential impacts of 'traditional' people visiting the cave* has been included.
- 21.2.2 E5.1 documents how the use of caves for cultural / religious purposes appears to have been practiced for some time already. Prof Mac van der Merwe indicated he observed cultural use of the cave from the time he visited in 1967 (pers. comm.).⁷
- 21.2.3 The researcher recommends that investigations need to be undertaken to understand the cultural / religious and economic significance of the site, and the practices that are associated with this.⁸
- 21.3 On 17 March 2014, and on the basis of recommendations made in certain of the specialist reports⁹, Aquila appointed a specialist anthropologist who produced a report in respect of the "Cultural Heritage Of The Madimatla Cave And Surrounding Area: An Anthropological Perspective" ("hereinafter referred

⁷ At page 39.

⁸ At page 39.

⁹ For example, see Appendix E5.1 at page 39

to as "**Anthropological Report**").¹⁰ A copy of this report is annexed hereto as "**S8**". The following findings in this report are of relevance to this statement of significance:

21.3.1 "...the Badimo (plural of modimo) are the human ancestors and are contacted and mediated via trained practitioners known as dingaka (ngaka=singular). These badimo can be approached via physical phenomena such as an ant-heap funnel, a bee species known as mok(k) a and a cave known as Madimatla (Reyneke 1971: 102)."¹¹

21.3.2 "Case study: While at Madimatle cave a party of three men arrived including their 'patient' carrying a chicken, some traditional beer, snuff, etc. the healer in this case wore the regalia of the ZCC church. They asked permission to enter and perform their ritual from my informants whom they regarded as the custodians of the cave".¹²

21.3.3 "3.4 Madimatla and the healer
Healers are in regular contact with the intermediary world of the ancestors (badimo). These badimo are often 'contacted' at isolated places and in the vicinity of natural phenomena such as springs, mountains and caves. One such venue is Madimatle cave some 30 to 40 kilometres northwest of Thabazimbi. Upon approach at the cave at Madimatla all the 'creatures of God' make themselves audible: a sheep and goat will bleat, a cockerel crows, a cow bellows, and even the milking of a cow in a bucket is audible (kúr, kúr, kúr), women singing and stamping mealies or mabelo - in short, all of village life in the motse wa badimo. The cave is the entrance of village life, the living and real world of the ancestors.

¹⁰ Appendix E15 to the EMP, available at http://www.shangoni.co.za/Cms_Data/Contents/shangoniDB/Media/documents/Aquila%20EMPR/Appendix%20E/E15/CULTURAL%20HERITAGE%20FINAL%2010%20June%202014.pdf last accessed 21 July 2014

¹¹ At page 6

¹² At page 7

Madimatle also serves as a source of information, knowledge and even as an oracle.”¹³

- 21.3.4 “Madimatle is central to the cosmological world of the Kgatla and neighbouring communities. The site boasts of a historical chronology of usage and it managed to maintain its importance in the ritual and religious world of these communities (compare Equiperspectives 2014:43, 53, 59-61). The site is important in both its tangible and intangible dimensions. Any disturbance as far as its immediate physical environment is concerned will be a serious breach in terms of its religious and ritual meaning, integrity and relations with its traditional custodians as well as the public.”¹⁴
- 21.3.5 “Members of the African traditional healing community are particularly concerned about the impact of mining in the vicinity of Madimatle. The healers whom the author interviewed believe that they speak on behalf of healers not only of Kgatla or from other communities such as the Hlalerwa of Bobididi, the Tswana of Masilo, but of healers from all over South Africa and in particular Botswana. The famous site has been visited by healers and their patients from as far east as KwaZulu-Natal and Swaziland.”¹⁵
- 21.3.6 “The healers in particular fear that the cave and the landscape will ‘suffocate’ in the advance of the harsh mining developments around Madimatle. They base their fears on experiences elsewhere where sacred sites were destroyed. Madimatle and its surroundings have always been known to be a site of tranquillity and quietness; a fitting environment in which to communicate with the ancestral world. The integrity of the audibility factor (e.g. noises belonging to the ancestral village) will forever be risked once mining activities commence.”¹⁶

¹³ At page 8

¹⁴ At page 11

¹⁵ At page 11

¹⁶ At page 12

21.4 A Social Impact Assessment was also conducted ("hereinafter referred to as "**SIA**")¹⁷, wherein the following acknowledgements were made in relation to Madimatle and the caves:

21.4.1 At page ii:

"Other impacts suggest that the presence of a mine on the proposed site would not be desirable and raise some serious concerns from a social perspective. The first issue is the presence and the nature of the heritage site in the form of caves in close proximity to the proposed site. This has great cultural significance to certain groups and it has not yet been determined how broad this stretches. For this group the significance is not limited to only the caves, but includes the whole Meletse mountain. Cultural, indigenous and human rights come into play with this issue and at this stage it seems unlikely that common ground will be found. It seems as if these two issues may be mutually exclusive."

21.4.2 At page 43:

"5.2.2 Indigenous groups

There are caves in very close proximity to the proposed mining rights area that have great cultural significance for indigenous groups in the area. For these groups the caves, including the meletse mountain (that forms part of the proposed site), is a sacred place where the traditional healers go to consult with the ancestors. The traditional healers go to the caves to pray, pay their respects to their ancestors and perform rituals. They go only about once or twice a year or whenever they need to go. A person can only go when his or her heart is free, not when they have problems. The traditional healers in the area believe that the ancestors would not allow anyone to mine at

¹⁷ Appendix E14 to the EMP available at

http://www.shangoni.co.za/Cms_Data/Contents/shangoniDB/Media/documents/Aquila%20EMPR/Appendix%20E/E14/Aquila%20Meletse%20SIA%20V06c%20FINAL%2012%20June%202014.pdf last accessed 21 July 2014

the proposed site. The ancestors also do not want noise there. It is important to note that it is not only the cave that is regarded as sacred, but the Meletse mountain as well. The cave is where they enter the mountain to consult with the ancestors. The bats in the cave as well as the brown hyenas form an important part of the system. As these mammals are nocturnal they have special significance to the traditional healers as a medium to the ancestors."

21.4.3 At page 44:

"The traditional healers do not refer to the mountain as Meletse, but as Madimatle, the one with the cave. In the Tswana history and literature there are references to a big hole named Madimatle (<http://en.wikipedia.org/wiki/Makapanstad>; Pilane, G.E. 2002). It must be noted that these references are to the word 'Madimatle' and not to a specific location and should not be interpreted as referring specifically to the Gatkop cave without further investigation. In the Tswana literature (Pilane, G.E., 2002) Madimatle is a hole where someone goes to speak with his ancestors and rituals are performed to please the ancestors. The rituals are meant to protect the people and to bring them rain. According to the literature Madimatle means 'beautiful blood', which can refer to the red colour associated with the presence of iron ore. The Batswana believe that their ancestors are found in holes, caves and mountains. That is why they respect places like these. The ancestors play a very important role in the Tswana cultural and cultural identity."

21.4.4 At page 60

"6.3 Cultural issues

6.3.1 Statement of situation

There is a cave in close proximity to the proposed mining rights area. This cave is of high cultural significance to the traditional healers in the area. In their view the Meletse

mountain is scared and the cave is the place where they enter the mountain to pray to their ancestors, pay their respects to them and perform rituals. They do not go there every day, but once or twice a year as and when required. According to traditional healers in the area the ancestors do not want to hear notice and they will not allow anyone to mine at the proposed site. They believe that bad things will happen to those who try. The bats and brown hyenas are also important from a cultural perspective and they are regarded as mediums to the ancestors. Ancestral worship plays an extremely important role in the Tswana culture, especially in rural parts. Whatever the ancestors say, it is not questioned and taken at face value. The traditional healers in the area are regarded as very powerful, so much so that it is also noted by people outside the Tswana culture. The traditional healers refer to the mountain as Madimatle, a place that has significance in the Tswana literature. This suggests that the caves may actually be of much higher cultural significance than originally thought. The anthropological study should shed light on the actual significance of the mountain and cave. Any development that affects the sacred place will violate the culture of these people.

6.3.2 Potential impacts

This is a very sensitive matter. The **violation of cultural heritage** impacts directly on the human rights of the affected community and have the potential to put the project in the international spotlight, as the rights of indigenous people are high on the international human rights agenda. If the cultural heritage of the people is violated, it cannot be restored. The only way to proceed with the development is if the affected community gives their free, prior, informed consent for the development, on their conditions. This process can take an extended time, and pose a significant risk to the development. It is likely that the community would not give their consent as

they have indicated that the ancestors do not want noise in the area and they also definitely do not want the mine there. It must also be understood that this would not be the decision of the community, but that of the ancestors and that the ancestors would have to be consulted in the process. The mine has indicated that they have attempted a number of times in the past to consult with this group, but that they were not open to the mine's attempts. This suggests that this is not going to be an easy process and given the sensitivity of this issue, it would be best to involve external people with expertise in this area. To this extent the mine has appointed an anthropologist."

21.4.5 At pages 61-62:

"If the mine and the community (and ancestors) can reach an agreement, the mine should offer to stabilise the cave and establish a heritage site / community centre in the area where people can come to consult with the traditional healers (if that would be acceptable to the community). The heritage impact assessment (African Heritage Consultants, 2014) has also found that the cave is of high cultural significance. Should the mine not take this group into consideration and continue without extensive consultation with them or without reaching an agreement, it could be interpreted as a violation of their cultural heritage as well as their human rights. It must be reiterated although the cave is not on the mining rights area, the Meletse mountain is. For these people it is not just about the cave, but also about the mountain as the cave serve as the entrance to the mountain where the ancestors live."

21.4.6 At page 62:

"Some of the workforce may share these traditional values and may be scared to violate the sacred mountain, or be torn between their need to earn a living and the consequences of violating cultural taboos. This may lead to labour unrest or high staff-turnover. It

will also make it challenging for the proposed mine to fulfil the requirement for local labour as required by legislation.

A specialist should investigate this situation to ensure no cultural rights are violated, and to establish the real magnitude of the situation. To this extent the mine has indicated that they have appointed an anthropologist."

- 22 The Archaeological Impact Assessment ("the AIA") conducted by African Heritage Consultants (2014)¹⁸, confirms the presence of a number of archaeological sites within the area. Reference is made in the AIA to the Perreira Grave, the caves, the Randstephne homestead, the Labourer's Cemetery which contains 13 graves ("the graves"), and sites which emanate from the Iron Age period.
- 23 A portion of the 33 kilometres of roads unlawfully constructed ("the unlawful activity") by Aquila during the conducting of its prospecting activities, intersects the archaeological sites as identified above. The unlawful activity is currently the subject of a section 24G application in terms of the National Environment Management Act No.107 of 1998. A significant additional concern is that the AIA has already submitted a recommendation that the graves be relocated in the absence of any form of adequate social consultation being undertaken. The issue of relocation of graves is problematic in South Africa, due to the fact that relatives of the buried individuals are often not informed, either timeously or at all during the construction of a new development. Furthermore, it is common knowledge that a family member's opposition to the relocation of graves, will in any event, be futile. There is generally inadequate consideration of the family members' objection to the relocation of the graves.
- 24 The contents, research methodology and conclusions of the specialist reports are not entirely agreed to by THO, KARA, Ms Masuku and other community members. Notwithstanding this, the importance of the foregoing is that even on Aquila's own

¹⁸ Almond, J.E. March 2014. Paleontological assessment: combined desktop & site visit report proposed Meletse Iron Ore Project on remaining extent of the farms Donkerpoort 448KQ and Randstephne 455KQ near Thabazimbi, Waterberg district, Limpopo Province available at http://www.shangoni.co.za/Cms_Data/Contents/shangoniDB/Media/documents/Aquila%20S24g/Appendix%20F/F3/Meletse%20Gatkop%20PIA%20REVISED%20MAY%202014%20FINAL.pdf last accessed 28 July 2014.

version Madimatle and the caves have a great cultural, religious and heritage significance. Aquila has conceded that the physical impact on the area around Madimatle would be irreversible¹⁹. Despite their knowledge of this, Aquila has not acted appropriately in response to this identified issue. The EMP submitted by Aquila does not address the issue properly due to their narrow understanding of the cultural impacts; Aquila has not fully complied with the recommendations of its own experts and consultants; and Aquila has not consulted with interested and affected persons²⁰.

- 25 Furthermore, although the documents prepared by and on behalf of Aquila acknowledge in some respects the significance of Madimatle and the caves, they go nowhere near far enough in this assessment. This statement of significance demonstrates just how important the caves and Madimatle are and the integral link between them. This importance is inimical to any suggestion that the Affected Farms can be mined at all, let alone that Madimatle should be mined.
- 26 The EMP lists the anthropological impacts, together with suggested mitigations measures to manage such impact. A major concern is that the description of the anthropological impacts in the EMP are fatally flawed because they are based on the incorrect premise that Madimatle refers only to the caves.²¹ Consequently, the descriptions of the impacts in the EMP are wholly inadequate as they only take into account the caves.
- 26.1 This is despite specialist study SIA clearly describing the link between Madimatle and the caves, as set out above. As a result, no mitigation measures and/or action points address the religious and cultural significance of Madimatle itself. Equally, the EMP fails to consider the influence of the other identified impacts such as Visual, Blasting, Traffic, change in Sense of Place and Noise on the anthropological importance of Madimatle. By way of an

¹⁹ Page 302 of 577 of the EMP, available on the enclosed CD.

²⁰ In this regard, we note that only two traditional healers were interviewed for the purposes of the Anthropological Report, which is wholly insufficient.

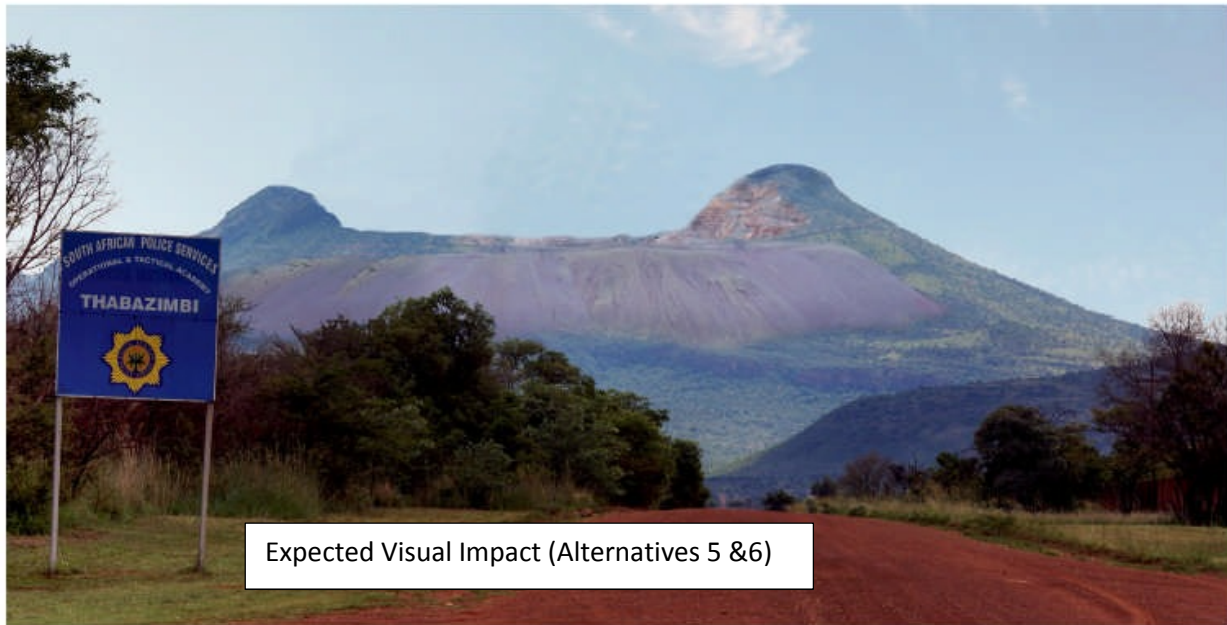
²¹ This derives from page 4 of SIA.

example, the Artistic Impression of the Envisaged Visual Impact²² set out below is a projection of the expected extent of the destruction of Madimatle based on two alternative layouts of the mine. The visual impact is described in the EMP as being of a high degree of irreplaceable loss of the sense of place, on a permanent basis and that the extent of this shall be regional. It also mentions that such impact will be irreversible.²³ There is no consideration of the inescapable fact that the heritage significance of Madimatle (as demonstrated herein) is prohibitive of mining activities, as such activities will destroy the very essence of Madimatle, permanently and irreversibly.



²² Appendix E9.2 to the EMP available at http://www.shangoni.co.za/Cms_Data/Contents/shangoniDB/Media/documents/Aquila%20NEMA%20SR/Appendix%20E/E9/Artistic_Impression_KOP25%20add.pdf last accessed on 21 July 2014

²³ Page 376 of 577 of the EMP available on the enclosed CD



EXPECTED VISUAL IMPACT OF ALTERNATIVES 5 AND 6

26.2 The EMP describes the Potential Cumulative Anthropological Impact as follows: "Cultural heritage of the Madimatle Cave and surrounding area – the activities have a cumulative impact in the sense that relations with neighbouring community were put at risk and continue to do so in the future" ²⁴. This is equally concerning as it reflects that Aquila's priorities in respect of the anthropological impacts are entirely misdirected. The concern seems to be on the risk to neighbouring community relations rather than the fact that proceeding with a mining operation is a human rights issue in that it will amount to a complete denial of the right of the community to practice their culture and religion. This is despite this notion having been expressly raised by the social impact assessor, as referenced in above. This reinforces the need for immediate protection of this heritage site.

26.3 The EMP sets out an Anthropological Action Plan²⁵ (hereinafter referred to as the "**Action Plan**"). The mitigation measures proposed are said to have been put forward by only the two healers interviewed by the specialist. As such, the proposed mitigation measures cannot merely be accepted as a validated and/or mandated view of the community. As is clear from the views expressed in the statements and questionnaires attached hereto, such mitigation

²⁴ At page 275 of 577 and page 301 of 577 available on the enclosed CD

²⁵ Page 532 of 577 available on the enclosed CD

measures are completely inadequate to the community with KARA and the THO have personally interacted.

- 26.4 The Action Plan recommends that the “first important step is to declare the Madimatle site a provincial or national heritage site” and that this “would be to the best interest of the traditional healer community and other heritage stakeholders, local government and any development action such as mining.”²⁶ We are in agreement with this proposed action, however, are of the view that a national heritage site is the appropriate option due to the wide-reaching significance of Madimatle.
- 26.5 The remainder of the Action Plan focuses on issues such as a perimeter fence, access control, the construction of a waiting and preparation area, telephone services for the proposed caretaker and some kind of compensation for the original residents in the area. It fails to deal with the essential questions of how Aquila will maintain the integrity of Madimatle and the caves, in light of the factors depicted in this letter as to the mutual exclusivity of the true purpose of religious and cultural practice as opposed to mining purposes. The reason that the EMP fails to deal with this aspect is that there are no mitigation measures possible.
- 27 In light of the inextricable link between Madimatle and the caves, which has been confirmed in Aquila’s own specialist studies and repeatedly confirmed by our findings as highlighted herein we respectfully submit that the content of the EMP submitted by Aquila portrays a picture where the constitutional right to practise religion and culture, together with the protection of heritage and culture, have been wholly overlooked and undermined by Aquila.
- 28 Aquila has already transgressed the communities’ right to practise religion and culture in that, since at least early February 2013, they have taken the decision to suspend all access to the cave by constructing a perimeter fence and access gate without consultation with the traditional healer, thus intending to restrict their rights to access the caves and Madimatle.

²⁶ Page 301 of 577 of the EMP available on the enclosed CD

- 29 The unlawful extension of the authorised prospecting activities²⁷ already undertaken by Aquila along the Madimatle slopes has had the effect of desecrating an area of great spiritual and ancestral significance to the community. The irreparable visual scarring of Madimatle, which has been described as permanent and irreversible, will deprive the traditional people and affected communities of an essential component of their religious and cultural practice, in a manner that no mitigation method can reconcile. The following image is an example of the damage caused by access roads and blasting sites to the peak of Madimatle:



Further photographs of this impact on the peak of Madimatle are enclosed hereto as Annexure “**S9**”, together with a video taken as recently as 31 May 2014 evidencing this.

²⁷ For example, under the auspices of an authorisation entitling them to construct between one-and-a-half to three kilometres of road, Aquila has constructed thirty-three kilometres of road, as mentioned above.

- 30 The threat to this living heritage site, which is undoubtedly of both historical and current spiritual, religious and cultural significance on a local, regional, national and Southern African level, is therefore clear. It is a threat that cannot be underestimated due to the mutual exclusivity of religious and cultural practice on the one hand and mining activities on the other and the clear intention of Aquila to disregard the fundamental, constitutional rights of the community for the integrity of Madimatle and the caves to remain intact.

References

Aquila Steel (S Africa) (Pty) Ltd: Meletse Iron Ore Project Environmental Management Programme ("EMP") under the MPRDA, 2002 (Ref: 30/5/1/2/2/10071MR), July 2014

SPECIALIST STUDIES – Appendices to EMP

- Appendix E3 - Almond, J.E. March 2014. Palaeontological assessment: combined desktop & site visit report proposed Meletse Iron Ore Project on remaining extent of the farms Donkerpoort 448KQ and Randstephne 455KQ near Thabazimbi, Waterberg district, Limpopo province.
- Appendix E4 - African Heritage Consultants CC. May 2014. 1st Phase Cultural Heritage Impact Assessment for the farms Donkerpoort 448 KQ, Randstephne 455 KQ and Waterval 443 KQ, Thabazimbi, Limpopo province.
- Appendix E5.1 Kearney, T.C. & Seamark, E.C.J. January 2012. Assessment of the bats at Gatkop Cave, and possible mitigation measures.
- Appendix E9.1 Zone Land Solutions. June 2014. Visual impact assessment, Prepared as part of a Section 24G rectification application, Proposed Meletse Iron Ore Project
- Appendix E9.2 - Zone Land Solutions. March 2014. Visual impact assessment, Prepared as part of an Environmental Impact Assessment Process, Proposed Meletse Iron Ore Project.
- Appendix E14 Equispectives Research and Consulting Services. March 2014. Meletse Iron Ore Project, Social Impact Assessment.
- Appendix E15 Van Vuuren, C.J. May 2014. Cultural Heritage of the Madimatla cave and surrounding area: An anthropological perspective.