

# DIGBY WELLS

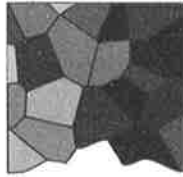
ENVIRONMENTAL

**7 June 2014**

Arnot Mooifontein Grave Relocation Information Sharing Meeting and Next-of-Kin Registration

## **Agenda**

1. Welcome and apologies
2. Purpose of the meeting
3. Brief overview of the Arnot HIA
4. Legislative requirements
5. Outline of process
6. Defining Next-of-Kin and registration
7. Comments and questions
8. Closing and thanks



# DIGBY WELLS

## ENVIRONMENTAL

### ATTENDANCE REGISTER

#### ARNOT MOOIFONTEIN GRAVE RELOCATION INFORMATION MEETING

#### GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE, MPUMALANGA PROVINCE, SOUTH AFRICA

07 June 2014

DATE: 7 June 2014

VENUE: Corn & Cob

PROJECT: EXX 2589

TIME: 10:00

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\*Non-Executive

draft  
copy  
Please


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Mrs	Frans. Rossouw	Family Member	31 Van Niekerk-st 14 en d'rina 1095	Tel: 073 757 6444 Fax: E-mail: Signature:
Mr	Simon Selala	Selala Funeral Services	P.O. Box 1042 Emaloleni 1039	Tel: 071 467 2534 Fax: (013) 696-3304 E-mail: selala.simon@gmail.com Signature:
Mr	Wberst Edward	ARMY EXXare coal mine	Box 30 MATHHELA 8990	Tel: 013 297 8103 Fax: E-mail: Edward.Mberst@exxare.com Signature:
Miss	NMantia Mahlangu	Steve Tshete Clu	P.O.Box 2333 Middelburg 1050	Tel: 073 574 6009 Fax: E-mail: dmantia@mpg.gov.za Signature:





TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS	
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**DIGBY WELLS**  
ENVIRONMENTAL

**Arnot Mooifontein Grave Relocation**  
Information Sharing Meeting and Next-of-Kin  
Registration  
7 June 2014

[www.digbywells.com](http://www.digbywells.com)


### Purpose of this meeting

- Discuss grave relocation process
- Identify affected persons & bona fide next of kin
- Register bona fide next of kin
- Present a Draft Entitlement Framework
- Start consultation




### Background

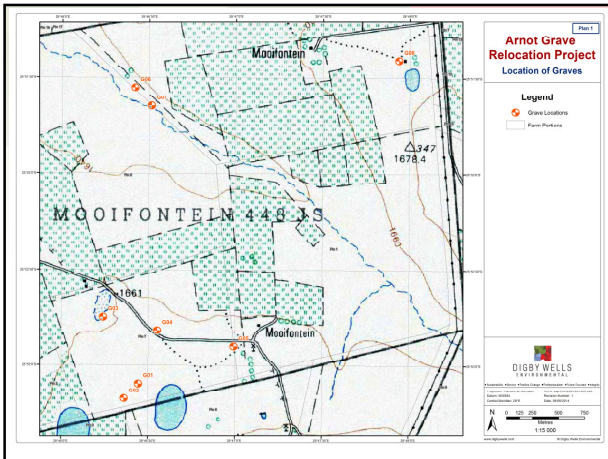
- Graves identified in project area in HIA in 2011
- Affected gravesites located on Portions 1, 7 & RE of Mooifontein
- Total number of affected graves approximately 30



### Identified Deceased

Site Number	Grave Number	Deceased	Dates
G 02	107	Anna M. H. Rossouw	b. Jun. 1917, d. 28 Feb. 1920
G 02	100	Hannes L. A. Rossouw	b. 19 Jul. 1928, d. 4 Jun. 1929
G 03	106	April Leshoka Mokwana	d. 1902
G 05	102	Frans Pieter Rossouw	b. 10 Jul. 1893, d. 12 Dec. 1962
G 05	104	Johannes L. A. Rossouw	b. 30 Sep. 1936, d. 5 Jun. 1944
G 08	353	Sesi Martha Ngoma	b. 4 Dec. 1967, d. 15 Nov. 2010
G 10	350	Toerkie Motshoene	n.d.
G 10	359	Andries Motshoene	d. 1945





## Legal Framework

- Section 36 of National Heritage Resources Act, No. 25 of 1999 - NHRA
- Chapters 9 and 11 of NHRA Regulations, 1999
- National Health Act (NHA)
- National Health Act (NHA) Regulations, 2013
- Mpumalanga Cemeteries, Crematoria and Exhumation of Bodies Act, 2005 (Act No. 8 of 2005) (MCCEBA); and
- Applicable municipal bylaws



## Grave Relocation Process

### NHRA Regulations Chapter XI Consultation

- Identify affected graves
- Identify bona fide NoK
  - Consult with local community
  - 60 day Site Notification period
  - Advertise in newspaper
- Consult with NoK & reach agreement

### NHRA Regulations Chapter IX Permit Application

- Apply for permits
  - SAHRA permit for graves older than 60 years
  - Provincial permit for graves younger than 60 years
- Exhumation and re-burial



## Defining Next-of-Kin

- Next of Kin are defined as:
  1. Surviving spouse
  2. Eldest adult child
  3. Parent
  4. Adult sibling
  5. Closest adult relative




# Draft Entitlement Framework

## NHRA Regulations Chapter XI Consultation




## Purpose

- **Entitlement = rights & responsibilities that NoK & Exxaro Arnot Coal have regarding gravesites**
- DEF is to **ensure that next-of-kin (NoK) are given the right** to make decisions regarding their gravesites
- Outcome of DEF is an Entitlement Framework (EF)
- EF will form **basis of agreement between NoK and Exxaro Arnot Coal**
- **EF will be submitted to SAHRA, etc. for approval**




## Outline

1. General entitlement
2. Entitlement regarding gravesites if they stay in place
3. Entitlement regarding gravesites if they are moved
4. Entitlement regarding graves that are moved, but that do not have NoK



### Section 1: General Entitlement


Remedial action	Remedial action principles / comments	Entitlement
Consultation related to entitlement	NoK and other interested people must be identified to consult and decide on the future of gravesites	Exxaro Arnot Coal will collect NoK to attend the meetings and take them back again within 100 km of the meeting venue
	Interested people can include the NoK, landowners, amakosi and local authorities	
	Exxaro Arnot Coal must consider providing travel assistance to NoK to attend meetings	NoK and other people will be a consulted
	Travel assistance will not be paid in cash or paying for fuel, taxis, busses or air travel	
	If NoK can not attend meetings they must appoint someone to attend for them	






**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Plan for management of existing graves	Exxaro Arnot Coal must compile a Conservation Management Plan (CMP)	NoK and other people will be allowed to make comments and decisions
	The CMP must be written with input from the NoK	
	The CMP must include agreements on how gravesites will be protected, how access will be provided	




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Conservation of burial grounds and graves	Exxaro Arnot Coal must protect and look after gravesites that will not be relocated	Exxaro Arnot Coal must make sure that condition of gravesites are kept as it is during the life of the project
		Exxaro Arnot Coal will protect gravesites by putting up fences
		Exxaro Arnot Coal will clean gravesites and look after them if NoK can not do it




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Access to conserved burial grounds and graves	Exxaro Arnot Coal must allow NoK to visit gravesites and perform cultural ceremonies	NoK will be allowed to visit gravesites, but must obey any health and safety rules
		NoK will be allowed to put up tombstones, but must obey any health and safety rules
		NoK will be allowed to perform rituals and ceremonies at their gravesites, but must obey any health and safety rules.
	Exxaro Arnot Coal will not be responsible for loss, injury, damage, death or other impact on NoK when visiting gravesites	Exxaro Arnot Coal will be entitled to indemnity of any claims in the event of loss, injury, death or any other risk experienced by NoK when visiting graves.
	NoK will need to sign informed indemnity every time they visit graves	




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Improvement to burial grounds and graves	Exxaro Arnot Coal must allow NoK to repair and fix gravesites	NoK will be allowed to repair and fix gravesites at their own cost
		NoK will be told of any changes to gravesites that may happen because of project activities or if landowners change
		Exxaro Arnot Coal will pay for the repair and fixing of gravesites if project activities have affected them




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Presentation of burial grounds and graves	Exxaro Arnot Coal must allow NoK to erect tombstones and visit graves to perform ceremonies	NoK will be allowed to visit gravesites to erect new tombstones
		NoK must pay for all new tombstones and ceremonies




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Performances at burial grounds and graves	Exxaro Arnot Coal must allow NoK to express their culture	NoK will be allowed to perform actions associated with living heritage at graves
		NoK will be responsible for all costs associated with performances




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Recompense for in situ conservation	NoK whose gravesites will not be relocated will not receive solatia	NoK will not be paid if their gravesites are not relocated




**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Relocation of graves	Exxaro Arnot Coal must pay the costs of exhuming, relocating and reburial of deceased	Exxaro Arnot Coal will pay for a grave relocation as per law
		Exxaro Arnot Coal will pay a qualified and registered archaeologist to manage the grave relocation process
	Exxaro Arnot Coal will pay the cost of a registered funeral undertaker to exhume, transport and rebury the deceased	NoK will be allowed the right to make decisions and agreements to relocate graves
	Exxaro Arnot Coal will pay the cost to identify and consult NoK	NoK will be allowed the right to give informed consent before graves are exhumed




**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must pay the costs to move and rebury the deceased in new graves	NoK will be allowed to have their deceased relatives reburied in new grave plots in other cemeteries of their choice as long as it is allowed by law and reasonable
		Exxaro Arnot Coal will pay the costs of new graves




**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must pay the costs to move and rebury the deceased in new graves	Exxaro Arnot Coal will pay to have old tombstones removed and put up again at new cemeteries as long as it is allowed by cemetery rules
		Exxaro Arnot Coal will replace "informal" tombstones such as bricks-and-cement, at the new cemetery with new tombstones
		Exxaro Arnot Coal will pay for new grave markers at the new cemeteries if the old graves did not have any tombstones
		Exxaro Arnot Coal will fix or replace tombstones that may be damaged during removal
		Exxaro Arnot Coal will replace tombstones if the new cemetery does not allow the old ones




**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must register the new graves in the names of the NoK  Exxaro Arnot Coal must acknowledge the right of NoK to perform cultural ceremonies and pay for things that may be required	NoK will need to pay for all fixing and repair of new graves after they have been relocated
		NoK will be allowed to perform cultural ceremonies
		NoK will be allowed to provide lists of things that may be required for cultural ceremonies for agreement between NoK and Exxaro Arnot Coal
		Exxaro Arnot Coal will pay the expenses that may be need for the cultural ceremonies



**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Solatia	Exxaro Arnot Coal will acknowledge that moving graves are difficult for NoK  NoK will not be paid any other money other than the goodwill token, for attending meetings or giving permission  Only bona fide NoK will receive the goodwill token. This means that only one closest living relative will receive solatia	Exxaro Arnot Coal will acknowledge that moving graves are difficult for NoK by paying a goodwill token to bona fide NoK
		Only <i>bona fide</i> NoK as defined under Section 3 of the Exhumations Ordinance will receive the goodwill token, i.e. only the single, closest living relative



### Section 4: Entitlement if no NoK are Identified

Remedial action	Remedial action principles / comments	Entitlement
Relocation of graves	Exxaro Arnot Coal must pay for the costs of exhuming, relocating and re-intering the contents of graves	Exxaro Arnot Coal will implement a grave relocation process in accordance with applicable legislation
		Exxaro Arnot Coal will appoint a qualified and registered archaeologist to manage the grave relocation process
		Exxaro Arnot Coal will pay for a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of a qualified archaeologist



### Section 4: Entitlement if no NoK are Identified

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment	Exxaro Arnot Coal must cover costs for the establishment of new graves
		Exxaro Arnot Coal will remove and put up tombstones at new cemeteries
		Exxaro Arnot Coal will pay for grave markers at the new graves if the old graves did not have "formal" tombstones. Grave markers will indicate the grave number, origin and date of relocation of the grave.
		Exxaro Arnot Coal will fix or replace tombstones damaged as a result of relocation
		Exxaro Arnot Coal will replace tombstones that may not be allowed in new cemeteries with new tombstones



### Comments and questions



### Next meeting

- Proposed date and venue of next meeting
- Next of Kin or elected representatives to attend
- Discuss comments and responses on Draft Entitlement Framework



**Project Name:** Arnot Mooifontein Grave Relocation

**Project No:** EXX 2589

**Date:** 10 June 2014

## 1 Present

Name	Affiliation	Title
Mr Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Ms Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Ms Simphiwe Mthiyane	Exxaro Arnot Coal	Environmental Officer
Mr Edward Mbedzi	Exxaro Arnot Coal	Environmental Observer
Ms Nhlanhla Mahlangu	Steve Tshwete CDW	
Mr Simon Selala	Selala Funeral Services	
Mr Thapelo Maseko	Maseko & Associates	
Mr Lawrence Mkhonza		Heritage Consultant

Family and next of kin as per attendance register attached.

## 2 Apologies

Messrs. Stephanus Jansen Weyers and Frans Pier Rossouw (elected representatives of the Rossouw family graves) arrived at 10h00 to present their letter of consent and requirements and indicated that they will not attend the meeting.

## 3 Welcome and introduction

Meeting was chaired by JN.

- JN welcomed everyone present and thanked the audience for their time to attend the meeting.
- JN introduced Digby Wells' specialists;
- JN indicated that the Rossouw family had provided consent in writing and opted to not attend the meeting or any future meetings. JN stated that he would keep the Rossouw

family of all the meetings and any developments during the course of the consultation period.

- The Motshoene family arrived late to the meeting as they had gone to the mine directly. They said that they had been informed the day before of the meeting by an individual at Arnot Coal Mine.

#### 4 Purpose of the meeting

- JN gave background to the project and outlined the legal requirements and legislation that governs the grave relocation process and consultation.
- JN discussed the grave relocation process as per the presentation.
- JN stated that an agreement will be negotiated between the NoK and Exxaro regarding grave relocation. This agreement is a collective agreement (family agreement); however, the relevant NoK (as defined previously) will be the person who will be eligible to sign any agreements.
- JN stated that the Draft Entitlement Framework (DEF) would form the basis of any agreement between the NoK and Exxaro. The DEF will enable NoK to provide input into a Conservation Management Plan (CMP) and grave relocation.
- JN added that agreement on the DEF will not constitute consent for grave relocation, but will form the basis for entitlements if, and when, grave relocation is implemented. Consent from the NoK will be requested from NoK for grave relocation.
- JN stated that the final EF and agreement will be submitted to *inter alia* the South African South Africa Heritage Resources Agency (SAHRA) for approval.
- JN continued to present the Draft Entitlement Framework (DEF) matrix to the stakeholders present, in simplified language, aided by a PowerPoint presentation. Ms Simphiwe Mthiyane facilitated with translation.

#### 5 Matters Arising

Matter raised	Digby Wells Response
Mr Lawrence Mkhonza stated that he is worried that there was not enough time for arrangements to be made from the date of the newspaper advert and the meeting.	JN responded that the concern was noted, but that the relevant Acts and Regulations do not provide clear timeframes for when meetings should be held.
Mr Mkhonza stated that if information had been circulated regarding Exxaro's willingness to provide transport, the turnout might have been better	JN responded by noting the matter, and stating that to inform persons ahead of the first meeting is difficult

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Corn and Cob, Mpumalanga**



<p>Mr Mkhonza stated that the venue was not a well know venue and people might not know where it is.</p>	<p>JN responded by noting the comment, and stated that the venue was chosen as it is the closed venue to the project area.</p>
<p>Mr Mkhonza stated that consideration should be given to advertising the NoK meetings via community radio.</p>	<p>JN responded by noting the comment, and stated that the venue was chosen as it is the closed venue to the project area.</p>
<p>Mr Thapelo Maseko enquired as to who would be liable should agreements not be met.</p>	<p>JN responded that Digby Wells will be responsible for the project management until conclusion, and any disputes should be raised with Digby Wells.</p> <p>JN also indicated that this matter will be put to Exxaro.</p> <p>JN further stated that in the event that anything regarding actual rituals and ceremonies are amiss, neither Digby Wells nor Exxaro can accept responsibility, as such matters are beyond their mandate.</p>
<p>Mr Mkhonza enquired whether Digby Wells will attempt to get buy-in from all NoK whose grave may at some stage be affected, or will this project be limited to the identified gravesites.</p>	<p>JN responded that Digby Wells have recommended to Exxaro that all graves be relocated, but that the project will only focus on graves located in the current project area, i.e. Mooifontein.</p>

## 6 NoK Input into Entitlement Matrix

Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
<b>Consultation related to entitlement</b>	All possible affected stakeholders must be identified in respect of proposals regarding the future of burial grounds and graves.	Affected stakeholders will be entitled to be consulted.	Mr Motshoene asked that the radius for the transport be increased as his family lives in Groblersdal which is further than 100 km from the venue.	JN noted his request and stated that it would be put to Exxaro for approval  Exxaro will arrange transport from Dennilton
	Affected stakeholders may include landowners, relatives of the deceased, traditional and local authorities, and conservation groups.			
	Exxaro Arnot Coal must consider providing travel assistance to NoK to attend meetings	Exxaro Arnot Coal will collect and provide transport for stakeholders within a 100 km radius of the meeting venue		
	Travel assistance must exclude cash reimbursements for any travel related expenses,			



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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
	including fuel, public transport or air travel.			
	NoK who cannot attend focus group meetings will need to elect and appoint representatives to act on their behalf.			
<b>Category 1 graves (Graves that will not be directly impacted on)</b>				
<b>Plan for in situ management of graves</b>	A Conservation Management Plan (CMP) must be drafted at the cost of Exxaro Arnot Coal	Affected NoK and landowners will be entitled to provide input into the CMP through consultation		
	A CMP must be an inclusive, participatory decision-making process with input from all affected persons, including NoK and landowners.			
	The CMP must include agreements on the conservation, presentation and improvement of burial			

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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
	grounds and graves			
<b>Conservation of burial grounds and graves</b>	Exxaro Arnot Coal must protect and conserve burial grounds and graves that will remain in situ in the project area	Exxaro Arnot Coal will ensure that the status quo of the burial grounds and graves are maintained throughout the life of the project;		
		Exxaro Arnot Coal will fence burial grounds and grave to safeguard sites against possible direct, physical damage		
		Exxaro Arnot Coal will maintain sites through cleaning and periodic monitoring in lieu of unrestricted access by NoK		
<b>Access to conserved burial grounds and graves</b>	Exxaro Arnot Coal must acknowledge the right of NoK to access conserved burial grounds and graves to ensure sustainable use	NoK will be entitled to access gravesites, within constraints that may be imposed by any health and safety policies, regulations and legislation.	Mr Motshoene stated that access to their graves at the moment is difficult for them, and it takes a long time to get to them.	JN noted the comment about the access and agreed with Mr Motshoene about the difficulty accessing the graves.

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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
	of the sites and safeguard their cultural significance	NoK will be entitled to improvement of their burial grounds and graves, within constraints that may be imposed by any health and safety policies, regulations and legislation.	He thanked Exxaro for providing the opportunity to move the graves, and to allow their input into the process.	JN further stated that the Motshoene graves may not be directly impacted; however, access to the graves is already restricted giving rise to the decision to include these graves in the process.
		NoK will be entitled to performances at their burial grounds and graves, within constraints that may be imposed by any health and safety policies, regulations and legislation.		
	Exxaro Arnot Coal will have indemnity from any risk, injury, damage or other impact on NoK when visiting gravesites.	Exxaro Arnot Coal will be entitled to indemnify itself of any claims in the event of loss, injury, death or any other risk experienced by NoK when accessing graves.	Mr Motshoene indicated his confusion regarding indemnity.	JN clarified the indemnity, stating that if someone was to die in the mine area, it would be reflected as a fatality on the mine. If the death/injury was <b>not</b> caused by Exxaro mining operations, they would not be held responsible.  However, if the death/injury was the result of negligence on the part of Exxaro, then
		NoK will be entitled to sign informed consent indemnifying Exxaro Arnot		

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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
		Coal of any loss, injury, death or any other risk experienced when visiting graves.		Exxaro would be responsible.
<b>Improvement to burial grounds and graves</b>	Exxaro Arnot Coal must allow NoK to repair, restore and rehabilitate burial grounds and graves	NoK will be entitled to improve the existing state of conserved burial grounds and graves, at their own cost		JN stated that an aspect of the CMP would be to draft status quo reports that will be used to monitor the condition of graves. If graves are damaged by project activities, Exxaro will be responsible to repair such graves.
		NoK will be entitled to being informed of any changes to burial grounds and graves as a result of project activities, or changes in ownership		
	Exxaro Arnot Coal must repair, restore and rehabilitate burial grounds and graves affected by project activities resulting from Exxaro Arnot Coal's development	Exxaro Arnot Coal will cover the costs of improvement to burial grounds and graves, in the event that project-related activities have resulted in damage to such sites.		
<b>Presentation of burial grounds and</b>	Exxaro Arnot Coal must allow NoK presentation of / at the burial grounds and	NoK will be entitled to access their graves erect for the purposes of erecting new		

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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
graves	graves	grave dressings		
		NoK will be responsible for all costs associated with erecting new grave dressings		
Performances at burial grounds and graves	Exxaro Arnot Coal must acknowledge the right of NoK to express their living heritage	NoK will be entitled to performing actions associated with living heritage at graves.		
		NoK will be responsible for all costs associated with performances.		
Recompense for <i>in situ</i> conservation	NoK whose burial grounds and graves are conserved <i>in situ</i> will not be recompensed	NoK will not be entitled to any recompense in the form of solatia or otherwise for the conservation of graves		
<b>Category 2 graves (Graves that will be directly impacted on)</b>				
Relocation of graves	Exxaro Arnot Coal must cover the costs of exhuming, relocating and re-interring the contents of	Exxaro Arnot Coal will implement a grave relocation process in accordance with applicable legislation		

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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
	graves	Exxaro Arnot Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
	Exxaro Arnot Coal must cover the costs to identify and consult NoK regarding proposals to relocate graves	Exxaro Arnot Coal will cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of a qualified archaeologist		
		NoK will be entitled to participate in the decision-making process in order to reach agreements regarding relocating graves		
		NoK will be entitled to provide informed consent prior to exhuming the contents of graves		
Re-	Exxaro Arnot Coal must	NoK will be entitled to have		

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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
establishment of graves	cover costs for the establishment of new graves	the contents of their graves re-interred in new grave plots in established cemeteries of their choice, within reason and relevant legal frameworks.		
		Exxaro Arnot Coal will cover costs associated with the procurement and registration of new grave plots		
	Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment	NoK will be entitled to the removal of existing commercial or artisan dressings, such as granite headstones, and re-erected at the new gravesite, with the provision that cemetery regulations make allowance for such dressings.		JN stated that in most instances NoK are urged to have the graves relocated to a municipal cemetery as they will be looked after in these types of cemeteries.
		NoK will be entitled to the have non-commercial or non-artisan dressings such as brick-and-mortar dressings, replaced at the new gravesite		

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Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
		with commercial grave dressings of similar costs.		
		NoK will be entitled to grave markers at the new grave where existing grave dressings comprised only stone-packed cairns or were absent.		
		Exxaro Arnot Coal will repair or replace grave dressings damaged as a result of relocation		
		Exxaro Arnot Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing		
	Exxaro Arnot Coal must ensure that new grave sites are registered in the names of the bona fide	NoK will be responsible for costs of improvement and presentation of new grave sites after re-establishment		JN stated that no cash would be given to any person to buy the items required for rituals or performances. This ensures that no individual is accused of being paid for



Minutes of First Next-of-Kin Meeting held on 7 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
	NoK			grave relocation.
	Exxaro Arnot Coal must acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves, and cover reasonable costs associated with performances that may be associated with such living heritage	NoK will be entitled to expressing their living heritage		JN requested that the families provide a list of items required for the rituals/ceremonies at the next meeting.
		Logistical arrangements and needs will be determined and agreed on in consultation with NoK		
		Exxaro Arnot Coal will cover expenses associated with logistical arrangements and physical needs of NoK in order to express their living heritage		
<b>Solatia</b>	Exxaro Arnot Coal should acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced	Exxaro Arnot Coal will acknowledge the inconvenience and possible loss experienced by NoK as a financial token that will be agreed upon between NoK and Exxaro Arnot Coal		JN requested that NoK must consult with their families and provide a cost at next meeting.  NoK must keep in mind that all other expenses will be paid for by Exxaro, and that the solatium will only be paid after the entire process has concluded NoK must

Minutes of First Next-of-Kin Meeting held on 7 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
	<p>NoK will not receive any additional payment, other than recompense in the form of a solatium, for attending meetings or giving consent.</p> <p>Beneficiaries of solatia will be NoK defined in accordance with Section 3 of the Exhumations Ordinance, i.e. the closest relative of the deceased. This means that only one closest living relative will receive solatia.</p>	<p>Only <i>bona fide</i> NoK as defined under Section 3 of the Exhumations Ordinance will be entitled to receiving solatia, i.e. only the single, closest living relative will be eligible.</p>		<p>provide amounts at next meeting.</p> <p>Exxaro to respond / agree / negotiate.</p>
<b>Category 3 graves (Graves that will be directly impacted on, without identified NoK)</b>				
<b>Relocation of graves</b>	<p>Exxaro Arnot Coal must cover the costs of exhuming, relocating and re-interring the contents of graves</p>	<p>Exxaro Arnot Coal will implement a grave relocation process in accordance with applicable legislation</p> <p>Exxaro Arnot Coal will appoint a qualified and</p>		<p>JN stated that graves without identified NoK are generally reburied in municipal cemeteries</p>

Minutes of First Next-of-Kin Meeting held on 7 June 2014 at the Corn and Cob, Mpumalanga

Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
		registered archaeologist to manage the grave relocation process		
		Exxaro Arnot Coal will cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of a qualified archaeologist		
<b>Re-establishment of graves</b>	Exxaro Arnot Coal must cover costs for the establishment of new graves	Exxaro Arnot Coal will cover costs associated with the procurement and registration of new grave plots		
	Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment	Exxaro Arnot Coal will remove and re-erect existing commercial or artisan dressings, such as granite headstones, and re-erected at the new gravesite, with the provision that cemetery regulations make allowance for such dressings.		

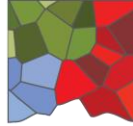
Minutes of First Next-of-Kin Meeting held on 7 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (7 June 2014)	Response / Action Item
		<p>Exxaro Arnot Coal will provide grave markers at the new grave where existing grave dressings did not comprise commercial or artisan dressings. Grave markers will indicate the grave number, origin and date of relocation of the grave.</p>		
		<p>Exxaro Arnot Coal will repair or replace grave dressings damaged as a result of relocation</p>		
		<p>Exxaro Arnot Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing</p>		

## **7 Closing and next meeting**

- A tentative date of 21 June 2014 was agreed on for the next meeting.
- A SMS notification of the next meeting will be sent out when the next meeting is organised with information regarding the transport.
- Johan once again thanked all those present for their time.



# DIGBY WELLS

## ENVIRONMENTAL

**21 June 2104**

Arnot Mooifontein Grave Relocation Process Next-of-Kin Registration and Draft Entitlement Framework discussion

### **Agenda**

1. Welcome and apologies
2. Approval of Previous Minutes and Matters Arising
3. Purpose of the meeting
4. Discuss Draft Entitlement Framework
5. Comments and questions
6. Registration of Next-of-Kin
7. Announcement of next meeting
8. Closing and thanks



# DIGBY WELLS

## ENVIRONMENTAL

### ATTENDANCE REGISTER

#### ARNOT MOOIFONTEIN GRAVE RELOCATION NEXT-OF-KIN MEETING

#### GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE, MPUMALANGA PROVINCE, SOUTH AFRICA

21 June 2014

DATE: 21 June 2014

VENUE: Beestepan Agricultural School

PROJECT: EXX2589

TIME: 10:00 - 15:00

Digby Wells & Associates (Pty) Ltd. Co. Reg. No. 1999/05985/07. Fern Isle, Section 10, 359 Pretoria Ave Randburg Private Bag X10046, Randburg, 2125, South Africa  
Tel: +27 11 789 9495, Fax: +27 11 789 9498, [info@digbywells.com](mailto:info@digbywells.com), [www.digbywells.com](http://www.digbywells.com)

Directors: A Sing\*, AR Wilke, LF Koeslag, PD Tanner (British)\*, AJ Reynolds (Chairman) (British)\*, J Leaver\*, GE Truster (C.E.O)  
\*Non-Executive




TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
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MR	Edward Mbedzi	exxaro-coal		Tel: Fax: E-mail: Signature:
MR	John Mkwana		P/o Box Denniltown w30	Tel: 0713127049 Fax: E-mail: Signature: [Signature]
MR	WILFRIED MOKOENA	MaFu be Colliery	P.O. Box 719 RIETKUIL 0761619350	Tel: 0761619350 Fax: E-mail: Signature: [Signature]





TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
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Mr	LAWRENCE MKHONZA	HERITAGE CONSULTANTS	P.O. BOX 70073 ISAKANE, 22 NABOOM CRAGEN DALMANI BRITAIN	Tel: 0723425347 Fax: - E-mail: V.mkhonza@heritagel.co.za Signature: L.Mkhonza
MR	Andries Mthweni	Dennilton	P.O. Box 186 Elandsdoorn 0485	Tel: Fax: E-mail: Signature: A. Mthweni Tel: 072-827568
MR	Thapelo Maseko	Thapelo Maseko Ass	1 Lake Hoof, Bhebe	Tel: Fax: E-mail: Thapelo.maseko@digbyenv.com Signature: Thapelo Maseko
Mrs	Corine de Jonge	The Herald Previous farm owners daughter/sister.	P.O. Box 44 Rietkuil 1097	Tel: 082 805 7967 Fax: - E-mail: 150years@vodanet.co.za Signature:





**DIGBY WELLS**  
ENVIRONMENTAL

**Arnot Mooifontein Grave Relocation**  
Next-of-Kin Meeting  
21 June 2014

[www.digbywells.com](http://www.digbywells.com)


## Agenda

1. Welcome & apologies
2. Approval of previous minutes & matters arising
3. Purpose of meeting
4. Discuss Draft Entitlement Framework
5. Comments & questions
6. Registration of next-of-kin
7. Announcement of next meeting
8. Closing & thanks




## Purpose of this meeting

- Provide feedback on first meeting
- Receive input from NoK on DEF
- Register bona fide next of kin



## Draft Entitlement Framework

**NHRA Regulations Chapter XI  
Consultation**



## Purpose

- **Entitlement = rights & responsibilities that NoK & Exxaro Arnot Coal have regarding gravesites**
- DEF is to **ensure that next-of-kin (NoK) are given the right** to make decisions regarding their gravesites
- Outcome of DEF is an Entitlement Framework (EF)
- EF will form **basis of agreement between NoK and Exxaro Arnot Coal**
- **EF will be submitted to SAHRA, etc. for approval**



## Outline

1. General entitlement
2. Entitlement regarding gravesites if they stay in place
3. Entitlement regarding gravesites if they are moved
4. Entitlement regarding graves that are moved, but that do not have NoK



### Section 1: General Entitlement

Remedial action	Remedial action principles / comments	Entitlement
Consultation related to entitlement	NoK and other interested people must be identified to consult and decide on the future of gravesites	Exxaro Arnot Coal will collect NoK to attend the meetings and take them back again, within approximately 150 km of the meeting venue
	Interested people can include the NoK, landowners, amakosi and local authorities	
	Exxaro Arnot Coal must consider providing travel assistance to NoK to attend meetings	NoK and other people will be a consulted
	Travel assistance will not be paid in cash or paying for fuel, taxis, busses or air travel	
	If NoK can not attend meetings they must appoint someone to attend for them	




### Section 2: Entitlement if Graves do not Move

Remedial action	Remedial action principles / comments	Entitlement
Plan for management of existing graves	Exxaro Arnot Coal must compile a Conservation Management Plan (CMP)	NoK and other people will be allowed to make comments and decisions
	The CMP must be written with input from the NoK	
	The CMP must include agreements on how gravesites will be protected, how access will be provided	




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Conservation of burial grounds and graves	Exxaro Arnot Coal must protect and look after gravesites that will not be relocated	Exxaro Arnot Coal must make sure that condition of gravesites are kept as it is during the life of the project
		Exxaro Arnot Coal will protect gravesites by putting up fences
		Exxaro Arnot Coal will clean gravesites and look after them if NoK can not do it




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Access to conserved burial grounds and graves	Exxaro Arnot Coal must allow NoK to visit gravesites and perform cultural ceremonies	NoK will be allowed to visit gravesites, but must obey any health and safety rules
		NoK will be allowed to put up tombstones, but must obey any health and safety rules
		NoK will be allowed to perform rituals and ceremonies at their gravesites, but must obey any health and safety rules.
	Exxaro Arnot Coal will not be responsible for loss, injury, damage, death or other impact on NoK when visiting gravesites	Exxaro Arnot Coal will be entitled to indemnity of any claims in the event of loss, injury, death or any other risk experienced by NoK when visiting graves.
		NoK will need to sign informed indemnity every time they visit graves




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Improvement to burial grounds and graves	Exxaro Arnot Coal must allow NoK to repair and fix gravesites	NoK will be allowed to repair and fix gravesites at their own cost
		NoK will be told of any changes to gravesites that may happen because of project activities or if landowners change
	Exxaro Arnot Coal must repair and fix gravesites if they have been affected by project activities	Exxaro Arnot Coal will pay for the repair and fixing of gravesites if project activities have affected them




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Presentation of burial grounds and graves	Exxaro Arnot Coal must allow NoK to erect tombstones and visit graves to perform ceremonies	NoK will be allowed to visit gravesites to erect new tombstones
		NoK must pay for all new tombstones and ceremonies




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Performances at burial grounds and graves	Exxaro Arnot Coal must allow NoK to express their culture	NoK will be allowed to perform actions associated with living heritage at graves
		NoK will be responsible for all costs associated with performances




**Section 2: Entitlement if Graves do not Move**

Remedial action	Remedial action principles / comments	Entitlement
Recompense for in situ conservation	NoK whose gravesites will not be relocated will not receive solatia	NoK will not be paid if their gravesites are not relocated




**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Relocation of graves	Exxaro Arnot Coal must pay the costs of exhuming, relocating and reburial of deceased	Exxaro Arnot Coal will pay for a grave relocation as per law
		Exxaro Arnot Coal will pay a qualified and registered archaeologist to manage the grave relocation process
		Exxaro Arnot Coal will pay the cost of a registered funeral undertaker to exhume, transport and rebury the deceased
	Exxaro Arnot Coal will pay the cost to identify and consult NoK	NoK will be allowed the right to make decisions and agreements to relocate graves NoK will be allowed the right to give informed consent before graves are exhumed



**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must pay the costs to move and rebury the deceased in new graves	NoK will be allowed to have their deceased relatives reburied in new grave plots in other cemeteries of their choice as long as it is allowed by law and reasonable
		Exxaro Arnot Coal will pay the costs of new graves



**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must pay the costs to move and rebury the deceased in new graves	Exxaro Arnot Coal will pay to have old tombstones removed and put up again at new cemeteries as long as it is allowed by cemetery rules
		Exxaro Arnot Coal will replace "informal" tombstones such as bricks-and-cement, at the new cemetery with new tombstones
		Exxaro Arnot Coal will pay for new grave markers at the new cemeteries if the old graves did not have any tombstones
		Exxaro Arnot Coal will fix or replace tombstones that may be damaged during removal
		Exxaro Arnot Coal will replace tombstones if the new cemetery does not allow for old ones

**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must register the new graves in the names of the NoK  Exxaro Arnot Coal must acknowledge the right of NoK to perform cultural ceremonies and pay for things that may be required	NoK will need to pay for all fixing and repair of new graves after they have been relocated
		NoK will be allowed to perform cultural ceremonies
		NoK will be allowed to provide lists of things that may be required for cultural ceremonies for agreement between NoK and Exxaro Arnot Coal
		Exxaro Arnot Coal will pay the expenses that may be need for the cultural ceremonies

**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Solatia	Exxaro Arnot Coal will acknowledge that moving graves are difficult for NoK	Exxaro Arnot Coal will acknowledge that moving graves are difficult for NoK by paying a goodwill token to bona fide NoK
	NoK will not be paid any other money other than the goodwill token, for attending meetings or giving permission	Only bona fide NoK as defined under Section 3 of the Exhumations Ordinance will receive the goodwill token, i.e. only the single, closest living relative
	Only bona fide NoK will receive the goodwill token. This means that only one closest living relative will receive solatia	

**Section 4: Entitlement if no NoK are Identified**

Remedial action	Remedial action principles / comments	Entitlement
Relocation of graves	Exxaro Arnot Coal must pay for the costs of exhuming, relocating and re-intering the contents of graves	Exxaro Arnot Coal will implement a grave relocation process in accordance with applicable legislation
		Exxaro Arnot Coal will appoint a qualified and registered archaeologist to manage the grave relocation process
		Exxaro Arnot Coal will pay for a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of a qualified archaeologist

### Section 4: Entitlement if no NoK are Identified

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must cover costs for the establishment of new graves  Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment	Exxaro Arnot Coal will pay the costs for new graves
		Exxaro Arnot Coal will remove and put up tombstones at new cemeteries
		Exxaro Arnot Coal will pay for grave markers at the new graves if the old graves did not have "formal" tombstones. Grave markers will indicate the grave number, origin and date of relocation of the grave.
		Exxaro Arnot Coal will fix or replace tombstones damaged as a result of relocation
		Exxaro Arnot Coal will replace tombstones that may not be allowed in new cemeteries with new tombstones

### Comments and questions



### Next-of-Kin Registration



### Identified Deceased

Site Number	Grave Number	Deceased	Dates
G 02	107	Anna M. H. Rossouw	b. Jun. 1917, d. 28 Feb. 1920
G 02	100	Hannes L. A. Rossouw	b. 19 Jul. 1928, d. 4 Jun. 1929
G 03	106	April Leshoka Mokwana	d. 1902
G 05	102	Frans Pieter Rossouw	b. 10 Jul. 1893, d. 12 Dec. 1962
G 05	104	Johannes L. A. Rossouw	b. 30 Sep. 1936, d. 5 Jun. 1944
G 08	353	Sesi Martha Ngoma	b. 4 Dec. 1967, d. 15 Nov. 2010
G 10	350	Toekie Motshoene	n.d.
G 10	359	Andries Motshoene	d. 1945





## Defining Next-of-Kin

- NoK are defined as the following, in order of preference:
  1. Surviving spouse
  2. Eldest adult child
  3. Parent
  4. Eldest adult sibling
  5. Closest adult relative



## Defining Next-of-Kin

- NoK to sign affidavit declaring their relationship to deceased
- Affidavit does not mean NoK are agreeing or giving permission
- Affidavit only verifies who can sign agreement and give permission
- Affidavit will also determine who will receive solatia



## Next meeting

- Proposed date: 5 July 2014
- Time: 11h00
- Venue: Corn & Cob or Beestekraal School



THANK YOU!



**Project Name:** Arnot Mooifontein Grave Relocation

**Project No:** EXX 2589

**Date:** 21 June 2014

## 1 Present

Name	Affiliation	Title
Mr Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Ms Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Ms Simphiwe Mthiyane	Exxaro Arnot Coal	Environmental Officer
Mr Edward Mbedzi	Exxaro Arnot Coal	Environmental Observer
Mr David Ndlovu	Exxaro Arnot Coal	
Ms Nhlanhla Mahlangu	Steve Tshwete CDW	
Mrs Corine de Jonge	The Herald	
Yolandi van Rooyen	Middleburg Mpumalanga Historical Conservation	
Mr Thapelo Maseko	Maseko & Associates	
Mr Lawrence Mkhonza		Heritage Consultant
Wynand Mokwena	Mafube Colliery	

Family and next of kin as per attendance register attached.

## 2 Apologies

- Pieter Motshoene; and
- Ngoma Family

## 3 Welcome and introduction

Meeting was chaired by JN.

- JN welcomed everyone present and thanked the audience for their time to attend the meeting.
- JN introduced Digby Wells' specialists;
- JN apologised for the late start as he had agreed with Exxaro that the meeting would start at 11:00 and not 10:00 as the meeting invite indicated.

#### **4 Purpose of the meeting**

- JN stated that the purpose of the meetings would be the same, as the main objective is to discuss the Draft Entitlement Framework (DEF).
- JN added that agreement on the DEF will not constitute consent for grave relocation, but will form the basis for entitlements if, and when, grave relocation is implemented. Consent from the NoK will be requested from NoK for grave relocation.
- JN continued to present the Draft Entitlement Framework (DEF) matrix to the stakeholders present, in simplified language, aided by a PowerPoint presentation. Ms Simphiwe Mthiyane facilitated with translation
- JN summarized Section 2 of the DEF as none of the affected graves would be conserved *in situ*.

#### **5 Matters Arising**

<b>Matter raised</b>	<b>Digby Wells Response</b>
Mr Wynand Mokwena asked if his graves located on Mooifontein Portion 4 would be affected.	JN responded that only portions 1, 5, 7 and the Remaining extent of Mooifontein would be affected.

## 6 NoK Input into Entitlement Matrix

Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
<b>Consultation related to entitlement</b>	All possible affected stakeholders must be identified in respect of proposals regarding the future of burial grounds and graves.	Affected stakeholders will be entitled to be consulted.	NoK agreed in principal	
	Affected stakeholders may include landowners, relatives of the deceased, traditional and local authorities, and conservation groups.			
	Exxaro Arnot Coal must consider providing travel assistance to NoK to attend meetings	Exxaro Arnot Coal will collect and provide transport for stakeholders within a 150 km radius of the meeting venue		
	Travel assistance must exclude cash reimbursements for any travel related expenses,			

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
	including fuel, public transport or air travel.			
	NoK who cannot attend focus group meetings will need to elect and appoint representatives to act on their behalf.			
<b>Category 1 graves (Graves that will not be directly impacted on)</b>				
<b>Plan for in situ management of graves</b>	A Conservation Management Plan (CMP) must be drafted at the cost of Exxaro Arnot Coal	Affected NoK and landowners will be entitled to provide input into the CMP through consultation	Mr Andries Motshoene (AM) asked if the Motshoene graves would be moved.	JN responded by stating that the access to the Motshoene graves is at risk, so the graves should be moved so that the families may have unrestricted access to their graves. JN added that if the mine plan changes and the access to the graves will not be impacted on, then the graves will be conserved <i>in situ</i> .
	A CMP must be an inclusive, participatory decision-making process with input from all affected persons, including NoK and landowners.			
	The CMP must include agreements on the conservation, presentation and improvement of burial			

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
	grounds and graves			
<b>Conservation of burial grounds and graves</b>	Exxaro Arnot Coal must protect and conserve burial grounds and graves that will remain in situ in the project area	Exxaro Arnot Coal will ensure that the status quo of the burial grounds and graves are maintained throughout the life of the project;		
		Exxaro Arnot Coal will fence burial grounds and grave to safeguard sites against possible direct, physical damage		
		Exxaro Arnot Coal will maintain sites through cleaning and periodic monitoring in lieu of unrestricted access by NoK		
<b>Access to conserved burial grounds and graves</b>	Exxaro Arnot Coal must acknowledge the right of NoK to access conserved burial grounds and graves to ensure sustainable use	NoK will be entitled to access gravesites, within constraints that may be imposed by any health and safety policies, regulations and legislation.		

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga

Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
	of the sites and safeguard their cultural significance	NoK will be entitled to improvement of their burial grounds and graves, within constraints that may be imposed by any health and safety policies, regulations and legislation.		
		NoK will be entitled to performances at their burial grounds and graves, within constraints that may be imposed by any health and safety policies, regulations and legislation.		
	Exxaro Arnot Coal will have indemnity from any risk, injury, damage or other impact on NoK when visiting gravesites.	Exxaro Arnot Coal will be entitled to indemnify itself of any claims in the event of loss, injury, death or any other risk experienced by NoK when accessing graves.		
		NoK will be entitled to sign informed consent indemnifying Exxaro Arnot		

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga

Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
		Coal of any loss, injury, death or any other risk experienced when visiting graves.		
<b>Improvement to burial grounds and graves</b>	Exxaro Arnot Coal must allow NoK to repair, restore and rehabilitate burial grounds and graves	NoK will be entitled to improve the existing state of conserved burial grounds and graves, at their own cost  NoK will be entitled to being informed of any changes to burial grounds and graves as a result of project activities, or changes in ownership		
	Exxaro Arnot Coal must repair, restore and rehabilitate burial grounds and graves affected by project activities resulting from Exxaro Arnot Coal's development	Exxaro Arnot Coal will cover the costs of improvement to burial grounds and graves, in the event that project-related activities have resulted in damage to such sites.		
<b>Presentation of burial grounds and</b>	Exxaro Arnot Coal must allow NoK presentation of / at the burial grounds and	NoK will be entitled to access their graves erect for the purposes of erecting new		



Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga

Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
graves	graves	grave dressings		
		NoK will be responsible for all costs associated with erecting new grave dressings		
Performances at burial grounds and graves	Exxaro Arnot Coal must acknowledge the right of NoK to express their living heritage	NoK will be entitled to performing actions associated with living heritage at graves.		
		NoK will be responsible for all costs associated with performances.		
Recompense for <i>in situ</i> conservation	NoK whose burial grounds and graves are conserved <i>in situ</i> will not be recompensed	NoK will not be entitled to any recompense in the form of solatia or otherwise for the conservation of graves		
<b>Category 2 graves (Graves that will be directly impacted on)</b>				
Relocation of graves	Exxaro Arnot Coal must cover the costs of exhuming, relocating and re-interring the contents of	Exxaro Arnot Coal will implement a grave relocation process in accordance with applicable legislation	JM asked how urgent is the grave relocations. NoK agreed in principal.	JN responded and stated that Exxaro wishes to mine the areas where the graves are situated very soon. JN added that no grave relocation can be conducted without

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
	graves	Exxaro Arnot Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		the families consent, or without a permit from SAHRA.
		Exxaro Arnot Coal will cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of a qualified archaeologist		
	Exxaro Arnot Coal must cover the costs to identify and consult NoK regarding proposals to relocate graves	NoK will be entitled to participate in the decision-making process in order to reach agreements regarding relocating graves		
		NoK will be entitled to provide informed consent prior to exhuming the contents of graves		
<b>Re-</b>	Exxaro Arnot Coal must	NoK will be entitled to have	Mr Jan Mokwena (JM) asked if	JN responded that the families need to state

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
<b>establishment of graves</b>	cover costs for the establishment of new graves	the contents of their graves re-interred in new grave plots in established cemeteries of their choice, within reason and relevant legal frameworks.	the graves will be moved to Dannelton. NoK agreed in principal.	where they would like the graves to be moved to. Neither Digby Wells nor Exxaro can stipulate the relocation site; this is the right of the family to decide.
		Exxaro Arnot Coal will cover costs associated with the procurement and registration of new grave plots		
	Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment	NoK will be entitled to the removal of existing commercial or artisan dressings, such as granite headstones, and re-erected at the new gravesite, with the provision that cemetery regulations make allowance for such dressings.	NoK agreed in principal.	JN stated that in most instances NoK are urged to have the graves relocated to a municipal cemetery as they will be looked after in these types of cemeteries.
		NoK will be entitled to the have non-commercial or non-artisan dressings such as brick-and-mortar dressings, replaced at the new gravesite		

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga

Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
		with commercial grave dressings of similar costs.		
		NoK will be entitled to grave markers at the new grave where existing grave dressings comprised only stone-packed cairns or were absent.		
		Exxaro Arnot Coal will repair or replace grave dressings damaged as a result of relocation		
		Exxaro Arnot Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing		
	Exxaro Arnot Coal must ensure that new grave sites are registered in the names of the bona fide	NoK will be responsible for costs of improvement and presentation of new grave sites after re-establishment	AM indicated that a goat sacrifice would be required before the graves are exhumed, and a cow sacrifice	JN stated that no cash would be given to any person to buy the items required for rituals or performances. This ensures that no individual is accused of being paid for

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga

Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
	NoK		would be required when the remains are reburied in Dannelton. JM stated that they would need the same for their graves.	grave relocation. JN requested that the families provide a list of items required for the rituals/ceremonies at the next meeting as well as timeframes for rituals and ceremonies.
	Exxaro Arnot Coal must acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves, and cover reasonable costs associated with performances that may be associated with such living heritage	NoK will be entitled to expressing their living heritage	JM stated that they would require four male elders and two female elders for the Arnot rituals.	
		Logistical arrangements and needs will be determined and agreed on in consultation with NoK	AM stated that they would require four elders for the Arnot ritual.	
		Exxaro Arnot Coal will cover expenses associated with logistical arrangements and physical needs of NoK in order to express their living heritage	Both AM and JM stated that they would require traditional beer for the rituals.	
<b>Solatia</b>	Exxaro Arnot Coal should acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced	Exxaro Arnot Coal will acknowledge the inconvenience and possible loss experienced by NoK as a financial token that will be agreed upon between NoK and Exxaro Arnot Coal	JM asked how the solatia would work.	JN responded that the solatia is a goodwill token that would be paid after the relocation has been concluded to the <i>bone fida</i> NoK (i.e. one closest living relative). JN requested that NoK must consult with their families and provide a cost at next

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
	<p>NoK will not receive any additional payment, other than recompense in the form of a solatium, for attending meetings or giving consent.</p> <p>Beneficiaries of solatia will be NoK defined in accordance with Section 3 of the Exhumations Ordinance, i.e. the closest relative of the deceased. This means that only one closest living relative will receive solatia.</p>	<p>Only <i>bona fide</i> NoK as defined under Section 3 of the Exhumations Ordinance will be entitled to receiving solatia, i.e. only the single, closest living relative will be eligible.</p>		<p>meeting.</p> <p>NoK must keep in mind that all other expenses will be paid for by Exxaro.</p> <p>NoK affidavits were given to the NoK present to complete for the next meeting.</p> <p>NoK must provide amounts at next meeting.</p> <p>Exxaro to respond / agree / negotiate.</p>
<b>Category 3 graves (Graves that will be directly impacted on, without identified NoK)</b>				
<b>Relocation of graves</b>	<p>Exxaro Arnot Coal must cover the costs of exhuming, relocating and re-interring the contents of graves</p>	<p>Exxaro Arnot Coal will implement a grave relocation process in accordance with applicable legislation</p> <p>Exxaro Arnot Coal will appoint a qualified and</p>		<p>JN stated that graves without identified NoK are generally reburied in municipal cemeteries</p>

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga



Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
		registered archaeologist to manage the grave relocation process  Exxaro Arnot Coal will cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of a qualified archaeologist		
<b>Re-establishment of graves</b>	Exxaro Arnot Coal must cover costs for the establishment of new graves	Exxaro Arnot Coal will cover costs associated with the procurement and registration of new grave plots		
	Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment	Exxaro Arnot Coal will remove and re-erect existing commercial or artisan dressings, such as granite headstones, and re-erected at the new gravesite, with the provision that cemetery regulations make allowance for such dressings.		

Minutes of First Next-of-Kin Meeting held on 21 June 2014 at the Corn and Cob, Mpumalanga

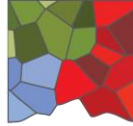


Remedial action	Remedial action principles / comments	Entitlement	NoK input (21 June 2014)	Response / Action Item
		<p>Exxaro Arnot Coal will provide grave markers at the new grave where existing grave dressings did not comprise commercial or artisan dressings. Grave markers will indicate the grave number, origin and date of relocation of the grave.</p>		
		<p>Exxaro Arnot Coal will repair or replace grave dressings damaged as a result of relocation</p>		
		<p>Exxaro Arnot Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing</p>		



## **7 Closing and next meeting**

- A tentative date of 5 July 2014 was agreed on for the next meeting.
- A SMS notification of the next meeting will be sent out when the next meeting is organised with information regarding the transport.
- Johan once again thanked all those present for their time.



# DIGBY WELLS

## ENVIRONMENTAL

**5 July 2014**

Arnot Mooifontein Grave Relocation Process Next-of-Kin Registration and Draft Entitlement Framework discussion

### **Agenda**

1. Welcome and apologies
2. Approval of Previous Minutes and Matters Arising
3. Purpose of the meeting
4. Discuss Draft Entitlement Framework
5. Comments and questions
6. Registration of Next-of-Kin
7. Announcement of next meeting
8. Closing and thanks



# DIGBY WELLS

## ENVIRONMENTAL

### ATTENDANCE REGISTER

#### ARNOT MOOIFONTEIN GRAVE RELOCATION NEXT-OF-KIN MEETING

#### GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE, MPUMALANGA PROVINCE, SOUTH AFRICA

5 July 2014

DATE:

5 July 2014

VENUE:

Can & Gob

PROJECT:

EXX2589

TIME:

11:00 - 15:00

Digby Wells & Associates (Pty) Ltd. Co. Reg. No. 1999/05985/07. Fern Isle, Section 10, 359 Pretoria Ave Randburg Private Bag X10046, Randburg, 2125, South Africa  
Tel: +27 11 789 9495, Fax: +27 11 789 9498, info@digbywells.com, www.digbywells.com

Directors: A Sing\*, AR Wilke, LF Koeslag, PD Tanner (British)\*, AJ Reynolds (Chairman) (British)\*, J Leaver\*, GE Trusler (C.E.O)  
\*Non-Executive

GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE

EXX2589

DIGBY WELLS  
ENVIRONMENTAL



TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS	
	Johan Nel	Digby Wells		Tel:	
				Fax:	
				E-mail:	
				Signature:	
Mr	APRILENCE MKHONZA	EMANUEL HEATH	P.O. BOX 70073 TAMBANE	Tel:	0723025347
				Fax:	
				E-mail:	Nimkhonza@WEBMAIL
				Signature:	
Mr	John Mokuana		P.O. Box 4110 Jenunikon	Tel:	0713127049
				Fax:	
				E-mail:	
				Signature:	
Mr	John Mokuana		P. Box 4110 Jenunikon	Tel:	07239448230
				Fax:	
				E-mail:	
				Signature:	
Mr	PITROS MYSIWEZI	Andino Buthe	EMANUEL HEATH Jenunikon	Tel:	08351622
				Fax:	
				E-mail:	
				Signature:	
Mr	SIPHO MTSIWEZI	Ndk	P.O. BOX 510 JENUNIKON	Tel:	0824262234
				Fax:	
				E-mail:	
				Signature:	

GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT MOOIFONTEIN COAL MINE


EXX2589

DIGBY WELLS  
ENVIRONMENTAL



TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
	Savan Mahlangu	Arke van Nyk farms. <del>Arke</del> Ngoma grave.	Arnot Station 1051	Tel: 0784691762 Fax: E-mail: Signature: nsmahlangu Tel: Fax: E-mail: Signature:
	Phahlis Mthemi	Nok	P O Box 186 Denville	Tel: Fax: E-mail: Signature: PK Mthemi Tel: Fax: E-mail: Signature:
	Jongile Mokoena	Nok	P.O.Box 610 Denville 1030	Tel: Fax: E-mail: Signature: [Signature] Tel: Fax: E-mail: Signature:
MR	TD. Mthembu	Exxaro	Arnot Cottas H.N.3	Tel: 013 297 8105 Fax: E-mail: Signature: Mthembu TA Tel: Fax: E-mail: Signature:
MR	A.E. Mbedzi	Exxaro		Tel: 08121634155 Fax: 01060087003 E-mail: 076 213 2536 Signature: Mbedzi@exxaro.com
MR	J. MATHSHEANE	STUE TSHABETE LOCAL MURDER RALITY WARD CUR.	4735 CREEBENT STREET RYTO MATHABE 1053.	Tel: Fax: E-mail: Mmathsheane@gmail.com Signature: [Signature]






**DIGBY WELLS**  
ENVIRONMENTAL

**Arnot Mooifontein Grave Relocation**  
Next-of-Kin Meeting  
5 July 2014

[www.digbywells.com](http://www.digbywells.com)


## Agenda

1. Welcome & apologies
2. Approval of previous minutes & matters arising
3. Purpose of meeting
4. Receive input for NoK on DEF, focusing on Section 3
5. Lunch
6. Registration of next-of-kin
7. Announcement of next meeting
8. Closing & thanks




## Purpose of this meeting

- Provide feedback on second meeting
- Receive input from NoK on DEF, focusing on Section 3
- Register bona fide next of kin



## Draft Entitlement Framework

**NHRA Regulations Chapter XI  
Consultation**



## Purpose

- **Entitlement = rights & responsibilities that NoK & Exxaro Arnot Coal have regarding gravesites**
- DEF is to **ensure that next-of-kin (NoK) are given the right** to make decisions regarding their gravesites
- Outcome of DEF is an Entitlement Framework (EF)
- EF will form **basis of agreement between NoK and Exxaro Arnot Coal**
- **EF will be submitted to SAHRA, etc. for approval**



## Outline

1. General entitlement
2. Entitlement regarding gravesites if they stay in place
3. Entitlement regarding gravesites if they are moved
4. Entitlement regarding graves that are moved, but that do not have NoK



### Section 1: General Entitlement

Remedial action	Remedial action principles / comments	Entitlement
Consultation related to entitlement	NoK and other interested people must be identified to consult and decide on the future of gravesites	Exxaro Arnot Coal will collect NoK to attend the meetings and take them back again, within approximately 150 km of the meeting venue
	Interested people can include the NoK, landowners, amakosi and local authorities	
	Exxaro Arnot Coal must consider providing travel assistance to NoK to attend meetings	NoK and other people will be a consulted
	Travel assistance will not be paid in cash or paying for fuel, taxis, busses or air travel	
	If NoK can not attend meetings they must appoint someone to attend for them	



### Section 3: Entitlement if Graves are Moved


Remedial action	Remedial action principles / comments	Entitlement
Relocation of graves		Exxaro Arnot Coal will pay for a grave relocation as per law
	Exxaro Arnot Coal must pay the costs of exhuming, relocating and reburying deceased	Exxaro Arnot Coal will pay a qualified and registered archaeologist to manage the grave relocation process
		Exxaro Arnot Coal will pay the cost of a registered funeral undertaker to exhume, transport and rebury the deceased
	Exxaro Arnot Coal will pay the cost to identify and consult NoK	NoK will be allowed the right to make decisions and agreements to relocate graves NoK will be allowed the right to give informed consent before graves are exhumed






**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must pay the costs to move and rebury the deceased in new graves	NoK will be allowed to have their deceased relatives reburied in new grave plots in other cemeteries of their choice as long as it is allowed by law and reasonable
		Exxaro Arnot Coal will pay the costs of new graves




**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must pay the costs to move and rebury the deceased in new graves	Exxaro Arnot Coal will pay to have old tombstones removed and put up again at new cemeteries as long as it is allowed by cemetery rules
		Exxaro Arnot Coal will replace "informal" tombstones such as bricks-and-cement, at the new cemetery with new tombstones
		Exxaro Arnot Coal will pay for new grave markers at the new cemeteries if the old graves did not have any tombstones
		Exxaro Arnot Coal will fix or replace tombstones that may be damaged during removal
		Exxaro Arnot Coal will replace tombstones if the new cemetery does not allow the old ones




**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Re-establishment of graves	Exxaro Arnot Coal must register the new graves in the names of the NoK  Exxaro Arnot Coal must acknowledge the right of NoK to perform cultural ceremonies and pay for things that may be required	NoK will need to pay for all fixing and repair of new graves after they have been relocated
		NoK will be allowed to perform cultural ceremonies
		NoK will be allowed to provide lists of things that may be required for cultural ceremonies for agreement between NoK and Exxaro Arnot Coal
		Exxaro Arnot Coal will pay the expenses that may be need for the cultural ceremonies



**Section 3: Entitlement if Graves are Moved**

Remedial action	Remedial action principles / comments	Entitlement
Solatia	Exxaro Arnot Coal will acknowledge that moving graves are difficult for NoK  NoK will not be paid any other money other than the goodwill token, for attending meetings or giving permission  Only bona fide NoK will receive the goodwill token. This means that only one closest living relative will receive solatia	Exxaro Arnot Coal will acknowledge that moving graves are difficult for NoK by paying a goodwill token to bona fide NoK
		Only bona fide NoK as defined under Section 3 of the Exhumations Ordinance will receive the goodwill token, i.e. only the single, closest living relative



## Next-of-Kin Registration



## Defining Next-of-Kin

- NoK are defined as the following, in order of preference:
  1. Surviving spouse
  2. Eldest adult child
  3. Parent
  4. Eldest adult sibling
  5. Closest adult relative



## Defining Next-of-Kin

- NoK to sign affidavit declaring their relationship to deceased
- Affidavit does not mean NoK are agreeing or giving permission
- Affidavit only verifies who can sign agreement and give permission
- Affidavit will also determine who will receive solatia



## Next meeting

- Proposed date
- Time
- Venue





**Project Name:** Arnot Mooifontein Grave Relocation

**Project No:** EXX 2589

**Date:** 5 July 2014

## 1 Present

Name	Affiliation	Title
Mr Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Ms Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Ms Simphiwe Mthiyane	Exxaro Arnot Coal	Environmental Officer
Mr Edward Mbedzi	Exxaro Arnot Coal	Environmental Observer
Mr Johan Matshiambe	Steve Tshwete CDW	Ward Councillor
Mrs Corine de Jonge	The Herald	
Mr Lawrence Mkhonza	Emandulo Heritage	Heritage Consultant

Family and next of kin as per attendance register attached.

## 2 Apologies

- William Mokwana.

## 3 Welcome and introduction

Meeting was chaired by JN.

- JN welcomed everyone present and thanked the audience for their time to attend the meeting.
- JN introduced Digby Wells' specialists;
- JN stated that he would sit with Ms Mahlangu to explain the progress of the project thus far and go through the DEF with her as she has not been present at the previous two meetings.

## 4 Approval of previous meeting minutes

The minutes of the previous meeting held on the 21 June 2014 were approved by Simphiwe Mthiyane and seconded by Lawrence Mkhonza.

## 5 Purpose of the meeting

- JN reiterated that agreement on the DEF will not constitute consent for grave relocation, but will form the basis for entitlements if, and when, grave relocation is implemented. Consent from the NoK will be requested from NoK for grave relocation.
- JN focused on Section 3 of the DEF (Graves that are to be relocated) as this is the main concern of the NoK present.

## 6 Matters Arising

Matter raised	Digby Wells Response
<p>Johan Matshiamé</p> <p>He stated that he understands the issue within the Motshoene family, as he has had experience with projects like this.</p> <p>The presentation says that Exxaro will pay for the relocation; therefore they need to compensate the families.</p> <p>He urged Exxaro to provide an amount for solatia that the families can discuss.</p>	<p>JN noted the comment and thanked the Councillor for his input.</p> <p>JN responded by stating that because Exxaro is paying for the relocation, no cash compensation is payable to NoK.</p> <p>JN further responded by stating that it had been emphasised from the start of the process that solatia is not a legal requirement, but a goodwill gesture that Exxaro would pay.</p>
<p>Lawrence Mkhonza</p> <p>With regards to the solatia, this is the difficult part. He suggested that as a way forward the councillor should provide input as he knows the communities in the area and knows that the families are often misinformed of the project. There has been a precedent set in the area by similar projects. Exxaro cannot just remove the solatia from their negotiations just because it is not required by law; they need to come to some sort of an agreement.</p>	<p>JN notes the comment and agreed that the councillor should be involved in the process.</p>
<p>Corine de Jong</p>	<p>JN noted the comment.</p>



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<p>Cash compensation for grave relocation is causing problems in the region: people are burying their deceased on farms without obtaining permission.</p>	
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## 7 NoK Input into Entitlement Matrix

Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
Consultation related to entitlement			NoK agreed in principal	
Category 1 graves (Graves that will not be directly impacted on)			Entitlements agreed to in principle	
Category 2 graves (Graves that will be directly impacted on)				
Relocation of graves	Exxaro Arnot Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Arnot Coal will implement a grave relocation process in accordance with applicable legislation	NoK agreed in principle	
		Exxaro Arnot Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
		Exxaro Arnot Coal will cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of a		

Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
		qualified archaeologist		
	Exxaro Arnot Coal must cover the costs to identify and consult NoK regarding proposals to relocate graves	NoK will be entitled to participate in the decision-making process in order to reach agreements regarding relocating graves		
		NoK will be entitled to provide informed consent prior to exhuming the contents of graves		
<b>Re-establishment of graves</b>	Exxaro Arnot Coal must cover costs for the establishment of new graves	NoK will be entitled to have the contents of their graves re-interred in new grave plots in established cemeteries of their choice, within reason and relevant legal frameworks.	<ol style="list-style-type: none"> <li>1. The Mokwana family would like their graves to be relocated to a family burial ground in Dannelton;</li> <li>2. The Motshoene family indicated that they had not been able to discuss it with the family, but indicated that they had tentatively agreed on the graves being relocated to a family burial ground in Dannelton;</li> <li>3. Sarah Mahlangu</li> </ol>	<ol style="list-style-type: none"> <li>1. JN noted the family's requests.</li> <li>2. JN stated that as the graves will not be relocated (as indicated by the NoK) into a municipal cemetery, Exxaro must ensure that the relocation graves are dug beforehand. JN notes that the <i>diphiri</i> usually handles this task; however Exxaro will appoint someone to do this for family.</li> </ol>
		Exxaro Arnot Coal will cover costs associated with the procurement and registration of new grave plots		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
			(representing the Ngoma family graves) stated that she would need to speak to her grandmother first.	
	Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment	NoK will be entitled to the removal of existing commercial or artisan dressings, such as granite headstones, and re-erected at the new gravesite, with the provision that cemetery regulations make allowance for such dressings.	NoK agreed in principal.	<ol style="list-style-type: none"> <li>1. JN stated that in most instances NoK are urged to have the graves relocated to a municipal cemetery as they will be looked after in these types of cemeteries.</li> <li>2. JN showed the NoK present an example of the replacement headstones stating the size of the tombstones, an example of the inscription and the material of the tombstones (granite).</li> </ol>
		NoK will be entitled to the have non-commercial or non-artisan dressings such as brick-and-mortar dressings, replaced at the new gravesite with commercial grave dressings of similar costs.		
NoK will be entitled to grave markers at the new grave where existing grave				

Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
		dressings comprised only stone-packed cairns or were absent.		
		Exxaro Arnot Coal will repair or replace grave dressings damaged as a result of relocation		
		Exxaro Arnot Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing		
	Exxaro Arnot Coal must ensure that new grave sites are registered in the names of the bona fide NoK	NoK will be responsible for costs of improvement and presentation of new grave sites after re-establishment	NoK agree in principle	
Exxaro Arnot Coal must acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves, and	NoK will be entitled to expressing their living heritage	Logistical arrangements and needs will be determined	1. Jan Mkwana stated that he does not have a list of requirements as his brother is unwell and he was unable to discuss this matter with	1. JN noted the comment from Mr Mkwana. 2. JN reiterated that no cash would be given to any person to buy the items required for rituals or performances. This ensures that no



Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
	cover reasonable costs associated with performances that may be associated with such living heritage	<p>and agreed on in consultation with NoK</p> <hr/> <p>Exxaro Arnot Coal will cover expenses associated with logistical arrangements and physical needs of NoK in order to express their living heritage</p>	<p>him.</p> <p>2. NoK agree on the principles of this entitlement.</p>	<p>individual is accused of being paid for grave relocation or any accusations that one person is benefiting more than another.</p> <p>3. JN stated that the list should include any requirements for the sacrifice at Mooifontein. Exxaro would also need to ensure access to the graves at Mooifontein for the ritual. Other requirements may include a list of food to be prepared for the ceremony at Dannelton and any other requirements, such as ingredients for traditional beer. The list will be taken to Exxaro for consideration and approval. The list is dependent on your culture and your family.</p> <p>4. JN added that no alcohol would be bought for the ceremony, only the traditional beer for ceremonial use, as Exxaro is responsible for the entire event/process and they cannot afford to supply alcohol and then blamed if something goes wrong.</p>



Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
Solatia	Exxaro Arnot Coal should acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced	Exxaro Arnot Coal will acknowledge the inconvenience and possible loss experienced by NoK as a financial token that will be agreed upon between NoK and Exxaro Arnot Coal	<ol style="list-style-type: none"> <li>1. Andries Mthweni stated that there is a disagreement within his family, as the family seems to understand that there is a large amount of money coming their way and this has caused problems in the family. They have not decided on an amount because of the tension in the family.</li> <li>2. Siphon Motshoene want is the solatia intended for?</li> <li>3. Petros Mthweni added that he has previously requested the documents to be translated into Zulu so that he may understand them.</li> <li>4. Jan Mokwana added a request for the information should be in English as his children do not understand Zulu.</li> </ol>	<ol style="list-style-type: none"> <li>1. JN noted the statement from Andries and noted the problem in the family.               <ol style="list-style-type: none"> <li>i. JN added that the solatia is a goodwill token that would be paid after the relocation has been concluded to the <i>bona fide</i> NoK (i.e. one closest living relative).</li> <li>ii. NoK must keep in mind that all other expenses will be paid for by Exxaro.</li> <li>iii. If the families cannot reach an agreement between themselves, and between themselves and Exxaro on the amount then Exxaro will remove this entitlement from the DEF, as it is not required by law.</li> <li>iv. International guidelines state that any financial compensation should be avoided at all costs and that compensation should be in kind.</li> <li>v. JN reminded those present that only the bona fide NoK would be paid the solatia, however, it is up to that person to decide what happens</li> </ol> </li> </ol>
	NoK will not receive any additional payment, other than recompense in the form of a solatium, for attending meetings or giving consent.			
	Beneficiaries of solatia will be NoK defined in accordance with Section 3 of the Exhumations Ordinance, i.e. the closest relative of the deceased. This means that only one closest living relative will receive solatia.	Only <i>bona fide</i> NoK as defined under Section 3 of the Exhumations Ordinance will be entitled to receiving solatia, i.e. only the single, closest living relative will be eligible.		

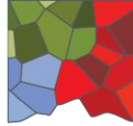


Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
				<p>to the money.</p> <ul style="list-style-type: none"><li>vi. JN added that it is not the responsibility of JN, Digby Wells or Exxaro to solve family disputes and arguments.</li><li>vii. JN stated that Exxaro has previously been requested to provide an amount for solatia.</li><li>viii. JN committed to get a resolution from Exxaro regarding the solatia.</li></ul> <ol style="list-style-type: none"><li>2. JN responded by saying that the solatia is a good will token that will be given to the bona fide NoK to acknowledge any emotional hardship experience by the NoK.</li><li>3. JN apologises for this and assures Mr Mthweni that translated documents would be sent to him before the next meeting.</li><li>4. JN notes the comments and states that all documents handed out at the meetings have been in English.</li><li>5. JN reminds NoK present that by agreeing to the DEF does not mean that the NoK give consent for the relocation of their graves. Consent</li></ol>

Remedial action	Remedial action principles / comments	Entitlement	NoK input (5 July 2014)	Response / Action Item
				<p>must still be sought and agreed upon by the families.</p> <p>NoK affidavits were given to the NoK present to complete for the next meeting.</p>
<p><b>Category 3 graves (Graves that will be directly impacted on, without identified NoK)</b></p>			<p><b>Agreed to in principle</b></p>	

## 8 Closing and next meeting

- A tentative date of 26 July 2014 was agreed on for the next meeting.
- A SMS notification of the next meeting will be sent out when the next meeting is organised with information regarding the transport.
- Johan once again thanked all those present for their time.



# DIGBY WELLS

## ENVIRONMENTAL

**2 August 2014**

Arnot Mooifontein Grave Relocation Process Draft Entitlement Framework discussion

### **Agenda**

1. Welcome and apologies
2. Approval of Previous Minutes and Matters Arising
3. Purpose of the meeting
4. Present issues regarding solatia and requirements by NoK
5. Comments and questions
6. Announcement of next meeting
7. Closing and thanks





# DIGBY WELLS

## ENVIRONMENTAL

### ATTENDANCE REGISTER

#### ARNOT MOOIFONTEIN GRAVE RELOCATION NEXT-OF-KIN MEETING

#### GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE, MPUMALANGA PROVINCE, SOUTH AFRICA

2 Aug 2014

DATE: 2 Aug 2014 VENUE: Beestepan Agricultural School.

PROJECT: EXX2589 TIME: 11:00 - 13:00.

Digby Wells & Associates (Pty) Ltd. Co. Reg. No. 1999/05985/07. Fern Isle, Section 10, 359 Pretoria Ave Randburg Private Bag X10046, Randburg, 2125, South Africa  
Tel: +27 11 789 9495, Fax: +27 11 789 9498, [info@digbywells.com](mailto:info@digbywells.com), [www.digbywells.com](http://www.digbywells.com)

Directors: A Sing\*, AR Wilke, LF Koeslag, PD Tanner (British)\*, AJ Reynolds (Chairman) (British)\*, J Leaver\*, GE Trusler (C.E.O)  
\*Non-Executive




TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS	
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	Pietros Mshwami		Mphaheng	Fax:	
	John Mokwana		P.O. Box 410 Jenkinson	E-mail:	
	Jan Mokwana			Signature: <i>Jan Mokwana</i>	
	Sarah Mahlangu		P.O. Box 3 Dinnat station	Tel:	0784691762
	Mhlankhla Mahlangu	Abus Steve Tshwete	P.O. Box 3333 Middelburg 1050	Fax:	0785146009
				E-mail:	
				Signature:	<i>Abus Steve Tshwete</i>
				Tel:	
				Fax:	
				E-mail:	
				Signature:	
				Tel:	
				Fax:	
				E-mail:	
				Signature:	

GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT MOOIFONTEIN COAL MINE

EXX2589

DIGBY WELLS  
ENVIRONMENTAL



TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
MR	LAWRENCE MKHONZA	EMPHABULO HARTBEI	P.O. Box 70073 ISAACWEE 1548.	Tel: 0723425347 Fax: - E-mail: l.mkhonza@wetsmh/1/2 Signature: Lmthorze.
MR	ZACHARIA MOKWANA	NOK	P.O. Box 528 DENILTON 1030	Tel: - Fax: - E-mail: 22mokwana@yahoo.com Signature: 
				Tel: - Fax: - E-mail: - Signature: -
				Tel: - Fax: - E-mail: - Signature: -
				Tel: - Fax: - E-mail: - Signature: -
				Tel: - Fax: - E-mail: - Signature: -
				Tel: - Fax: - E-mail: - Signature: -

**Project Name:** Arnot Mooifontein Grave Relocation

**Project No:** EXX 2589

**Date:** 2 August 2014

## 1 Present

Name	Affiliation	Title
Mr Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Ms Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
AdelaideNkabinde	Exxaro Arnot Coal	Community Liaison
Nhlanhla Mahlangu	CDW Steve Tshwete	
Mr Lawrence Mkhonza	Emandulo Heritage	Heritage Consultant

Family and next of kin as per attendance register attached.

## 2 Apologies

- Simphiwe Mthiyane, David Mbezi and Siphon Motshoene.

## 3 Welcome and introduction

Meeting was chaired by JN.

- JN welcomed everyone present and thanked the audience for their time to attend the meeting; and
- JN introduced Digby Wells' specialists and Exxaro personnel.

## 4 Approval of previous meeting minutes

The minutes of the previous meeting held on the 21 June 2014 were approved by Lawrence Mkhonza and seconded by Sarah Mahlangu.

## 5 Purpose of the meeting

- JN stated that the purpose of the meeting would be to present and discuss issues regarding the solatia.

## 6 Matters Arising

Matter raised	Digby Wells Response
<p>Jan Mokwana</p> <p>The Mokwana family is happy with the process so far, however they want to know if Exxaro will be compensating the family for the land on which their graves are located, as they perceive the burial ground as their property.</p>	<p>JN thanked him for his comment and responded that issue of land ownership is not a part of the current process and he cannot give an answer, however, he would raise this issue with Exxaro.</p>
<p>Andries Mtshweni</p> <p>Raised issue of the reopened land claims process, and asked from whom did Exxaro purchase the property, and how will grave relocation affect claims, if any.</p>	<p>JN noted the comment and stated that he cannot provide information regarding previous landowners.</p> <p>JN added that grave relocation should never affect any claims, as the process followed in this instance ensures an accurate record of persons buried on the land..</p>

## 7 Issues regarding the Solatia amount

- JN stated that Exxaro has realised that grave relocation may affect many people in many different places.
- Exxaro has therefore decided that a policy must be developed for relocation that will ensure that everyone is treated fairly.
- Exxaro is currently busy with the policy, but have requested Digby Wells to communicate to the NoK that financial compensation in future will probably not be paid for grave relocation.
- JN explained that one of the reasons for avoiding any cash compensation is to reduce the risk to families and Exxaro being accused of bribery or benefitting unfairly.
- Exxaro Arnot, however, feels that because the solatia have been discussed since the start of this consultation process, they are willing to provide an amount of R500.00 per grave.
- JN stated that, although he committed to provide this amount to NoK via SMS, he felt that because it is a sensitive matter, it is better to do this in person at the meeting and to discuss this with the NoK.

- JN added that if solatia is paid, Exxaro will require that the solatia is defined as payment for something concrete, such as paying for incidental expenses incurred by the NoK.
- JN stated that this will be ensure proper financial auditing by Exxaro, and that no person can be accused of paying or receiving bribes.
- JN reminded NoK that “compensation” as it applies to this project, includes all the entitlements that have been agreed to in principle, to date, including the purchasing of new headstones, new graves, food for the ceremonies, sacrificial animals, transport etc.
- JN provided an example where these costs could amount to R15 000.00. Other mines would pay this as compensation to the families, but then expect them to make most arrangements themselves.
- JN stated other problems with the cash compensation, including issues of who will be the rightful beneficiary, how will payment be made, (e.g. if the beneficiary does not have bank account).
- JN stated that he does not expect the NoK to make any decision in the meeting, but to consider the solatia and the amount with their families.
- JN stated that, *in his personal opinion*, solatia should be removed from any agreement, but that the decision rests with the NoK and Exxaro Arnot.

## 8 NoK Input into Entitlement Matrix

Remedial action	Remedial action principles / comments	NoK input (2 August 2014)	Response / Action Item
<b>Consultation related to entitlement</b>		<b>NoK agreed in principal</b>	
<b>Category 1 graves (Graves that will not be directly impacted on)</b>		<b>Entitlements agreed to in principle</b>	
<b>Category 2 graves (Graves that will be directly impacted on)</b>			
<b>Relocation of graves</b>	Exxaro Arnot Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	NoK agreed in principle to entitlements	
	Exxaro Arnot Coal must cover the costs to identify and consult NoK regarding proposals to relocate graves		
<b>Re-establishment of graves</b>	Exxaro Arnot Coal must cover costs for the establishment of new graves	<ol style="list-style-type: none"> <li>1. Sarah Mahlangu (representing the Ngoma family graves) stated that the Ngoma family would like their graves relocated to the Mhluzi cemetery.</li> <li>2. NoK agreed in principle to entitlements</li> </ol>	
	Exxaro Arnot Coal must cover costs for improvement and presentation of new grave sites after re-interment.		

Remedial action	Remedial action principles / comments	NoK input (2 August 2014)	Response / Action Item
	<p>Exxaro Arnot Coal must ensure that new grave sites are registered in the names of the bona fide NoK</p> <p>Exxaro Arnot Coal must acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves, and cover reasonable costs associated with performances that may be associated with such living heritage</p>		
<b>Solatia</b>	<p>Exxaro Arnot Coal should acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced</p> <p>NoK will not receive any additional payment, other than recompense in the form of a solatium, for attending meetings or giving consent.</p> <p>Beneficiaries of solatia will be NoK defined in accordance with Section 3 of the Exhumations Ordinance, i.e. the closest relative of the deceased. This means that only one closest living relative will receive solatia.</p>	<ol style="list-style-type: none"> <li>1. Petrus Mtshweni stated that there is still some conflicts within the family, certain members believe that the NoK will benefit financially from a large compensation amount.</li> <li>2. Andries Mtshweni stated that he has heard that other mining companies pay people for grave relocation, and questioned why Exxaro is not compensating families.</li> <li>3. Jan Mokwana stated his</li> </ol>	<ol style="list-style-type: none"> <li>i. JN noted the statement from Petrus Mtshweni: and responded by offering to meet the family in Dennilton to explain the process and that compensation will be in-kind and that no financial compensation will be paid.</li> <li>2. JN noted the comment:             <ol style="list-style-type: none"> <li>i. JN responded that he is aware that other mines pay compensation, but that it is done instead of the mine paying for all the expenses;</li> <li>ii. JN responded by stating that if the families receive lump sum compensation, they are responsible for all the ceremonial and</li> </ol> </li> </ol>





Remedial action	Remedial action principles / comments	NoK input (2 August 2014)	Response / Action Item
		<p>dissatisfaction with the R500.00 amount.</p> <p>4. Andries Mtshweni stated his dissatisfaction with the R500.00 amount, and requested that a date for relocation should rather be discussed.</p> <p>5. Sarah Mahlangu stated that the Ngoma family is satisfied with the proposed in-kind compensation</p>	<p>other aspects, that Exxaro will be providing in this case;</p> <p>iii. JN further stated that there is no control over how money may be spent by families, therefore, to ensure that everything is done with respect for the families cultures and beliefs, it is best practice not to pay financial compensation.</p> <p>3. JN noted the comment.</p> <p>4. JN noted the comment and responded that:</p> <p>i. In order to determine a date for relocation, agreement must be reached to enable the permit applications to be submitted.</p> <p>ii. A date can only be fixed after the relevant permits have been issued.</p> <p>5. JN noted the comment and thanked the Ngoma family for their decision.</p>
<b>Category 3 graves (Graves that will be directly impacted on, without identified NoK)</b>		<b>Agreed to in principle</b>	

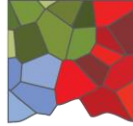


DIGBY WELLS  
ENVIRONMENTAL



## 9 Closing and next meeting

- A date of 16 August 2014 was agreed on for the next meeting.
- A SMS notification of the next meeting will be sent out when the next meeting is organised with information regarding the transport.
- Johan once again thanked all those present for their time.



# DIGBY WELLS

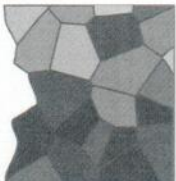
## ENVIRONMENTAL

**16 August 2014**

Arnot Mooifontein Grave Relocation Process Draft Entitlement Framework discussion

### **Agenda**

1. Welcome and apologies
2. Approval of Previous Minutes and Matters Arising
3. Purpose of the meeting
4. Present issues regarding solatia and requirements by NoK
5. Comments and questions
6. Announcement of next meeting
7. Closing and thanks



# DIGBY WELLS ENVIRONMENTAL

## ATTENDANCE REGISTER

### ARNOT MOOIFONTEIN GRAVE RELOCATION NEXT-OF-KIN MEETING

#### GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE, MPUMALANGA PROVINCE, SOUTH AFRICA

16 August 2014

DATE:

16 August 2014

VENUE:

Beestepoort Agricultural High School.

PROJECT:

EXX2589

TIME:

11:00

Digby Wells & Associates (Pty) Ltd. Co. Reg. No. 1999/05985/07, Fern Isle, Section 10, 359 Pretoria Ave Randburg Private Bag X10046, Randburg, 2125, South Africa  
Tel: +27 11 789 9495, Fax: +27 11 789 9498, [info@digbywells.com](mailto:info@digbywells.com), [www.digbywells.com](http://www.digbywells.com)

Directors: A Sing\*, AR Wilke, LF Koeslag, PD Tanner (British)\*, AJ Reynolds (Chairman) (British)\*, J Leaver\*, GE Truster (C.E.O)  
\*Non-Executive

GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE

EXX2589

DIGBY WELLS  
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	Mahlangu Sarah		P.O. Box 186 Elandsdalen 0485	Tel:	083 5150 622
	Andries Mkhwan		Mphahlele	Tel:	
	Petrus Mphahlele		Mphahlele	Tel:	0713127049
	John Mokuana		P.O. Box 400 Jenutson 1030	Tel:	
	Tan Mokuana		P/O Box 400 Jenutson 1030	Tel:	0722394830
				Fax:	
				E-mail:	
				Signature:	Tan

GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT MOOIFONTEIN COAL MINE

EXX2589

DIGBY WELLS  
ENVIRONMENTAL



TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS			
				Tel:	Fax:	E-mail:	Signature:
Ms	Carine de Jonge	Middelburg Heritage Interest Group.	Box 1383 Middelburg	082805 7967		150ycens@vodanet1.co.za	[Signature]
Ms	Mhlanhla Mahlangu	CBW Steve Tshwete	P.O. Box 2333 Middelburg 1050				Halalangu.
MR	Edward. Mbedzi	Exaro coal					Edward.Mbedzi@exaracoal.co.za
Miss	Simplice Maryane	Exaro					Simplice.Maryane@exaracoal.co.za
Ms	Abelardo Nkabinde	Exaro					abelardo.nkabinde@exaracoal.co.za

**Project Name:** Arnot Mooifontein Grave Relocation

**Project No:** EXX 2589

**Date:** 16 August 2014

## 1 Present

Name	Affiliation	Title
Mr Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Ms Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Adelaide Nkabinde	Exxaro Arnot Coal	Community Liaison
Simphiwe Mthiyane	Exxaro Arnot Coal	Environmental Officer
Mr Edward Mbedzi	Exxaro Arnot Coal	Environmental Observer
Nhlanhla Mahlangu	CDW Steve Tshwete	
Mrs Corine de Jonge	The Herald	

Family and next of kin as per attendance register attached.

## 2 Apologies

No apologies

## 3 Welcome and introduction

Meeting was chaired by JN who welcomed everyone present and thanked the audience for their time to attend the meeting.

## 4 Approval of previous meeting minutes

The minutes of the previous meeting held on the 2 August 2014 were approved by Sarah Mahlangu and seconded by John Mokwana.

## 5 Purpose of the meeting

JN stated that the purpose of the meeting would be to get feedback from the families regarding the solatia and any other requirements.



## 6 Matters Arising

JN provided feedback on the issue raised at the previous meeting regarding the reopening of land claims. JN stated that Exxaro will abide by the rules, process and requirements that may be made by the Land Claims Commissioner in the event of any claims being lodged.

JN opened the discussion by stating that ideally all the families must agree so that the process can continue.

- JN asked each family to provide their feedback regarding the solatia amount. The families responded as follows:
  - Andries Mthweni stated that his family is not happy with R 500.00, however the family just wants the relocation to happen, any issues with land claims and solatia will be dealt with later.
  - John Mokwana stated that his family is very unhappy with R 500.00 solatia and has demanded that the process must stop until they are presented with a higher offer. The Mokwana family feels that if they were to accept the R 500.00 they are “selling-out” their ancestors.
  - Sarah Mahlangu stated that her family is not happy with the R 500.00 solatia and has made a counter-offer of R 3 000.00. Additionally her grandmother lives quite close to their graves and is worried that she will need to be moved.
- JN enquired from those present if they agree in principle to the grave relocation, notwithstanding the solatia issue.
- The attending NoK responded that in principle, they are in agreement with all the principles and entitlements discussed and agreed on to date.
- JN presented the letter of consent received from the Rossouw family at first meeting to show that all the affected families are being regarded on an equal basis.
- JN stated that the Rossouw family has not requested any solatia.
- All NoK attending agreed that the process and entitlements are fair and equal.
- JN stated that the preferred good practice option is to reach a single agreement with all NoK to ensure that the process is fair and equitable.
- If there cannot be one agreement, then there will be a separate agreement for the Rossouws and the Mthweni family; and a separate agreement for the Mokwana and Ngoma families, however, this is not the preferred option.
- JN stated that the final decision to issue permits rests with SAHRA and the relevant provincial and local authorities.
- Petrus Mthweni asked if this was the first grave relocation project and if not how has this been done before;
- Nhlanhla Mahlangu from the Steve Tshwete Municipality replied that this is not the first grave relocation in the area. Mafube and Optimum have both done grave relocations but she cannot comment on any compensation as she does not have that information.

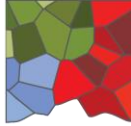
- JN added that he has been involved in numerous relocations in South African and in other countries like the DRC, and that relocation is commonly done.
- JN reiterated his statement made several times previously that at times some developers would rather compensate families in cash instead of covering the costs for relocation.
- JN stated that in such cases, it is the families' responsibility to organise and pay for all traditional activities and other actions.
- JN stated that the process Exxaro is following will safeguard that the relocation is done with respect and in accordance with all affected NoK's beliefs and customs.
- JN requested the attending NoK to clarify why solatia is required, adding that if he understands the motivation, a case may be put to Exxaro.
  - JN stated that he does not understand the reason and dissatisfaction with the solatia, as all other costs of grave relocation, including things such as 'home-bringing ceremonies', will be covered by Exxaro.
  - The attending NoK did not respond.
  - John Mokwana stated that his family has a perception that is benefiting financially and that he is misinforming them about the solatia.
  - JN responded that he is willing to meet the Mokwana family in Dennilton to explain the process.
- JN stated that, should the Mokwana family decide not to relocate their graves, the entire consultation process may need to begin again when their graves are going to be impacted on.
  - JN reiterated that Exxaro is working towards a policy on grave relocation that will not consider any solatia and financial compensation in the future.
  - JN enquired from the Mokwana family what amount they expects as solatia.
  - Jan Mokwana responded that this is a political issue. He stated that one grave dates to 1902 and the family therefore believes that their ancestors have shares in the mineral wealth beneath them, and that the family should therefore benefit from the mining. He enquired how Exxaro would compensate them for the 'mineral loss' if the graves are relocated.
  - JN noted the comment and responded although he understands and sympathised with past injustices that have affected many people, he cannot provide any comment on how and whether people should be compensated for mineral resources within the grave relocation process.
  - JN added that he believes it is unjust to use graves and the ancestors for personal gain and political purposes. He stated that Exxaro, as a relative young company, cannot be held responsible for things that happened 100 years ago.
- Corine de Jonge stated that the 1902 grave is defined as a historical site. A historical cemetery is currently being established in Middelburg were historical graves are being moved to, so the Mokwana family could consider moving the grave there.

## 7 Resolution and way forward

- JN summarised the responses from the families with regards to solatia:
  - The Rossouws do not expect solatia.
  - The Mthweni family stated that the solatia must be ignored to enable the process to continue.
  - The Mokwana family stated that the consultation and consequent relocation process must end as the solatia is too little. They therefore want their graves to be conserved in situ.
  - The Ngoma family requested R 3 000.00 solatia, but that the Ngoma family will be happy to discuss the solatia at a later stage, to ensure that the relocation can go ahead.
  - Corine de Jonge stated that it would be better if all the graves be moved at the same time so that the graves that are left behind won't be at risk.
- JN proposed the following:
  - The records of consultation will be collated into a permit application report.
  - Outcome of NoK and Exxaro input into the Draft Entitlement Framework, as captured in the minutes of all meetings held to date, will be formalised into an Entitlement Framework that will inform the agreements between the NoK and Exxaro.
  - Two agreements will be drafted: one generic agreement wherein all stakeholders will be requested to agree to the principles set out in the Entitlement Framework, irrespective of whether graves will be relocated; and, specific agreements between the respective NoK and Exxaro regarding the future of graves.
  - The Mthweni, Ngoma and Rossouw families will be requested to sign agreements as it pertains to grave relocation.
  - The Mokwana family will be requested to sign an agreement as it pertains to in situ conservation of their graves.
  - All graves will be included in the permit applications, which will include the signed agreements.
- All attending NoK agreed with the proposed way forward.
- The Mokwana family further agreed that SAHRA and the applicable provincial and local authorities will make the final decision regarding their graves.
- JN stated that the permit application may take up to three months, including drafting the application report.
- JN stated that the agreements will be prepared for signing by the NoK at the next meeting.

## **8 Closing and next meeting**

- JN stated that the NoK will be informed of the date of the next meeting via telephone and SMS notifications.
- The next meeting may only take place mid-September.
- Johan once again thanked all those present for their time.



# DIGBY WELLS

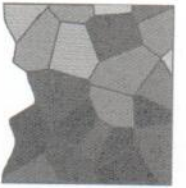
ENVIRONMENTAL

**27 September 2014**

Arnot Mooifontein Grave Relocation Process Final Next-of-Kin meeting

## **Agenda**

1. Welcome and apologies
2. Approval of Previous Minutes and Matters Arising
3. Purpose of the meeting
4. Discussion and signing of agreements
5. Lunch
6. Site visit



# DIGBY WELLS

## ENVIRONMENTAL

### ATTENDANCE REGISTER

#### ARNOT MOOIFONTEIN GRAVE RELOCATION NEXT-OF-KIN MEETING

GRAVE RELOCATION PROCESS FOR THE PROPOSED ARNOT COAL MINE, MPUMALANGA PROVINCE, SOUTH AFRICA

27 September 2014

DATE: 27 September 2014 VENUE: Beestpan Agricultural school.

PROJECT: EXX 25891 TIME: 10:00

Digby Wells & Associates (Pty) Ltd. Co. Reg. No. 1999/05985/07. Fern Isle, Section 10, 359 Pretoria Ave Randburg Private Bag X10046, Randburg, 2125, South Africa  
Tel: +27 11 789 9495, Fax: +27 11 789 9498, [info@digbywells.com](mailto:info@digbywells.com), [www.digbywells.com](http://www.digbywells.com)

Directors: A Sing\*, AR Wilke, LF Koeslag, PD Tanner (British)\*, AJ Reynolds (Chairman) (British)\*, J Leaver\*, GE Truster (C.E.O)  
\*Non-Executive

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	Tan Makwana			Tel:	
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				E-mail:	
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	Pete's Mthwani			Tel:	
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	Sarah Mkhlangu		Arnot Station 1050	Tel:	0784691702
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				Signature:	

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				Tel:	
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				E-mail:	
				Signature:	
				Tel:	
				Fax:	
				E-mail:	
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**Project Name:** Arnot Mooifontein Grave Relocation

**Project No:** EXX 2589

**Date:** 27 September 2014

## 1 Present

Name	Affiliation	Title
Mr Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Ms Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Simphiwe Mthiyane	Exxaro Arnot Coal	Environmental Officer
Mr Edward Mbedzi	Exxaro Arnot Coal	Environmental Observer

Family and next of kin as per attendance register attached.

## 2 Apologies

- Adelaide Nkabinde and John Mokwana.

## 3 Welcome and introduction

Meeting was chaired by JN.

- JN welcomed everyone present and thanked the audience for their time to attend the meeting.

## 4 Approval of previous meeting minutes

The minutes of the previous meeting held on the 16 August 2014 were unanimously approved by all present.

## 5 Purpose of the meeting

- Present and explain the General Agreement and NoK Agreements to the attending NoK and signing of Agreements.
- Undertake a site visit with NoK to verify and identify the identity of the deceased and graves.

## 6 Agreements

- JN presented the Agreements in reference to the agreed entitlement framework and records of previous consultation.
- JN first presented the General Agreement wherein NoK and Exxaro agree to the contents of the Entitlement Framework as amended following each one of the previous five meetings.
- JN presented the NoK Agreement as it applies to the Mokwana family, i.e. agreement between them and Exxaro regarding the in situ conservation of the grave of April Leshoka Mokwana.
- JN presented the NoK Agreement as it applies to the Mthweni, Ngoma and Rossouw families, i.e. agreement between them and Exxaro regarding the relocation of their graves. JN also stated that until permits are issued for relocation, the agreement with regard to in situ conservation of graves will apply to these families and graves.
  - Mr Andries Mthweni raised a concern regarding these aspects of the General Agreement, as he will need to access his graves more frequently now that relocation will take place, especially the agreement that NoK will provide Exxaro with prior notice.
  - JN noted Mr Mthweni's comment and stated that, subsequent to signing the Agreements, the families and Exxaro can make arrangements appropriate to each family's needs. Ms Simphiwe Mthiyane confirmed this statement.
- Mr Andries Mthweni raised a concern regarding the exclusion of the solatia issue in the agreements. He enquired whether Exxaro would honour the clauses included in the Agreement for future direct consultation between the NoK and Exxaro, and whether Digby Wells will bear witness to such.
  - JN noted his comment and stated that his query will be recorded in the minutes of the meeting as evidence.
  - JN further stated that the responsibility to engage on this matter with Exxaro, however, will rest with the NoK and that Digby Wells cannot guarantee the outcome of any direct consultation between the NoK and Exxaro.
- JN stated that the Mokwana family must be aware that, should their graves require relocation, the agreement that they will sign does not provide consent for grave relocation. The Mokwana family will therefore need to be consulted again and provide consent in line with the General Agreement.
  - Mr Jan Mokwana confirmed that he understands this and will communicate this to his family.

## 7 Closing

- JN thanked all those present for their time, patience and understanding throughout the process. He requested the attending NoK to comment on the process and their experience.

- Mr Andries Mthweni stated the he was very satisfied with the process and that it had been conducted in a professional manner. He hopes that other people will be treated just as well.
- Mr Jan Mokwana stated that he was very happy with the process and that he did not feel that they were compelled to make any decisions contrary to what their family requested.
- Ms Sarah Mahlangu stated that she was very happy with the process and she was glad that her grandmother understood everything she took back to her.