



**STAKEHOLDER ENGAGEMENT REPORT ON THE ARCHAEOLOGICAL RESCUE OF
HUMAN REMAINS AT THE CONSTRUCTION SITE OF THE MANOGENG SWITCHING
STATION NEAR ROOSSENEKAL, ELIAS MOTSOLEDI LOCAL MUNICIPALITY, LIMPOPO
PROVINCE
(SUMMARY)**

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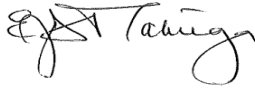
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EXECUTIVE SUMMARY

1. The discovery of human remains representing 79 individuals at Manogeng near Rossenekal has been a subject of concern for the local communities which hold them sacred ancestral remains. Eskom has followed the due process in handling the human remains in accordance with relevant legal prescripts.
2. Eskom has cooperated with families which are historically connected with the site who claim the graves to be their ancestral graves. The updated **Memorandum of Understanding (MoU)** that has been entered into between Eskom and the claimant families paves way for the conclusion of the Reburial Plan.
3. This together with the **Heritage Conservation Management Plan** are critical tools of communication underpinning the precautions taken to make sure that descendant families are directly involved, and local customs and beliefs on the handling of human remains are respected.
4. Going forward, ESKOM will continue to engage all community stakeholders soliciting their support and cooperation. It is now a common concern that the human remains are reburied without further delays with all due respect to the wishes of the descendants, and observing local customs and norms.

1. INTRODUCTION AND BACKGROUND

This is a brief report on the various streams of stakeholder engagement undertaken for the management of human remains and artefacts rescued from the site of the construction of the Manogeng Switching Station near Roosenekal in Elias Motsoaledi Local Municipality, Limpopo Province. Thero Services was appointed by Eskom Holdings SOC, Power Delivery Division (Northern Grid) to provide specialist services especially in the handling of human remains to ensure that they were reburied with dignity and in compliance with the precepts of Constitution of the Republic of South Africa Act 108 of 1996, the National Heritage Act 25 of 1999, International Best Practices in Heritage Management, and according to the wishes of the descendants. One of the requirements was to engage vigorously with communities historically associated with the area, and that was the rationale of the effort and resources that were allocated to the Stakeholder Engagement and Public Participation processes.

2. LEGAL FRAMEWORK

Primary laws

All pieces of legislation enacted by parliament align with the **Constitution of the Republic of South Africa Act (No 108/1996)** which takes precedence. A fundamental principle that everyone has the right to enjoy and participate in a culture of choice is inscribed in the Bill of Rights embedded in the Constitution (Sections 30 and 31 in the Bill of Rights).

The principal law for the management of heritage resources is the **National Heritage Resources Act (25/1999)** of which Section 36 on the protection of graves is underpinning.

Other applicable legislation

- The Human Tissue Act (No 65 of 1983)
- National Health Act (No 61 of 2003)
- National Environmental Management Act (No. 107 of 1998)
- National Archives and Records Service of South Africa Act, No 43 of 1996
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Occupational Health and Safety Act 85 of 1993
- Guidelines for Site Management Plans
- SAHRA Minimum Standards for Heritage Impact Assessments, 2007
- Regulations Relating to the Treatment of Human Remains (2013)
- National Heritage and Cultural Tourism Strategy, March 2012.

3. STAKEHOLDER ENGAGEMENT PROCESSES

Stakeholder engagement, also known as Public Participation Process (PPP), is indispensable in the development, implementation, monitoring, and evaluation of a project. Stakeholder engagement is the process used by an organisation to engage relevant parties to achieve expected outcomes. It should be mentioned from the outset that stakeholder engagement is not a once-off process, but a systematic and continuous process of communication.

Stakeholder engagements were conducted to solicit ideas from all key stakeholders on how to handle the human remains which had been accidentally exposed during construction earthworks. More importantly, stakeholder engagement confirms the importance of communities affiliated with the graves especially those who claim to be the descendants of people who were buried at the site. Four families who claimed the site to be an ancestral burial ground were given priority – namely Mmanquamogo, Matjomane-Rampedi, Mokabane and Makuwa. The treatment of human remains when they have been discovered by chance is, nonetheless, bound by cultural norms and values which must be respected.

The stakeholder engagements were intended to create awareness within the surrounding communities of the importance of the finds. They aimed to get buy-in from various stakeholders regarding the treatment of human remains.

4.1. Key Stakeholders

The following key stakeholders were identified and engaged:

4.1.1. LIHRA

Thero Services was in regular consultation with the Limpopo Heritage Resources Authority (LIHRA) for permitting compliance. The permit to initiate the Archaeological Rescue Programme was issued by LIHRA and renewed in 2020 after it had expired. LIHRA exercised oversight over the entire process and brokered negotiations with the family groups who claimed descent from those buried at the site.

4.1.2. SAHRA

Since permitting for reburial is the mandate of the SAHRA Burial Grounds and Graves (BGG) Unit, the application for reburial has been submitted to SAHRA. SAHRA officials attended stakeholder engagement meetings, both virtual and physical, in the final stages of negotiating a common position with claimant families on a Reburial Plan for the human remains. During the engagements, SAHRA emphasized that it was a regulating institution, and as such would not be directly involved in negotiations between Eskom and the descendant families.

4.1.3. The Sekhukhune District Municipality

The Sekhukhune District Municipality was involved in the negotiations between Eskom and the affiliated families. This was given that at the level of the district, officials have intimate knowledge of local histories and the social dynamics. The District Municipality assigned an officer to assist in brokering a settlement between Eskom and the affiliated families. The officer was appointed to preside over several meetings held at Roosenekal and at the Municipal Chambers in Groblersdal.

4.2. Community Stakeholders

4.2.1. Mmanquamogo Communal Property Association

The Mmanquamogo was the first group to come forward with a claim of historical descent and connection with the graves. stood as the first group of claimants of descent to the human remains at Manogeng Switching Station. The previous archaeologist held several meetings with executive community members of the Mmanquamogo Community Property Association at three venues - Roosenekal Community Hall, Manogeng Site Offices and Elias Motsoaledi Local Municipality Chambers beginning in March 2020.

4.2.2. Matjomane Rampedi

The Rampedi and Matjomane families are a segment of the Mmanquamogo who alleged that they had been left out of the stakeholder engagement process from the beginning. The Mmanquamogo CPA acknowledged that the Rampedi-Matjomane family belonged to their fold, and they have a strong historical association with the area. The were allowed to participate in negotiations in 2021.

4.2.3. Batlokwa Ba Mokabane and Bakwena Ba Ga Makua Traditional Community

The Batlokwa Ba Mokabane and Bakwena Ba Ga Makua responded to Public Notices that had been flighted in October 2021 claiming that they were bona fide descendants as well. There were no objections from those the two preceding groups, and this brought the total number of claimant families to four.

5. STAKEHOLDER ENGAGEMENT PROCESS

5.1. Public Notices

A second round of stakeholder engagement and public participation process was initiated in October 2021 after the public notices went out. Public Notices were placed at 22 service centres spread out in Sekhukhune District with the aim to inform the public about the new remains, with a window period 60 days for the public to respond if they wished to do so. The target places were service stations, clinics, police stations, shopping centres, and municipal offices (Figure 1).



Figure 1: Public notices in four languages placed at the Nebo Police Station

5.2. Stakeholder Engagement Meetings

A meeting was held at Roosenekal and Groblersdal between 1st and 3rd February 2022 in which the representatives four families were invited to tap into their oral histories. Eskom continued to engage with all stakeholders, especially the four claimant families which claimed the graves to be their ancestral graves.

A plenary meeting held at Thandabantu Lodge on 24 March 2022 set a positive tone for the prospect of cooperation between the four groups of families, although the Rampedi-Motjomane family had turned down an invitation to attend. The families met again on 29 March 2022 on which occasion the Rampedi-Matjomane were represented. The families were edging towards a common understanding of the matter. The resolutions of the meeting were that:

- The claimants agreed that they would preside over the reburial of the human remains in one plenum (one event/ceremony).
- Before reburial, an ancestral ceremony will be performed to ask for forgiveness from the ancestors. The Claimants would want to inspect the storage container as due diligence to make sure that all the human remains had been reburied.
- The families will provide Eskom with an inventory of requirements for reburial and ancestral ceremonies.
- The reburial will take place at dawn, and the programme will be communicated to stakeholders.
- After the reburial, priority for socio-economic benefits under Eskom's corporate social responsibility is to be given to descendant families.
- By signing the Attendance Register, the families were making a solemn commitment that they would not depart from the resolutions of the meeting.

- It was agreed that the families would not seek the services of a traditional healer to preside over the ceremonies.

On 8 April 2022, the families met again when some members objected to the resolutions of the meeting held on 29th March 2022.

5.3. Meeting of the Claimants held at the Elias Motsoaledi Local Municipal Chambers in Groblersdal on 27 May 2022

The meeting was attended by three of the four claimant groups, namely the Rampedi – Matjomane, ManquaMmogo and Mokabane. The claimants put forward several demands or conditions for them to give a green light for reburial of the human remains. Eskom must contribute to the following development projects under its Corporate Social Responsibility (CSR) programmes:

- (i) Upgrading from gravel to bitumen surface the road from the Old Bantustan to the Tubatse Valley. The road is an important local transportation route serving rural communities, and upgrading the road will reduce congestion and improve road safety.
- (ii) Eskom must offer higher education bursaries for local children who wish to study towards a qualification in electricity to become electrical engineers, technicians or wiremen). The wiring and wireman’s licencing office at Olifantsfotein must be licenced.
- (iii) Employment opportunities: Claimants and residents must be given first preference for jobs that arise from Eskom projects in the Tubatse Valley.
- (iv) Eskom must construct a Monument/Memorial for those from Chego Village who died in a traffic accident near Manogeng.
- (v) Local SMMEs must be given subcontracts in Eskom projects in the area. They must be put in capacity-building and leadership training programmes.
- (vi) Eskom must support emerging small farmers in the area.
- (vii) Concerning the graves, Eskom must consider other measures to support the claimants given the emotional impact of the exposure of human remains.
- (viii) The Mokabane family wanted DNA tests to be conducted to isolate the descendants and a Sedupe (traditional healer) to be appointed for guidance on ritual matters.
- (ix) Eskom must construct a monument for Kgoshikgolo ya Naga ya Transvaal.
- (x) If Eskom agrees to these proposals, the Claimants will cooperate with the plan to rebury the human remains.

5.4. Meetings held in July 2022

On 5th July 2022 the families met at Groblersdal and drew up a resolution containing demands which were submitted to Eskom. Eskom has responded concerning some of the demands, but requested extension of time regarding those issues which fall outside the scope of Eskom's Corporate Social Investment (CSI) programmes.

On 21st July 2022 Eskom and the families met again at Thandabantu Lodge near Roosenekal to discuss the social responsibility demands and the Reburial Plan. There was another important development; the Mokabane Family had approached SAHRA to intervene and provide guidance going forward. The meeting at Thandabantu Lodge was therefore chaired by SAHRA and issues raised by the Mokabane Family were on the agenda. The meeting questioned the rationale of DNA testing (Figure 2).



Figure 2: The claimants meeting in progress at Thandabantu Lodge on 21 July 2022

5.5. Resolution on Biological and DNA Profiling of the Human Remains

The University of Pretoria's Forensic Anthropology Research Centre (FARC) acting on a request from the Mokabane family proposed that they could do biological and DNA testing on the human remains. Upon further inquiry on the matter, it was established that the University of Pretoria cannot perform DNA tests on old bones without external collaboration, outsourcing to an institution in the UK. Furthermore, it is prohibitively expensive. While the Head of the National Reference Laboratory said that it was possible to extract DNA from bone samples, the chance of success is very limited due to several factors. It is a challenging procedure and not always successful. She says that the NRL

is in the process to obtain an instrument to extract mitochondrial DNA (inherited from the mother only), which increases the likelihood of obtaining an accurate result. But she is talking about a facility which is not available yet.

Concerning biological profiling of human remains the university was informed that this matter was not in the original Scope of Work, and neither was it stated as a requirement in the Heritage Permit received from LIHRA. The Permit issued by LIHRA focuses on archaeological rescue and reburial as the key priorities.

These issues were further discussed in a virtual meeting held on 13 June 2022 which was attended by Prof. Ericka L' Abbé and Mr Okuhle Sapu and an understanding was reached that if the university was still keen to pursue these studies, it must approach other jurisdictions to obtain a permit for such work as it was outside the scope of the archaeological rescue programme.

The resolution of the meetings was that it was not necessary to carry out DNA tests. The Mokabane family was therefore advised to pursue the matter outside the scope of the stakeholder engagement process.

5.6. The Meeting of the Families with Cultural, Religious and Linguistic (CRL) Rights Commission on 18 August 2022

The meeting was convened after Mokabane family approached the Cultural, Religious and Linguistic (CRL) Rights Commission complaining that they had been denied the right to perform their rites at Manogeng in connection with the accidental exposure of human remains. The meeting at Roosenekal attended by all family groups was disrupted by rowdy behaviour and threats of violence from some of the attendants. CRL Commissioner Sheila Khama addressed the meeting briefly expressing safety concerns, ruling that the meeting could not take place under the circumstances. Commissioner Khama said that the CRL Commission will call all key stakeholders to a meeting, date and venue to be announced in due course.

5.7. Meeting convened by CRL in Groblersdal, 18 October 2022

A second meeting was convened by the CRL Commission concerning the differences among the claimant groups on the treatment of human remains. Among other things, the Mokabane family said that they had been denied the right to practice their rituals at Manogeng. Whilst noting that the claim was without foundation, the CRL noted that no family had been denied access to the site on religious grounds. The Commission ruled that it was not necessary to carry the tests, given the complexities and cost of carrying the tests.

5.8. Meeting convened by CRL in Groblersdal, 23 – 25 January 2023

The meeting was presided over by Commissioner Sheila Khama who was accompanied by three other commissioners namely Commissioner Adv. Richard Botha, Ms Maureen Chauke and Ori Rambuda (Figures 3-4). There were many issues placed on the agenda for discussion over three days. The families alleged that Eskom had not followed the due process in terms of legislation and flagged especially the stakeholder

engagement process. The families demanded an apology from Eskom. The families also restated demands submitted to Eskom for restitution or remediation. In response Eskom argued that an Environmental Impact Assessment and Heritage Impact Assessments had been conducted and permits to continue to start the project granted.

Having looked at both sides of the argument, the Commissioners stressed the point that the families and Eskom must put aside their differences and finalize the plan to re-bury the human remains without further delays.

The meeting then focused on the demands of the families of which the sticking point was the request for Eskom to construct a road (upgrading from gravel to surface) from the main R555 that would provide a shorter route to settlements such as Hlogotlou and Monsterlus to the main service centres – Burgersfort, Steelpoort and Roosenekal. The commissioner stated that that proposal was altruistic and for the public good, but it was not realistic for Eskom to construct and manage public roads because it was the mandate of the government. There were many complex transactions associated with road construction and maintenance, such as buying and/or negotiating servitudes through private land, and long-term maintenance of the road. The government was better placed to do this job than Eskom whose sole responsibility was to provide energy. After two days of deliberations on this and other issues, the CRL succeeded to broker a settlement in which the families dropped the road and agreed to sign an MoU paving the way for reburial.

On the other hand, Eskom promised to deal with the other demands within the ambit of its corporate social investment from policy (CSI) for which R3 Million Rands had been allocated. Ms Tsholofelo Moeresele of Eskom's Stakeholder Relations Department explained the requirements for host communities to apply for CSI funding for projects and social welfare needs. Communities can only apply for projects that the CSI programme is mandated to cover. Registered SMMEs, non-profit organizations and companies could be easily established as vehicles for the utilization of the funding. Furthermore, Eskom had allocated R3.5 million for the reburial programme for which most of the services would be procured from among the members of the claimant families.



Figure 3: The CRL Commission led by Commissioner Sheila Khama presiding over the stakeholder meeting, 23 January 2023



Figure 4: CRL Commission hearing of the grievances on 23 January 2023, Municipal Chambers, Groblersdal

5.9. CRL visit to Manogeng (Inspection in Loco)

On 24 January 2023, the CRL Commissioners visited Manogeng for an inspection in loco accompanied by family members and delegates from the regulatory authorities, SAHRA and LIHRA. After seeing the proposed burial ground that is located adjacent a protected area with stone walls and cairns, the visitors were let into the storeroom where the human remains are kept. After the visit it appeared that Eskom and the families would set aside the minor difference and make common cause to rebury the human remains without further delays.

The CRL Commissioners witnessed the signing of the amended MoU between Eskom and representatives of the four families on 25 January 2023 paving way for a more vigorous programme towards reburial of the human remains (Figure 5).



Figure 5: Family delegates signing the amended Memorandum of Understanding on 25 January 2023

6. HERITAGE RISK ASSESSMENT AND MANAGEMENT

Public sensitivities about graves and the handling of human remains. Nevertheless, Eskom and the Families have reached an agreement to proceed with the reburial plan. Overall, the level of risk has been lower significantly due to the developing mutual cooperation between Eskom and the families.

7. KEY ACTIONS FOR THE NEXT REPORTING CYCLES (WAY FORWARD)

- Continue with stakeholder engagement to finalize the Reburial Plan
- Update the Application to SAHRA for the issue of a Reburial Permit.

8. OVERVIEW OF THE HERITAGE MANAGEMENT PROCESS

Table 2: Consolidated table of streams of work

	PROJECT PHASES	ACTIVITIES	DELIVERABLES	STATUS
	PHASE 1 TASKS			
1	ARCHAEOLOGICAL MONITORING PROGRAMME	Inception of Project	Inception Report	Completed
2	STAKEHOLDER ENGAGEMENT	1. Prepare a Memorandum of Understanding (MoU)	MoU signed by the community	Completed
		2. Liaison with SAPS		Completed
3	LEGAL COMPLIANCE	1. Application to LIHRA for Heritage Permit	Heritage Permit issued	Completed
		2. Application to the Sekhukhune District Municipality for Health Permit	Health Permit	Completed
		3. Application for Reburial Permit submitted		
4	DEVELOPING METHODS FOR THE ARCHAEOLOGICAL RESCUE OPERATIONS	Developing field methods for the rescue of human remains and heritage artefacts	<ul style="list-style-type: none"> Heritage Management Method Statement (General) Archaeological Monitoring Programme Method Statement for the archaeological investigation of the topsoil stockpile Archaeological Sampling Method Statement 	Completed
5	MONITORING AND RISK ASSESSMENT	1. Archaeological Monitoring Programme	Monthly Reports	Completed
		2. Heritage chance finds recording, inspection and management	Finds Register	Completed
		3. Safety, Health and Environmental requirements compliance	Daily Safety Task Instruction (DSTI)	Completed
	PHASE 2A TASKS			
6	STAKEHOLDER ENGAGEMENT (REVIEW OF MoU)	1. Preparation of the Engagement Pack and continuous communication with key Stakeholders esp. the local community and descendants	<ul style="list-style-type: none"> Reviewed MoU 	Completed
		2. Meeting with Chief Moloko	Stakeholder Engagement Report	Completed
		3. Meeting at the Royal House of Sekhukhune	Stakeholder Engagement Report	
7	LEGAL COMPLIANCE	Application to LIHRA for renewal / extension of Heritage Permit	Heritage Permit	Completed
		Application to SAHRA for Reburial Permit	Application submitted	In progress
8	HERITAGE MANAGEMENT PLAN	Preparation of Heritage Management Plan (HMP)	<ul style="list-style-type: none"> HMP Draft HMP Advanced Draft Final HMP 	Completed

PHASE 2B				
9	REBURIAL PLAN	1. Public Notices and advertising	Public Notices (60 days window period)	
		2. Preparation of Reburial Plan	Reburial Plan	In progress
		3. Allocation of land for reburial & Fencing	Reburial Land Analysis Report	Completed
		4. Appointment of Funeral Services		In progress
		5. Assessment of material needs	Inventory of material requirements (funerary goods, tombstones and wake fees) Inventory of needs for the traditional ceremony (animals, food etc.)	To follow
		6. Monitoring Excavations of burial shafts	Burial shafts excavated	To follow
10	ARCHIVAL RESEARCH	1. Oral history survey targeting claimants 2. Archival Research, Univ of Pretoria Library		Completed
11	STAKEHOLDER ENGAGEMENT	Dialogue with the new groups representing families of descendants	Amended MoU signed with Stakeholders on 25 January 2022	Completed
12	REBURIAL	1. Prepare the Reburial Schedule	Programme of events	To follow
		2. Reburial	Reburial Report	To follow
13	PROJECT CLOSEOUT REPORT	Write and submit Closeout Report	Closeout Report	To follow

END

