

DIGBY WELLS
ENVIRONMENTAL



Exxaro Thabametsi Coal Mine: Grave Relocation Project

Burial Grounds and Graves Relocation Report

Project Number:

EXX0564

Prepared for:

Exxaro Coal (Pty) Ltd

December 2017

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Report Type:	Burial Grounds and Graves Relocation Report
Project Name:	Exxaro Thabametsi Coal Mine: Grave Relocation Project
Project Code:	EXX0564

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EXECUTIVE SUMMARY

Exxaro Coal (Pty) Ltd (hereinafter Exxaro) appointed Digby Wells Environmental (hereinafter Digby Wells) to undertake a Grave Relocation Process (GRP) for graves that will be affected by the Thabametsi Coal Mine Project.

Exhumation of the mortal remains of the deceased was undertaken manually utilising standard exhumation practice informed by archaeological excavation techniques. Individual graves were exhumed and relocated over the period 15 – 17 November 2017. These are summarised in the following table:

Grave ID	New Grave No.	Reburial Site	Deceased	Date of exhumation and reburial
S.36-002/2	ED 9	Onverwacht Cemetery, Lephhalale	Anna Matlou (Nkoati)	17 November
S.36-002/3	ED 5		Klaas Tibanyane	
S.36-002/4	ED 7		Mishack Tibanyane	
S.36-002/5	N/A	Shongwane 2 Cemetery	Stephanie Serumela	
S.36-002/7	ED 6	Onverwacht Cemetery, Lephhalale	Mferoane Thabea Tibanyane	
S.36-015	N/A	N/A	Semenson Gwane	16 November
S.36-016	ED 1	Onverwacht Cemetery, Lephhalale	Frans Nkomo	16 November
S.36-017	ED 2		Johannes Jacobus Pretorius	15 November
S.36-018	ED 3		Maluleke	16 November
S.39-019			Symbolic Sample	

Subsequent to the exhumation and reburial the Nkomo family initiated contact with Exxaro. Exxaro are presently in the process of consultation with the Nkomo family in respect of the Thabametsi GRP. This notwithstanding, the particular grave in question is younger than 60 years and therefore falls outside the ambit of the NHRA requirements. To this effect, any further consultation between Exxaro and the Nkomo, including the requested relocation of S.36-016 (ED 1) to Ga-Seleka, must be completed in accordance with applicable legislation and approvals.

The project will be finalised with the relocation of the graves S.36-002/1 and S.36-002/6, associated with Messrs, Matlou and Tibanyane. As these graves are younger than 60 years, they fall outside the ambit of Section 36(3) of the NHRA and are subject to the legislation and approvals (*current approvals remain applicable*).

This report was compiled to satisfy the conditions contained in the NHRA Section 36(3) Permit issued by the SAHRA BGG Unit, specifically condition (6) that required the report to be lodged with the provincial heritage resources authority and the SAHRA BGG Unit. As the remaining relocations are younger than 60 years, Digby Wells is of the opinion all NHRA Section 36(3) requirements have been met.

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1 Introduction

Exxaro Coal (Pty) Ltd (hereinafter Exxaro) appointed Digby Wells Environmental (hereinafter Digby Wells) to undertake a Grave Relocation Process (GRP) for graves that will be affected by the Thabametsi Coal Mine Project.

This report constitutes the Burial Grounds and Graves Relocation Report. The report was completed to satisfy the requirements of the South African Heritage Resources Agency (SAHRA) exhumation and reburial permit (Permit ID: 2562¹; Case ID: 9324²), issued in respect of Section 36 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA).

1.1 Project background

Exxaro is the holder of a Mining Right for the Thabametsi Coal Mine (“the Project”). Digby Wells served as the independent environmental assessment practitioner (EAP) in support of the Mining Right Application (MRA, Ref: LP30/5/1/2/2/10013) and Environmental Authorisation (EA, Ref: 12/1/9/2/-W44) to the Department of Mineral Resources (DMR) and Limpopo Department of Economic Development, Environment and Tourism (LEDET) respectively.

To comply with the regulatory framework, namely the Minerals and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA) and National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), an Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) were completed for the Project situated on the following farms:

- McCabesvley 311 LQ;
- Van Der Waltspan 310 LQ;
- Zaagput 307 LQ;
- Jackhalsvley 309 LQ;
- Vaalpensloop 313 LQ RE; and
- Vaalpensloop 313 LQ Portion 1.

One of the specialist studies completed in support of the EIA/EMP was a Heritage Impact Assessment (HIA) in terms of Section 38(8) of the NHRA (Karodia & Higgitt, 2013). The HIA was required to include an assessment of the potential impacts to the following heritage resources:

¹ Available at <http://www.sahra.org.za/sahris/node/406250>

² Available at <http://www.sahra.org.za/sahris/cases/exxarothabametsigrp>

Table 1-1: Required heritage component for the HIA completed

Required Component by SAHRA	Relevant NHRA Section
Archaeology	Section 2(ii), (xxxi) & 35
Palaeontology	
Built Structures	Section 2(xiv) & 34
Sites of cultural significance associated with oral histories	Section 2(xxi)(b)
Burial Grounds and Graves	Section 2(xiii), (xviii) & 36
Graves of victims of conflict	
Cultural landscapes or views	-

The assessors identified amongst other heritage resources, two burial grounds containing one and seven graves respectively. The HIA report was submitted to the SAHRA via the South African Heritage Resources Information System (SAHRIS) (Case ID: 569³) in January 2013, “Final Comment” issued by SAHRA on 27 August 2013.

The “Final Comment” issued by SAHRA stated that because the identified graves were younger than 60 years, Section 36 of the NHRA did not apply and other relevant legislation as presented in Chapter 1.3 below must be adhered. Nonetheless, Exxaro again appointed Digby Wells to undertake a Burial Grounds and Graves Consultation (BGGC) process founded on the NHRA Section 36(3) process as encapsulated within Chapters XI and IX of the NHRA Regulations (GN R 548).

The BGGC process commenced in 2013 with a verification survey, and the identification of *bona fide* Next-of-Kin (NoK) of the deceased interred in the identified burial grounds and graves. During this process, an additional four additional burial grounds were identified for inclusion in the SAHRA Section 36(3) application. Registered interested and affected parties (I&APs) were engaged and consulted in accordance with Chapter XI of the NHRA Regulations. Consultation included the development of an entitlement framework, including ceremonial practices in respect of exhumations. The entitlement framework served as the basis for the development of formal agreements between Exxaro and NoK.

The BGGC process culminated in a BGGC Report submitted to the SAHRA and Limpopo Heritage Resources Authority (LIHRA) on 29 March 2016⁴ in support of the application. The report further supported local and provincial applications for exhumation and reburial made to the Lephalale Local Municipality (LLM) and Waterberg District Municipality (WDM).

³ Available at <http://www.sahra.org.za/sahris/cases/exx564thabametsiproject>

⁴ Available at <http://www.sahra.org.za/sahris/heritage-reports/thabametsi-bggc-report>

Table 1-2: SAHRIS references

Case Reference:	Exxaro Thabametsi GRP	
SAHRA Case ID:	9324	
Case Officer:	Thingahangwi Tracy Tshivhase	
Permit ID:	2247	2562
Permit Validity:	24/05/16 – 24/05/2017	31/07/2017 – 31/07/2018
Permit Holder:	Johan Nel ⁵	

1.2 Project description

The Thabametsi Coal Mine is situated some 30 km from Lephalale, Limpopo Province. The Project will entail the development of open pit mining and ancillary infrastructure. This will include construction and operation activities as considered in the HIA. Of specific relevance to the GRP, are the following:

- Infrastructure construction:
 - Removal of topsoil and vegetation;
 - Development of haul roads and use of borrow pits;
 - Transport of construction material; and
 - Construction of surface infrastructure.
- Mining development area:
 - Blasting;
 - Development of initial bench for mining; and
 - Topsoil and overburden stockpiling.
- Water management activities
 - Storm water diversion berms;
 - Construction of pollution control dams and reticulation systems;
 - Construction of clean water dams; and
 - Construction of a sewerage treatment plant.

⁵ Johan Nel was unable to attend the scheduled exhumations and reburials due to unforeseen circumstances. Johan Nel communicated telephonically with the SAHRA Case Officer on 14 November 2017 to inform them that Justin du Piesanie would be the ASAPA accredited archaeologist required on site during the implementation to comply with the conditions of the NHRA Section 36(3) Permit.

- Mining activities:
 - Removal of overburden;
 - Drilling and blasting (explosive use);
 - Overburden stockpiling;
 - RoM stockpile; and
 - Use and maintenance of haul roads.

These various construction and operational activities associated with the Project posed a significant risk to the identified burial grounds and graves. Furthermore, the extent of the Thabametsi Coal Mine is earmarked to be fenced for security and safety reason, thereby restricting access to the sites.

Exxaro therefore initiated the BGGC and subsequent GRP. Following the receipt of all the relevant permits and approvals from the responsible authorities, Exxaro requested Digby Wells to implement the GRP with the assistance of Doves Funerals Lephalale Branch (hereinafter Doves) as the registered local undertakers. The GRP was completed from May to November 2017.

1.3 Summary of legislative compliance

A detailed description of the relevant legislative requirements is presented in the BGGC report and not repeated here. This section provides a summary of the relevant Acts, Regulations and policies the physical exhumation and reburials adhered to.

Table 1-3: Relevant regulatory framework

Acts	NHRA
Regulations	NHRA Regulations (GN R 548) National Health Act, 2003 Regulations (GN R 363)
Ordinance	The Exhumations Ordinance 12 of 1980
Policies	SAHRA Burial Grounds and Graves (BGG) draft Guidelines to Burial Grounds and Graves Permitting Policy (2013) Exxaro Grave Relocation Policy

Digby Wells were issued various permits and approvals by the relevant authorities in terms of the above mentioned regulatory framework. These are presented in Table 1-4 with all applicable conditions.

Table 1-4: Permits, approvals and conditions

Permit / Approval	Reference	Conditions
NHRA Section 36(3) Permit	Permit ID: 2562	<p>Where the permit holder is not to be present on site at all times then the heritage authority must be provided with the names and qualifications of the authorised representative;</p> <p>Adequate recording methods as specified in the Regulations and Guidelines must be employed;</p> <p>A standard site record form must be lodged on SAHRIS</p> <p>Consultation procedures as indicated in the regulations must be observed. A report on the specimens recovered and their origins must be submitted to the heritage authority annually on or before 31 July 2018 for the duration of the permit;</p> <p>All remains uncovered, including relics and artefacts, must be kept with the skeletal material and be reburied at the chosen municipal cemeteries by the NoK;</p> <p>Reprints of all published papers or copies of theses and/or reports resulting from this work must be lodged with the relevant provincial heritage authority and SAHRA;</p> <p>If a published report has not appeared within three years of the lapsing of this permit, the report required in terms of the permit will be made available to researchers on request;</p> <p>It is the responsibility of the permit holder to fill in excavations and protect sites during and after excavation to the satisfaction of the heritage authority and the landowner.</p>
LLM Exhumation and Reburial Approval	16/7/4 (2 August 2016) 16/7/3/2-5189 (14 November 2017)	None specified
WDM Exhumation and Reburial Approval	None	<p>The exhumation and reburial must be done in accordance with Regulation 363 of 22/5/2013 of the National Health Act, 2003 (Act No. 61 of 2003);</p> <p>The WDM must be notified of the removal of the remains at least 7 (seven) working days before commencing with the activity to allow the arrangement of an E.H.P for compliance of Section 27(1)(d) of GN R 363</p>

1.4 Purpose and outline of report

The GRP report was compiled to comply with the specified conditions contained within the permits and approvals issued by the relevant authorities as presented in Table 1-4. The remainder of the report will be structured as follows:

Table 1-5: Structure of the report

Chapter	Description
2	Details the specific methodologies that were employed throughout the implementation of the GRP.
3	Summarises the additional stakeholder engagement undertaken subsequent to the submission of the BGGC report.
4	Reports on the exhumation and reburial of the affected burial grounds and graves.
5	Concludes the Exxaro Thabametsi GRP report

2 Methodology

2.1 Additional NoK consultation

Additional consultation with NoK was undertaken subsequent to the aforementioned BGGC process and issuing of permits and approvals in 2016. This included Short Message Service (SMS) notifications, telephonic information sharing, and NoK meeting.

The additional stakeholder engagement comprised the following:

Table 2-1: Summary of additional stakeholder engagement

Date	Medium	Purpose
17 May 2017	SMS	Inform of current status
31 May 2017	Telephone call	Record comments on distributed SMS
19 July 2017	SMS	Inform of appointment process of service provider
6 September 2017	Telephone call	Confirm current residential address of NoK
05 October 2017	SMS	Schedule of NoK Meeting
13 October 2017	Meeting	Introduction of Doves as the service provider; Finalise NoK requirements and implementation schedule.

2.2 Exhumation and relocation

Exhumation of the mortal remains of the deceased was undertaken manually utilising standard exhumation practice informed by archaeological excavation techniques. This comprised the following steps:

Table 2-2: Exhumation and relocation methodologies employed

Step	Methodology employed
Surface recording	Surface features and grave dressing were recorded through photographs and written notes.
Clearing	Surface dressing was removed. Formal headstones, as per the NoK agreements, were either removed for relocation to the reburial cemetery (<i>curated at Doves until such time</i>), or broken down and disposed on site.
Manual excavation	Excavation was undertaken by two-man teams using pick and shovel. Excavations were undertaken in arbitrary levels in the lower third of the grave pit, i.e. areas assumed to be the location of the more robust lower limbs (<i>femur, tibia or fibula</i>) that would serve as an indicator of the mortal remains depth. Attention was paid to soil colour, texture and compaction to guide the identification of the extent of the grave pit. Excavation using pick and shovel was discontinued at the first identification of mortal remains, or any other evidence of burial including corrugated iron sheets, iron nails, or remnants of coffins and other burial containers.
Exposing of remains	Remains were exposed through use of trowels and brushes to minimise risk of damage. Remains still within coffins, other burial containers or wrapped in blankets were not exposed any further.
Recording of remains	The exposed remains were recorded through photographs and written notes.
Removal of remains	All mortal remains and graves goods were removed and placed into body bags and new replacement coffins in the presence of family members (<i>where applicable</i>), representatives of the South African Police Service ⁶ (SAPS), and WDM officer ⁷ .
Reburial	The exhumed remains were transported to the reburial site via hearse and re-interred in previously prepared graves. Once the coffins were placed into the new grave pits, it was backfilled.

⁶ Representative included Constable Ramphaga

⁷ Representative included E. Badenhorst and V. Langa

3 Summary of additional NoK consultation

As previously indicated, some additional consultation subsequent to the BGGC process was undertaken (Refer to Table 2-1). The purpose of the additional stakeholder engagement was twofold, namely:

1. Provide feedback to the current status of the GRP, and finalise the requirements and schedule for implementation through consultation with the NoK; and
2. Reach agreement with Messrs S. Tibanyane, D. Maluleke and J. Matlou who to date had not signed the NoK Agreements.

The remainder of this chapter discusses these two aspects separately below.

3.1 NoK Meeting

A final NoK meeting was held on 13 October 2017 at the Mogol Club, Lephalale. The purpose of the meeting was as follows:

- Provide the NoK with a status update to the Project, and apologies for the delays in implementation;
- Introduce the new Project team and service providers;
- Summarise the agreements and discuss all ceremonial requirements; and
- Finalise the schedule for implementation.

The meeting was attended by all NoK that had agreed to the process. This included representatives from the Leola, Lefawane, Nkoati, Serumula, Mashabane and Tibanyane families. The outcome of the meeting was all NoK representatives agreed to the ceremonial requirements, and proposed schedule for implementation.

Please refer to Appendix B for detailed minutes of the meeting.

3.2 Unresolved agreements

3.2.1 S. Tibanyane

At the time that the BGGC report was submitted in support of the application for permit and approvals to the various authorities, agreement between Mr. S. Tibanyane and Exxaro regarding the exhumation and relocation of his relatives grave (S.36-002/6, *Lotta Tibanyane*), had not been reached. This notwithstanding, the permits and approvals were issued by the authorities based on the risks identified and reported.

Digby Wells engaged with Mr. Tibanyane through SMS and telephonic calls. During this engagement, Mr. Tibanyane indicated that he did not want to be part of the process and would be seeking legal assistance to halt the process. In response, Exxaro made the decision to exclude the grave S.36-002/6 from the current process until further engagement can take place in an attempt to resolve the matter.

One Mafika Kubheka of the Rural Development and Land Reform (RDRL), on behalf of Mr. Tibanyane, made contact with Exxaro on 15 November 2017 via email disputing the GRP, registered NoK claims to the various graves, and approvals received.

Exxaro, through their representative Selvan Subroyen of EOH Legal Services, responded to the RDRL in a letter dated 16 November 2017 (Refer to Appendix B). In summary, the letter stated:

- Exxaro was in possession of the requisite permits and approvals to undertake the exhumation, relocation and re-internment of the Tibanyane family graves;
- The necessary consent from the NoK was granted; and
- The grave of Mr. Tibanyanes father, Lotta Tibanyane (S.36-002/6) will remain *in situ* at this stage.

Digby Wells was not in possession of any further communication between the RDRL and Exxaro at the time of the compilation of this report. This notwithstanding, the particular grave in question is younger than 60 years and therefore falls outside the ambit of the NHRA requirements. To this effect, any further consultation between Exxaro, the DRLR and Mr. Tibanyane, including the proposed relocation of S.36-002/6 must be completed in accordance with applicable legislation and approvals outlined in Chapter 1.3 above.

3.2.2 D. Maluleke

At the time that the BGGC report was submitted in support of the application for permit and approvals to the various authorities, agreement between Mr. D. Maluleke and Exxaro regarding the exhumation and relocation of his relatives' graves (S.36-018 and S.36-019) had not been reached.

Exxaro established telephonic contact with Mr. Maluleke on 10 and 13 November respectively. From the telephonic conversation, it was indicated that he was willing to sign the agreements, however, was unavailable to do so prior to the implementation of the GRP. To date, no resolution on the signed agreement has been reached between Mr. Maluleke and Exxaro.

Please refer to Chapter 4.5 for the specific requirements for the Maluleke burial grounds.

3.2.3 J. Matlou

At the time that the BGGC report was submitted in support of the application for permit and approvals to the various authorities, agreement between Mr. J. Matlou and Exxaro regarding the exhumation and relocation of his relatives' graves (S.36-002/1) had not been reached.

Digby Wells engaged with Mr. Matlou through SMS and telephonic calls. During this engagement, Mr. Matlou indicated that they are satisfied with the process and will be in attendance at the scheduled NoK meeting, 13 October 2017. Subsequent to this however, Mr. Matlou contacted Doves on 10 October 2017 and indicated his dissatisfaction in regards to the GRP. He did not attend the scheduled meeting as discussed above. To this effect, Exxaro

made the decision to exclude the grave S.36-002/1 from the current process until further engagement can take place.

Mr. Matlou requested relevant contact information during the exhumations and relocations of the graves at S.36-002 on 17 November 2017. This was provided, and Mr. Matlou contacted Exxaro on 7 December 2017. During his telephonic discussions with the Exxaro representative, Mr. Matlou requested the relocation his relatives' grave (S.36-002/1, *Smith Matlou*). This notwithstanding, the particular grave in question is younger than 60 years and therefore falls outside the ambit of the NHRA requirements. To this effect, any further consultation between Exxaro and Mr. Matlou, including the proposed relocation of S.36-002/1 must be completed in accordance with applicable legislation and approvals outlined in Chapter 1.3 above.

4 Records of exhumation and relocation

This chapter presents a summary of the individual graves that were exhumed and relocated over the period 15 – 17 November 2017. Table 4-1 summaries the exhumed graves and reburial information.

Table 4-1: List of graves and reburial information

Grave ID	New Grave No.	Reburial Site	Deceased	Date of exhumation and reburial
S.36-002/2	ED 9	Onverwacht Cemetery, Lephhalale	Anna Matlou (Nkoati)	17 November
S.36-002/3	ED 5		Klaas Tibanyane	
S.36-002/4	ED 7		Mishack Tibanyane	
S.36-002/5	N/A	Shongwane 2 Cemetery	Stephanie Serumela	
S.36-002/7	ED 6	Onverwacht Cemetery, Lephhalale	Mferoane Thabea Tibanyane	
S.36-015	N/A	N/A	Semenson Gwane	16 November
S.36-016	ED 1	Onverwacht Cemetery, Lephhalale	Frans Nkomo	16 November
S.36-017	ED 2		Johannes Jacobus Pretorius	15 November
S.36-018	ED 3		Maluleke	16 November
S.39-019			Symbolic Sample	

4.1 S.36-002

The burial ground S.36-002, located on Vaalpensloop 313 LQ, included seven individual graves. The graves were associated with the following families:

- Leola;
- Lefawane;
- Nkoat;
- Serumula;
- Mashabane; and
- Tibanyane.

Five of the seven graves were exhumed and relocated on 17 November 2017. As previously mentioned, S.36-002/1 and S.36-002/6 were excluded from the current GRP until such time as resolution between the NoK can be reached. The exhumation process was witnessed by representatives of the aforementioned families and the SAPS. Representatives from the WDM did not attend the exhumations on 17 November 2017.

The process was supervised by Justin du Piesanie and Jaco van der Walt. The exhumation and reburial was undertaken by Doves.

4.1.1 S.36-002/2

Table 4-2: Exhumation records for S.36-002/2

Exhumation Records			
Location:	Vaalpensloop 313 LQ	Grave No:	S.36-002/2
Surface goods:	Ferricrete / Calcrete surface dressing		
Burial Dimensions	80 cm (l)	40 cm (w)	126 cm depth
Gender:	Female	Race:	African
Approximate Age	Juvenile		
Preservation:	Fair	Skeletal remains (%):	80 – 100
Description:	The skeletal remains were highly fragmented. Soil was collected and placed into the body bag to ensure all remains were collected and relocated. The pit was excavated to the terminal depth at approximately 126 cm		



Figure 4-1: Photographic records for S.36-002/2



Figure 4-2: Photographic record of skeletal remains for S.36-002/2

4.1.2 S.36-002/3

Table 4-3: Exhumation records for S.36-002/3

Exhumation Records			
Location:	Vaalpensloop 313 LQ	Grave No:	S.36-002/3
Surface goods:	Ferricrete / Calcrete surface dressing, concrete border. A blue enamel mug		
Burial Dimensions	135 cm (l)	90 cm (w)	130 cm depth
Gender:	Male	Race:	African
Approximate Age	Adult		
Preservation:	Fair	Skeletal remains (%):	80 – 100
Description:	<p>The skeletal remains were contorted, positioned on the side with the knees lifted. The family indicated the deceased died in a fire, which could explain the position.</p> <p>The remains were within the soil matrix. Large skeletal remains were highlighted and photographed before removing the individual bones.</p> <p>The pit was excavated to the terminal depth at approximately 130 cm.</p>		



Figure 4-3: Photographic records for S.36-002/3

4.1.3 S.36-002/4

Table 4-4: Exhumation records for S.36-002/4

Exhumation Records			
Location:	Vaalpensloop 313 LQ	Grave No:	S.36-002/4
Surface goods:	Concrete border and granite headstone. R2 coin, 1987; R2 coin, 2007; R1 coin, 1992		
Burial Dimensions	120 cm (l)	90 cm (w)	160 cm depth
Gender:	Male	Race:	African
Approximate Age	Adult		
Preservation:	Fair	Skeletal remains (%):	80 – 100
Description:	The skeletal remains were enclosed in cloth. They were not exposed any further. The remains were removed intact and placed in a plastic body bag and coffin. The pit was excavated to the terminal depth at approximately 160 cm.		

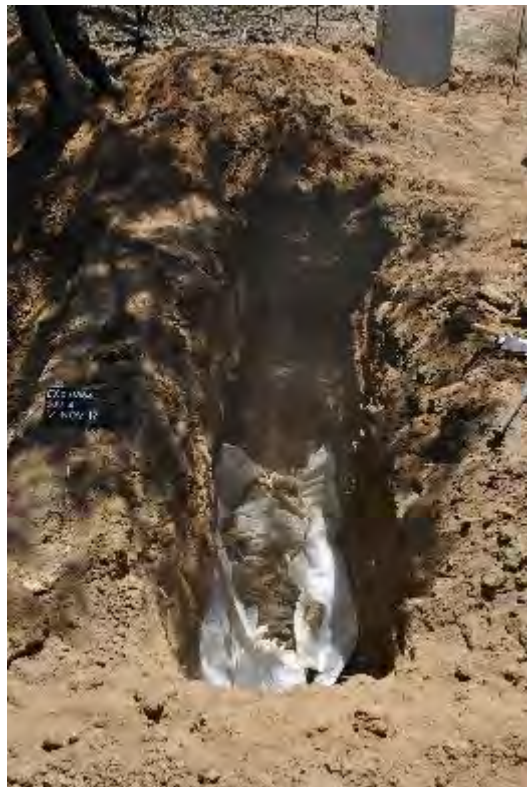


Figure 4-4: Photographic records for S.36-002/4

4.1.4 S.36-002/5

Table 4-5: Exhumation records for S.36-002/5

Exhumation Records			
Location:	Vaalpensloop 313 LQ	Grave No:	S.36-002/5
Surface goods:	Concrete surface dressing and headstone. Decorated with red and black tile cross.		
Burial Dimensions	180 cm (l)	60 cm (w)	150 cm depth
Gender:	Female	Race:	African
Approximate Age	Adult		
Preservation:	Fair	Skeletal remains (%):	80 – 100
Description:	The skeletal remains were enclosed in a blue and red blanket. They were not exposed any further. The remains were removed intact and placed in a plastic body bag and coffin. The pit was excavated to the terminal depth at approximately 150 cm.		



Figure 4-5: Photographic records for S.36-002/5

4.1.5 S.36-002/7

Table 4-6: Exhumation records for S.36-002/7

Exhumation Records			
Location:	Vaalpensloop 313 LQ	Grave No:	S.36-002/7
Surface goods:	Iron sign board and soil surface dressing.		
Burial Dimensions	215 cm (l)	120 cm (w)	184 cm depth
Gender:	Female	Race:	African
Approximate Age	Adult		
Preservation:	Fair	Skeletal remains (%):	80 – 100
Description:	The skeletal remains were enclosed in a cloth. They were not exposed any further. The remains were removed intact and placed in a plastic body bag and coffin. Burial goods identified included remains of coffin handles, green rope identified as religious attire, and a white plastic button. The pit was excavated to the terminal depth at approximately 190 cm.		



Figure 4-6: Photographic records for S.36-002/7

4.2 S.36-015

S.36-015 comprised a single grave on the farm Leeuwdrift 312 LQ. The location of the grave was recorded by Pistorius (2010). The original grave marker indicated the deceased to be Semenson Gwane. No NoK were registered with this grave during the BGGC process.

The recorded location was examined on 3 October 2017 by Johan Nel, Justin du Piesanie, and Premeeth Ramsaywok. The original grave marker could not be located. Within proximity to the recorded location as per Pistorius (2010), was a rusted tin interpreted as the potential grave marker.

Test excavations commenced on 16 November 2017. The soil was monitored to gauge soil compaction and identify any potential grave pit markers. During the manual excavation, no difference in soil compaction, as an indicator of previous disturbance, or grave pit markers were identified. The excavation ceased at the terminal level as indicated by a ferricrete layer at approximately 60 cm.

The process was supervised by Justin du Piesanie. The excavation was undertaken by Doves.



Figure 4-7: Potential grave S.36-015

During the test excavations, Ranger Jonas Malakgadi indicated that a grave in the vicinity of the recorded position of S.36-015 was exhumed and relocated in 2014. It is assumed that this grave was that of Semenson Gwane. No record of the grave relocation could be identified on SAHRIS as this grave did not fall under the requirements of Section 36(3) of the NHRA.

4.3 S.36-016

S.36-016 comprised a single grave on the farm Van der Waltspan 310 LQ. The deceased was recorded as Frans Nkomo. No NoK were registered with this grave during the BGGC process,

however, subsequent to the exhumation and reburial the Nkomo family initiated contact with Exxaro. Exxaro are presently in the process of consultation with the Nkomo family in respect of the Thabametsi GRP. This notwithstanding, the particular grave in question is younger than 60 years and therefore falls outside the ambit of the NHRA requirements. To this effect, any further consultation between Exxaro and the Nkomo, including the requested relocation of S.36-016 (ED 1) to Ga-Seleka, must be completed in accordance with applicable legislation and approvals outlined in Chapter 1.3 above.

The exhumation and relocation of the graves was completed on 16 November 2017. The exhumation process was witnessed by representatives of the SAPS. Representatives from the WDM did not attend.

The process was supervised by Justin du Piesanie. The exhumation and reburial was undertaken by Doves.

Table 4-7: Exhumation records for S.36-016

Exhumation Records			
Location:	Van der Waltspan 310 LQ	Grave No:	S.36-016
Surface goods:	Concrete surface dressing and tombstone.		
Burial Dimensions	200 cm (l)	100 cm (w)	182 cm depth
Gender:	Male	Race:	African
Approximate Age	Juvenile		
Preservation:	Poor	Skeletal remains (%):	40 - 60
Description:	The coffin and skeletal remains were located beneath a corrugated iron sheet. Remnants of the coffin were recorded and collected. The skeletal remains, where still enclosed in cloth, were placed in the body bag intact. Where skeletal remains were no longer enclosed in cloth, the remains were highly fragmented. All remnants of the coffin, and a soil sample were collected to ensure all skeletal remains were exhumed and relocated. The pit was excavated to the terminal depth at approximately 180 cm.		



Figure 4-8: Photographic records for S.36-016

4.4 S.36-017

S.36-017 comprised a single grave on the farm Jackalsvley 309 LQ. The deceased was recorded as Jacobus Johannes Pretorius. No NoK were registered with this grave during the BGGC process. The exhumations of the grave was undertaken on 15 November 2017. The remains were temporarily stored within the Doves facility, and the reburial was completed on 16 November 2017. The exhumation process was witnessed by representatives of the WDM and SAPS.

The process was supervised by Justin du Piesanie and Jaco van der Walt. The exhumation and reburial was undertaken by Doves.

Table 4-8: Exhumation records for S.36-017

Exhumation Records			
Location:	Jackalsvley 309 LQ	Grave No:	S.36-017
Surface goods:	Tombstone with brick and cement border.		
Burial Dimensions	82 cm (l)	55 cm (w)	180 cm depth
Gender:	Male	Race:	Caucasian
Approximate Age	Juvenile		

Exhumation Records			
Preservation:	Poor	Skeletal remains (%):	0 - 20
Description:	The remnant handle of the burial containers was identified during the excavation. No skeletal remains were recorded. A soil sample was collected and placed in the body bag and coffin for reburial. The pit was excavated to the terminal depth at approximately 190 cm.		



Figure 4-9: Photographic records for S.36-016

4.5 S.36-018 and S.36-019

During the BGGC process, Mr. Maluleke claimed to have graves situated in two separate areas on the farm Jackalsvley 309 LQ. These comprised of S.36-018 and S.36-019 with two and seven individual graves reported respectively. No visible surface evidence of the proposed graves were identified. Furthermore, Mr. Maluleke was uncertain of the exact position of the graves within the burial grounds located on Jackalsvley 309 LQ. Recommendations made at that stage included:

- Non-intrusive surveys using Ground Penetrating Radar (GRP); and
- Test excavations to verify GPR results.

GPR investigations were completed by the University of Pretoria (UP) Bio-Archaeological Analysis and Archaeological Geophysics Unit at the identified locations in June 2016. The report concluded no radar anomalies consistent with the presence of graves were observed in the investigated area. To verify the GPR results as recommended, a test trench was excavated at both locations on 15 November 2017.

Test trenches were excavated across the extent of the two investigated areas. In both instances, the soil was monitored to gauge soil compaction and identify any potential grave pit markers. During the manual excavation, no difference in soil compaction, as an indicator of previous disturbance, or grave pit markers were identified. The excavation ceased at the terminal level as indicated by a ferricrete layer at approximately 50 cm.

In accordance with the verbal agreement between Mr. Maluleke and Exxaro, soil samples from S.36-018 and S.36-019 were collected and placed within a coffin for reburial. The test excavations were completed on 15 November 2017, with reburial occurring on 16 November 2017.

The process was supervised by Justin du Piesanie and Jaco van der Walt, and witnessed by representatives from the WDM and SAPS. The excavation and reburial was undertaken by Doves.



Figure 4-10: Photographic records of S.36-018 and S.36-019 respectively.

5 Conclusion

The exhumation and reburial process of the Exxaro Thabametsi GRP project was completed in part between 15 and 17 November 2017. The project will be finalised with the relocation of the graves S.36-002/1 and S.36-002/6, associated with Messrs, Matlou and Tibanyane. As these graves are younger than 60 years, they fall outside the ambit of Section 36(3) of the

NHRA and are subject to the legislation and approvals (*current approvals remain applicable*) outlined in Chapter 1.3 above. Similarly, the request from the Nkomo family to relocate S.36-016 from the reburial location within the Onverwacht Cemetery (ED 1) to Ga-Seleka fall outside the requirements of Section 36 of the NHRA and is subject to approvals in accordance with the various legislation.

A summary of the graves and reburials undertaken during this process is presented in Table 5-1.

Table 5-1: Summary of graves and reburial information

Grave ID	New Grave No.	Reburial Site	Deceased	Date of exhumation and reburial
S.36-002/2	ED 9	Onverwacht Cemetery, Lephallale	Anna Matlou (Nkoati)	17 November
S.36-002/3	ED 5		Klaas Tibanyane	
S.36-002/4	ED 7		Mishack Tibanyane	
S.36-002/5	N/A	Shongwane 2 Cemetery	Stephanie Serumela	
S.36-002/7	ED 6	Onverwacht Cemetery, Lephallale	Mferoane Thabea Tibanyane	
S.36-015	N/A	N/A	Semenson Gwane	16 November
S.36-016	ED 1	Onverwacht Cemetery, Lephallale	Frans Nkomo	16 November
S.36-017	ED 2		Johannes Jacobus Pretorius	15 November
S.36-018	ED 3		Maluleke	16 November
S.39-019			Symbolic Sample	

This report was compiled to satisfy the conditions contained in the NHRA Section 36(3) Permit issued by the SAHRA BGG Unit, specifically condition (6) that required the report to be lodged with the provincial heritage resources authority and the SAHRA BGG Unit. As the remaining relocations are younger than 60 years, Digby Wells is of the opinion all NHRA Section 36(3) requirements have been met.

Appendix A: Applicable Permits and Approvals

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Thingahangwi Tracy Tshivhase
Tel: 012 941 4968
Email: ttshivhase@sahra.org.za
CaselD: 9324

Date: Friday July 28, 2017
Page No: 1
PermitID: 2562

PERMIT: Remove from its original position

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

Permit Holder: Mr Johan Nel

The Heritage Foundation
the Heritage Foundation
Monument Hill
Eeufees Road

Site: Thabametsi Group of S.36-002 (S.36-002/1, S.36-002/2, S.36-002/3, S.36-002/4, S.36-002/5, S.36-002/6, S.36-002/7, S.36-016/1, S.36-017/1, S.36-018/1, S.36-019/1)
Pretoria
0027

Conditions:

Extension Permit for Proposed exhumation and relocation of at least 18 graves that will be affected by the development of the Exxaro Thabametsi Coal Mine on the farms RE of Vaalpensloop 313 LQ, Van der Waltspan 310 and Jackalsvley 309 LQ, near Lephalale, Limpopo Province. This permit will cover up to 25 graves in case more are discovered during the exhumation.

1. If the permit holder is not to be present on the site at all times then the heritage authority must be provided with the names and qualifications of the authorised representatives.
2. Adequate recording methods as specified in the Regulations and Guidelines pertaining to the National Heritage Resources Act must be employed. Note that the position of all excavations and objects collected must be marked on a plan of site.
3. A standard site record form must be lodged on SAHRIS.
4. Human remains must at all times be handled with respect and graves should not be disturbed except where unavoidable. The consultation procedures as indicated in the Regulations and the National Heritage Resources Act must be observed as appropriate. The recommendations for removal of graves and exhumations and for re-burial stipulated in SAHRA's Policy 'What to do when graves are uncovered', section 3, must be observed as far as possible. A report on the specimens recovered and their origin must be submitted to the heritage authority annually on or before 31 July 2018 for the

Our Ref:



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Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Thingahangwi Tracy Tshivhase

Tel: 012 941 4968

Email: ttshivhase@sahra.org.za

CaseID: 9324

Date: Friday July 28, 2017

Page No: 2

PermitID: 2562

duration of the permit.

5. All remains recovered, including relics and artefacts, must be kept with the skeletal material and be reburied at the chosen municipal cemeteries by the next of kin.
6. Reprints of all published papers or copies of theses and/or reports resulting from this work must be lodged with the relevant provincial heritage authority and SAHRA.
7. If a published report has not appeared within three years of the lapsing of this permit, the report required in terms of the permit will be made available to researchers on request.
8. It is the responsibility of the permit holder to obtain permission from the landowner for each visit, and conditions of access imposed by the landowner must be observed.
9. It is the responsibility of the permit holder to fill in excavations and protect sites during and after excavation to the satisfaction of the heritage authority and the landowner.
10. The heritage authority shall not be liable for any losses, damages or injuries to persons or properties as a result of any activities in connection with this permit.
11. The heritage authority reserves the right to cancel this permit by notice to the permit holder.

This permit is valid from
28/07/2017 to 31/07/2018

.

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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CaseID: 9324

Date: Friday July 28, 2017

Page No: 3

PermitID: 2562

Thingahangwi Tracy Tshivhase
Heritage Officer: Permitting
South African Heritage Resources Agency

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

Additional Info:

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

ADMIN: Direct URL to case: <http://www.sahra.org.za/node/360944>

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Itumeleng Masiteng
Tel: 012 9414967
Email: imasiteng@sahra.org.za
CaseID: 9324

Date: Monday May 23, 2016
Page No: 1

PermitID: 2247

PERMIT: Remove from its original position

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

Permit Holder: Mr Johan Nel

Digby Wells Environmental
Digby Wells & Associates (South Africa) (Pty) Ltd
Digby Wells Place
Turnberry Office Park
48 Grosvenor Road

Site: Thabametsi Borehole S.36-002 (S.36-002/1, S.36-002/2, S.36-002/3, S.36-002/4, S.36-002/5, S.36-002/6, S.36-002/7, S.36-015/1, S.36-016/1, S.36-017/1, S.36-018/1, S.36-019/1)

Conditions: Proposed exhumation and relocation of at least 18 graves that will be affected by the development of the Exxaro Thabametsi Coal Mine on the farms RE of Vaalpensloop 313 LQ, Van der Waltspan 310 and Jackalsvley 309 LQ, near Lephalale, Limpopo Province. This permit will cover up to 25 graves incase more are discovered during the exhumation.

1. If the permit holder is not to be present on the site at all times then the heritage authority must be provided with the names and qualifications of the authorised representatives.
2. Adequate recording methods as specified in the Regulations and Guidelines pertaining to the National Heritage Resources Act must be employed. Note that the position of all excavations and objects collected must be marked on a plan of site.
3. A standard site record form must be lodged on SAHRIS.
4. Human remains must at all times be handled with respect and graves should not be disturbed except where unavoidable. The consultation procedures as indicated in the Regulations and the National Heritage Resources Act must be observed as appropriate. The recommendations for removal of graves and exhumations and for re-burial stipulated in SAHRA's Policy 'What to do when graves are uncovered', section 3, must be observed as far as possible. A report on the specimens recovered and their origin must be submitted to the heritage authority annually on or before 31 May 2017 for the duration of the permit.
5. All remains recovered, including relics and artefacts, must be kept with the skeletal material and be reburied at the chosen municipal cemeteries by the next of kin.
6. Reprints of all published papers or copies of theses and/or reports resulting from this work must be lodged with the relevant provincial heritage authority and SAHRA.
7. If a published report has not appeared within three years of the lapsing of this permit, the report required in terms of the permit will be made available to researchers on request.

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
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Enquiries: Itumeleng Masiteng
Tel: 012 9414967
Email: imasiteng@sahra.org.za
CaseID: 9324

Date: Monday May 23, 2016
Page No: 2

PermitID: 2247

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

This permit is valid from **24/05/2016 to 24/05/2017**.

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

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

Additional Info:

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



LEPHALALE

LOCAL MUNICIPALITY

Tel: +27 14 763 2193
Fax: +27 14 763 5662
E-Mail: munic@lephalale.gov.za
Website: <http://www.lephalale.gov.za>

Private Bag X136
LEPHALALE
0555

Our Ref.: 16/7/3/2-5189

Your Ref.:

Enquiries: RE KEKANA

Attention of:

Mr Michael Funani
Doves Funeral Lephalale
LEPHALALE
0555

14 November 2017

Sir

REQUEST FOR APPROVAL TO EXHUME GRAVES FROM THE EXXARO THABAMETSI COAL MINE AND REBURIAL IN LEPHALALE (ONVERWACHT CEMETERY)

In terms of Lephalale Municipality's By-Laws, it is herewith confirmed that there is no objection to the exhumation of mortal remains from the Exxaro Thabametsi Coal Mine area and reburial at the Onverwacht Cemetery in Lephalale.

Please note that the Exhumation process will take place on 15th November 2017 and 17th November 2017.

It is noted that the following summary is a true reflection of what had transpired from various consultation processes in terms of the National Heritage Resources Act, No. 25 of 1999 (NHRA):

GRAVE NO	DECEASED NAME	REBURIAL SITE	GRAVES IDENTIFIED/ALLEGED	GRAVES TO BE EXHUMED AND RELOCATED
	Tibanyane Klaas Koma	Onverwacht cemetery, Lephalale	1	1
	Tibanyane Mferoane Thabia	Onverwacht cemetery, Lephalale	1	1
	Nkoati Manana Kebaeditse	Onverwacht cemetery, Lephalale	1	1
	Serumula Stephina Ntlakala	Onverwacht cemetery, Lephalale	1	1
	Unknown	Onverwacht cemetery, Lephalale	1	1
	Unknown	Onverwacht cemetery, Lephalale	1	1
	Unknown	Onverwacht cemetery, Lephalale	1	1

	Unknown	Onverwacht cemetery, Lephale	1	1
TOTAL				8

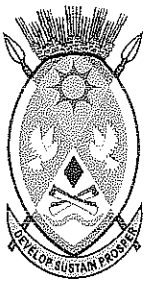
Trusting that the above will be in order.

Yours faithfully



E M TUKAKGOMO
MUNICIPAL MANAGER

/rek



Municipality

LEPHALALE

Tel: 014 763 2193
Fax: 014 763 5662
E-mail: munic@lephalale.gov.za
Website: www.lephalale.gov.za

Private Bag X136
LEPHALALE
0555

Our Ref 16/7/4

Your Ref EXX0564

Enquiries C Roselt

Attention Johan Nel

Mr Johan Nel
Manager: Heritage Resources Management Unit
Digby Wells Environmental
Private Bag X10046
Randburg
2125

2 August 2016

johan.nel@digbywells.com

Sir

REQUEST FOR APPROVAL TO EXHUME GRAVES FROM THE EXXARO THABAMETSI COAL MINE AND REBURIAL IN LEPHALALE

Your letter dated 24 June 2016 refers.

In terms of Lephalale Municipality's By-laws, it is herewith confirmed that there is no objection to the exhumation of mortal remains from the Exxaro Thabametsi Project area and reburial at the Onverwacht cemetery in Lephalale.

It is noted that the following summary is a true reflection of what had transpired from various consultation processes in terms of the National Heritage Resources Act, No 25 of 1999 (NHRA):

GRAVE NUMBER	DECEASED NAME	REBURIAL SITE	GRAVES IDENTIFIED/ ALLEGED	GRAVES TO BE EXHUMED AND RELOCATED
S.36-018	Maluleke	Onverwacht cemetery, Lephalale	2	1
S.36-019		Onverwacht cemetery, Lephalale	7	
S.36-015	Gwane, Semenson	Onverwacht cemetery, Lephalale	1	1
S.36-016	Komo, Frans	Onverwacht cemetery, Lephalale	1	1
S.36-017	Pretorius, Jacobus Johannes	Onverwacht cemetery, Lephalale	1	1
S.36-002/1	Matlou, Smith	Onverwacht cemetery, Lephalale	1	1
S.36-002/2	Matlou, Anna / Mmannana	Onverwacht cemetery, Lephalale	1	1
S.36-002/3	Tibanyane, Klaas	Onverwacht cemetery, Lephalale	1	1
S.36-002/4	Tibanyane, Mishack Tshidi Lesisana	Onverwacht cemetery, Lephalale	1	1
S.36-002/6	Tibanyane, Lotta	Onverwacht cemetery, Lephalale	1	1
S.36-002/7	Tibanyane, Mferoane	Onverwacht cemetery, Lephalale	1	1
TOTAL				10

Trusting that the above will be in order.

Yours faithfully

A handwritten signature in black ink, appearing to be 'E M TUKAKGOMO', written over a horizontal line.

**E M TUKAKGOMO
MUNICIPAL MANAGER**

/cr

LETTER BY TRADITIONAL AUTHORITY CONFORMING INDIVIDUAL'S RESIDENTIAL ADDRESS

I, the undersigned representative of the traditional authority

Full Names	Moshobo April Monyeki
Authority title	Head Man
Identifying number	4002015188081
Physical address	Ga-Monyeki village Shongoane Three Stand No. 30140
Cell number	083 515 8655

I hereby confirm that permission has been granted to: SERUMULA
RAESIBE FILITA Stand No: 795
 Identifying number 561217 0355 082

To reside in communal and under the control act of: Moshobo April Monyeki
 Name of traditional authority at

The following address: Ga-Monyeki Village
 Shongoane Three
 P.O Box 473
 Lephalale
 0555
 Stand No.30140

Signature [Signature]
 Authorised representative

Date: 15/8/2016



Note: A document issued by any division of subsidiary of the bank in harm of the acceptable document must community the declaration with the third party is verifying the address of the bank's customer
 Version \$(last update 11 January 2007) as compliance



Harry Gwala Street, Modimolle, 0510
Private Bag X 1018, Modimolle, 0510
Tel: (014) 718 3329
Fax: (014) 717 3286

on the Go for Growth

Attention: Johan Nel

*Digby Wells Environmental
P/Bag x 10046
Randburg
South Africa*

23 August 2016

Sir/Madam

REQUEST TO EXHUME GRAVES FROM THE EXXARO THABAMETSI COAL MINE AND REBURIAL IN LEPHALALE AND GA-MONYEKI RESPECTIVELY

Your application dated 19 August 2016 has reference.

It is hereby confirmed that this Department has no objection to the above-mentioned exhumation and re-interment as per schedule reflected in Paragraph 5 of your application dated 19 August 2016.

The exhumation and reburial must be done in accordance with Regulation 363 of 22/5/2013 of the National Health Act , 2003 (Act 61 of 2003).

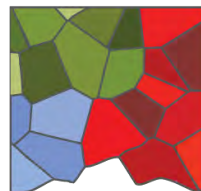
This office must be notified of the removal of the remains at least 7 (seven) working days before commencing with the activity to allow the arrangement of an E.H.P.for compliance of Section 27 (1)(d) of R. 363 of 22/5/13.

*Regards
E Badenhorst*

*.....
Divisional Head: M.H.S. Lephalale*



Appendix B: Consultation Records



DIGBY WELLS
ENVIRONMENTAL

**Thabametsi Grave Relocation
Information Sharing Meeting and
Next-of-Kin Update**

13 October 2017
Mogol Club, Lephalale

Agenda

- Welcome and apologies
- Purpose of meeting
- Introduction to new team
- Summary of agreement
- Preliminary requirements
- Draft schedule
- Comments & questions
- Closing and thanks

The background features a complex, abstract geometric pattern of overlapping polygons in shades of green, blue, and grey, separated by thin white lines. The shapes are irregular and vary in size, creating a dynamic, mosaic-like effect. A prominent red horizontal bar is centered across the middle of the image, containing the text.

Welcome and Apologies

Purpose of meeting

- Provide a status update to the Project
- Introduce the new Project team
- Introduce the service provider
- Summarise agreements
- Discuss ceremonial requirements
- Discuss draft schedule for implementation
- Register comments and questions

Project Team

Management Team

- Exxaro
 - Martin Von Wielligh
 - Premeeth Ramsaywok
 - Tebogo Leepile
 - Kim Hardy
 - Rosemary Mthunywa
 - Malapile Chokoe

Service Providers

- Digby Wells Environmental
 - Johan Nel
 - Justin du Piesanie
- Doves (Lephalale)
 - Michael Funani
 - Coenraad Strydom

Summary of agreement

Category 1: Graves that will not be directly impacted on

Plan for *in situ* management of graves

A Conservation Management Plan (CMP) must be drafted.

The CMP must be written with input from the NoK

The CMP must include agreements on the conservation, presentation and improvement of burial grounds and graves

The CMP must make provision for access to the burial grounds and grave within the legislative and policy framework to ensure health and safety requirements are adhered

Summary of agreement

Category 2: Graves that will be directly impacted on

Relocation of graves

Implementation of a grave relocation process in accordance with applicable legislation

A qualified and registered archaeologist will manage the grave relocation process

Engagement with a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision

NoK to participate in decision-making process to reach agreements regarding relocation

NoK to provide consent prior to exhuming the contents of graves

Preliminary requirements

Family	Summary of Requirements
Leola Family	Require services of traditional healer and Reverend Specific items (i.e. grocery) for exhumation ceremony
Mokau Family	Traditional services and reverend services required Specific items (i.e. grocery) for exhumation ceremony
Serumula Family	Require services of traditional healer Specific items (i.e. grocery) for exhumation ceremony
Nkoati Family	Services of traditional healer required Specific items (i.e. grocery) for exhumation ceremony

Draft schedule

- NoK Meetings:
 - 13 October 2017 – NoK Meeting to propose ceremonial requirements and schedule;
 - 03 November 2017 – NoK Meeting to finalise

- Option 1:
 - 04 November 2017 – Ceremony
 - 06 – 10 November 2017 – Proposed exhumation and reburial

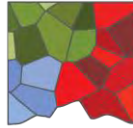
- Option 2:
 - 11 November 2017 – Ceremony
 - 13 – 17 November 2017 – Proposed exhumation and reburial



Comments & Questions



CLOSING AND THANKS



DIGBY WELLS

ENVIRONMENTAL

Project Name: Exxaro Thabametsi Grave Relocation Project
Project No: EXX0564
Date: 13 October 2017

1 Present

Name	Affiliation	Position
Justin du Piesanie	Digby Wells Environmental	Manager: HRM
Johan Nel (JN)	Digby Wells Environmental	Permit Holder
Selvan Subroyen (SS)	Exxaro Coal (Pty) Ltd	EOH Exxaro Legal Advisor
Rosemary Mthunywa (RM)	Exxaro Coal (Pty) Ltd	Stakeholder Engagement
Malapile Chokoe (MC)	Exxaro Coal (Pty) Ltd	Stakeholder Engagement
Michael Funani (MF)	Doves (Lephalale)	Undertakers
Coenraad Strydom (CS)	Doves (Lephalale)	Undertakers
Catherine Leola (CL)	Next-of-Kin	-
Paulina Lefawane (PL)	Next-of-Kin	-
Maria Mapule Nkoati	Next-of-Kin	-
Esral Nkoati	Next-of-Kin	-
Fanie Serumula (FS)	Next-of-Kin	-
Emmie Mashabane (EM)	Next-of-Kin	-
Elizabeth Tibanyane	Next-of-Kin	-

2 Apologies

Name	Affiliation	Position
Martin von Wielligh	Exxaro Coal (Pty) Ltd	Project Manager
Premeeth Ramsaywok	Exxaro Coal (Pty) Ltd	-
Tebogo Leepile	Exxaro Coal (Pty) Ltd	-
Kim Hardy	Exxaro Coal (Pty) Ltd	-
Steven Tibanyane	Next-of-Kin	-
Jacob Matlou	Next-of-Kin	-
Tloki Maluleke	Next-of-Kin	-

3 Current Minutes and Action Items

- The meeting was chaired by JN
- The presentation and meeting was interpreted by MC

3.1 Welcome and apologies

- JN welcomed delegates to the meeting;
- JN presented apologies for non-attending delegates;
- JN apologised for the delay since previous meeting, indicating that SS would provide feedback to the process to date on behalf of Exxaro;
- JN introduced the purpose of the meeting;
- JN explained the intention of the meeting was to finalise the next-steps required to exhume and relocated graves;
- JN introduced and handed over to SS to provide a status update to the Project.

3.2 Status update to the Project

- SS acknowledged that there have been excessive delays to the Project over the last year;
- Delays primarily associated with an appeal process and project team reassignment;
- SS assured delegates that the appeals process has been resolved, and the Project team has been determined;

- SS apologised to the delegates for the delays, and reassured that the new Project team is committed to reach finalisation on the grave relocation.

3.3 Purpose of the meeting

- JN - The purpose of the meeting reiterated;
- Current status from Exxaro presented by SS;
- JN, in respect of permits from Digby Wells, all permits have been received and have been available since May 2016. No permit delays in the implementation;

3.4 New Project team

- JN presented the names and affiliations of the Project team;
- JN introduced members of the new Project team present at the meeting;
- JN explained the tendering and appointment process of Doves (Lephalale);

3.5 Summary of agreements

- JN presented a brief summary of the general and Next-of-Kin agreements;

3.6 Summary of requirements

- JN presented a brief summary of the family requirements as contained in the Next-of-Kin agreements;
- JN stipulated that there have been no changes to the agreements reached and signed;
- JN reiterated that all new graves will receive a tombstone as agreed, with the exception of EM's grave that has formal granite surface dressing and tombstone, which will be relocated to the new relocation grave site;
- JN indicated that the placement of the tombstones will be after the reburial as time is required for the soil to settle / stabilise;
- CS / MF to inform NoK when the tombstones have been placed;
- JN requested clarification on the use of goats as per the requirements, if these were required for slaughter as part of the traditional ceremonies at the grave site;
- NoK confirmed that the goats were for slaughter as part of the traditional ceremonies;
- Exxaro is to confirm if it is possible to keep goats at Manketi prior to the traditional ceremony on 16 November 2017; Doves to provide feedback to the NoK;
- JN requested clarification on the use of cattle as per the requirements, if these were required for slaughter as part of traditional ceremonies, or for meat as part of the function at Mogol Club;
- JN indicated that no slaughter of livestock is permitted at Mogol Club;

- NoK indicated that the cattle were for meat to feed attendees at the Mogol Club Function;
- CS / MF to obtain traditional healer information from NoK to make the necessary arrangements for the traditional ceremony on 16 November 2017;
- NoK indicated that the traditional healer will travel with the NoK for the ceremony, and make the necessary arrangement for the pastor for the function on 18 November;
- JN requested if the use of a single hearse is acceptable. NoK indicated that it was acceptable.

3.7 Draft schedule

- JN indicated that the primary purpose of the meeting was to reach agreement on the draft schedule for ceremonies, exhumations and reburial;
- JN indicated that Exxaro would like to finalise the grave relocations by mid-November 2017;
- JN presented the two proposed schedules for consideration;
- JN requested MF / CS to confirm the availability of the Mogol Club on the proposed schedule dates;
- CS / MF confirmed available dates at Mogol club to be 14 / 15 / 16 and 18 November 2017;
- Delegates requested a break to await the arrival of EM and discuss the proposed schedules;
- JN indicated that we would like to afford the families sufficient time to complete their traditional expressions at the graves;
- JN stated that the traditional ceremonies will be completed at the grave site the day prior to exhumations, and a brief period for final prays the day of exhumations;
- JN indicated that the traditional ceremonies and prayers at the graves will be restricted to a maximum of four (4) NoK per family as it is the mines property and there are health and safety restrictions that must be adhered;
- JN indicated that provision has been made for 70 pax for the Mogol Club function;
- JN proposed the following dates:
 - 16 November – traditional ceremony at the graves limited to four (4) NoK per family;
 - 17 November – prayers, exhumations and reburial at relocation cemeteries; and
 - 18 November – Mogol Club function.
- All delegates confirmed and agreed to the proposed schedule;



- JN requested from delegates if possible to use child coffins for the relocation, or if they would prefer adult coffins and apologised for the sensitive nature of the request;
- JN explained the reasoning for the use of child coffins, as often skeletal remains are few;
- NoK reach consensus on use of coffins, i.e. if there are few or no remains, the use of a child coffin is acceptable;
- JN recapped the reach agreements to the schedule and use of coffins, and received confirmation from all delegates;
- CS requested clarification on the time for the traditional ceremony on the 16th of November. NoK confirmed that the traditional ceremony on site must take place at 06:00am;
- JN indicated that the prayers on the 17th of November will be later and proposed 07:00am. NoK confirmed the proposed time;
- JN requested time for the Mogol Club function to book the venue, and proposed 08:00 – 13:00. NoK agreed to the proposed times;
- CS requested clarification for the Shonwane function for FS. FS indicated that consensus has been reach amongst all the NoK that there will be one function at Mogol Club on 18 November 2017;

3.8 Closing and thanks

- JN reiterated the agreements reached, and received confirmation from the delegates;
- JN suggested that agreements have been achieved, and that a follow up meeting not required;
- CS / MF to undertake weekly follow-up with the NoK to provide feedback and confirm requirements.

Table 3-1: Comments raised, responses and actions

Name	Comment	Response	Action item
FS	<ul style="list-style-type: none"> Why is there only a verbal apology for the delay? 	<p>SS acknowledges that there was a disconnect during the change in Project team. This resulted in a lack of communication between Exxaro and NoK. SS will communicate this to the new Project team and request a written response.</p>	<p>SS to request written response.</p>
	<ul style="list-style-type: none"> It is acknowledged that the Project team changed. Exxaro should have however, requested those members to remain involved. 	<p>SS indicated that some of the individuals are no longer associated with Exxaro. Where possible, team members were retained, such as JN who is no longer employed by Digby Wells.</p>	
CL	<ul style="list-style-type: none"> Pleased to see that the inclusion of a traditional healer is still included in the requirements 	<p>JN indicated that there have been no changes to the agreements reached</p>	
FS	<ul style="list-style-type: none"> Reburial and ceremony will be separate from other families, to be completed at Shongwane 	<p>MF confirms the arrangements. JN indicates that the exhumations and reburial will occur at the same time as the other families due to the logistical restrictions</p>	
FS / CL	<ul style="list-style-type: none"> It is acceptable to all NoK to have the exhumations and reburial completed on the same day 		
CL	<ul style="list-style-type: none"> EM was not collected for the meeting and is awaiting transport 	<p>JN apologised for the misunderstanding, and arrangements for collection were made.</p>	<p>MF collected EM.</p>



Name	Comment	Response	Action item
FS / CL	<ul style="list-style-type: none"> There is consensus amongst the NoK that we must be informed to allow enough time to prepare the new graves 	JN reminded the NoK that Exxaro and the municipality are responsible to ensure that the new graves are prepared for the reburial.	
FS	<ul style="list-style-type: none"> Why can the reburial not take place on the weekend? 	JN / MF indicated that reburials at the municipal cemeteries are not permitted as recent deaths / burial take priority. It is for this reason it is suggested that the Mogol Club ceremony take place during the week. However, if the preference is for the ceremony to take place over the weekend, it can be done but separate to the reburial.	MF to confirmed Mogol Club availability for 18 November 2017.
	<ul style="list-style-type: none"> Fridays are usually busy, will Doves be available? 	CS / MF indicated that they are available.	
FS / CL / EM	<ul style="list-style-type: none"> Is it possible to take both adult and children coffins? If there are few or no remains, then the use of a child coffin will be acceptable. Otherwise an adult coffin must be used. 	CS / MF confirmed that they will have stock and it will be possible.	CS / MF to ensure sufficient stock available for both adult and child coffins prior to, and brought to site during exhumations.
CS	<ul style="list-style-type: none"> What are the requirements for the FS function at Shongwane? 	FS indicated that consensus amongst the NoK is that there will be one function at Mogol Club on 18 November 2017.	CS / MF to exclude Shongwane Function for FS



Name	Comment	Response	Action item
FS	<ul style="list-style-type: none">Each coffin must have a cow. If we only receive a single cow will we be compensated for the other coffins?	JN indicated that is why we requested clarification. NoK are to receive as per the agreements.	CS / MF to deliver slaughtered cattle meat to NoK at their residence on 11 November. The NoK to bring the desired quantity to the 18 November function with the assistance of Doves.
PL	<ul style="list-style-type: none">The families must prepare traditional beer for the ceremony on 16 November 2017	CS / MF Dove will deliver all requirements as per the agreements to the NoK at their residence on 11 November 2017 to allow enough time to prepare traditional beer. JN reiterated that the requirements as per the agreements will be provided.	Doves to procure and deliver NoK requirements as per agreements on 11 November 2017. The cattle skin is to be kept and delivered on 18 November 2017 as part of the Mogol Club function.
MF	<ul style="list-style-type: none">Will each family be brewing traditional beer?	JN indicated that provision has been made for each family. The NoK however, have agreed that one (1) family will brew the traditional beer.	
CS	<ul style="list-style-type: none">Will there be one or multiple traditional healers?	JN indicated that FS has his own traditional healer. The remaining families will use one traditional healer that will charge according to the number of coffins relocated. JN confirmed that this will total to five (5). JN indicated that an invoice for the services must be provided and supplied to Doves, no cash will be provided. JN requested that if required, assistance in the drafting of an invoice be provided.	Doves to assist in drafting an invoice for traditional healer services as required.



Name	Comment	Response	Action item
CS	<ul style="list-style-type: none">■ Is there a fee for the traditional healer?	JN indicated that the indicative price during previous consultation was R 4500.00	
CL	<ul style="list-style-type: none">■ Where will the prepared food be kept?	CS / MF indicated that if the food can be prepared at the residence of the NoK, Doves will provide the necessary logistics to transport the food to the function on 18 November 2017.	CS / MF to liaise with NoK to make the necessary arrangements.
CL	<ul style="list-style-type: none">■ The NoK have a challenge in sourcing the wood for cooking	JN reminded NoK that wood was included in the agreements and will be delivered to them.	
JN	<ul style="list-style-type: none">■ Exxaro, Digby Wells and Doves cannot become involved in internal family arrangements. This is for the families to sort out.		
PL	<ul style="list-style-type: none">■ Can we receive a copy of the list of requirements	JN indicated that Doves has the lists and will provide.	CS / MF to provide NoK with the list of requirements.





DIGBY WELLS

ENVIRONMENTAL

ATTENDANCE REGISTER FOR

Exxaro Resources (Pty) Ltd

Exxaro Thabametsi Grave Relocation Process, Lephatala Local Municipality, Limpopo Province

Mogol Club, Lephatala

13 October 2017

Digby Wells and Associates (South Africa) (Pty) Ltd. Co. Reg. No. [2010/008577/07](#), Turnberry Office Park, 48 Grosvenor Road, Bryanston, 2191, Private Bag X10046, Randburg, 2125, South Africa
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Directors: GE Truster (C.E.O.), GB Berfinger, LF Koestlag, J Leaver (Chairman)*, NA Mchomakuli*, MJ Morff*, DJ Otto, RA Williams*

*Non-Executive



DATE:

VENUE:

SUBJECT:

PRESENTER:

NAME AND SURNAME / NAAM EN VAN	DEPARTMENT / DEPARTEMENT	TEL / CELL	EMAIL / EPOS	SIGNATURE / HANDTEKENING
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Marea Nkoabi		0791657952		M.S Nkoabi
Pauline Defawane		0822362647		Defawane
Catherine Leola		0721204991		MIC LEOLA
ESRAL NKOABI		0721200110		ESRAL
SELVAN SUBBOTAN	GO H LEPH	08297218		
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Michael Funani	Doves	0786408999	elias@brockmanagrr@does.co.za	
Geenraad Strydom	Doves	0845041917	Geenraad@brockmanagrr@does.co.za	
FANNE SEBUND		0732693719		



NAME AND SURNAME / NAAM EN VAN	DEPARTMENT / DEPARTEMENT	TEL / CELL	EMAIL / EPOS	SIGNATURE / HANDTEKENING
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Emmie Mashavane	DOVES HIA	0733445855 0724860606	HIA	
Elizabeth Sibempane	HIA	0782909917	HIA	
Ankie Sebame	N/A	0769708191	N/A	



NAME AND SURNAME / NAAM EN VAN	DEPARTMENT / DEPARTEMENT	TEL / CELL	EMAIL / EPOS	SIGNATURE / HANDTEKENING
.				
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Legal Services

16 November 2017

Attention: Mafika Kubheka

E-mail: mafika.kubheka@drdlr.gov.za

Dear Sir,

RE: EXHUMATION OF THE TIBANYANE FAMILY GRAVES

We refer to the abovementioned matter.

We confirm that we act on behalf of Exxaro Resources Ltd (herein after “Exxaro”) and that we have been instructed by our client to write this letter to you. All future correspondence in relation to this matter should therefore be addressed to us.

We hereby confirm that we have the requisite permits to exhume the Tibanyane family graves. In particular find attached for your perusal the South African Heritage Resources Agency permit issued on 28 July 2017 authorising the exhumation of 18 graves including the Tibanyane family graves. In respect of the concerns raised by Mr Steven Tibanyane we further confirm that necessary consent for the exhumation of the graves tabulated below has been granted by the next of kin:

EOH Legal Services (Pty) Ltd

T +27 12 307 4405 | F +27 12 307 5378

Exxaro HQ Building, Cnr Roger Dyason Road & Voortrekker Street, Thaba Tswane | PO Box 21043, Valhalla, 0137

Reg no: 1999/014204/07 | a member of the EOH Group of Companies

www.eoh.co.za

Directors: CA MacGregor, JW King



Legal Services

Grave No.	Deceased	Next of kin	Next of kin relationship to deceased
S.36-002/3	Tibanyane Klaas	Leola, Catherina Mathega	Daughter
S.36-002/4	Tibanyane Mishack	Mashabane, Makgaetsi Emmie	Grand daughter
S36-002/7	Tibanyane Mferoane Thabia	Mashabane, Makgaetsi Emmie	Grand daughter

Furthermore we confirm that Thabia Mferoane Tibanyane is a female person and is the spouse to Mishack Tibanyane.

We advise that the grave of Mr. Steven Tibanyane father i.e. Lotta Tibanyane grave will not be exhumed at this stage.

We are in possession of the agreements entered into with the next of kin in respect of the graves and will unfortunately not disclose them due to the confidential nature of its contents.

Kindly acknowledge receipt hereof.

Yours faithfully

Selvan Subroyen

EOH Legal Services

EOH Legal Services (Pty) Ltd

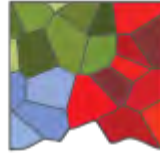
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Appendix C: BGGC & GPR Report



DIGBY WELLS
ENVIRONMENTAL



Thabametsi Coal Mine

Burial Grounds and Graves: Social Consultation and Entitlement Framework Report

Revision History:

First draft submitted	5 February 2016

Project Number:

EXX 0564

Prepared for:

Exxaro Coal (Pty) Ltd

January 2016

Digby Wells and Associates (South Africa) (Pty) Ltd
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Directors: AJ Reynolds (Chairman) (British)*, GE Trusler (C.E.O), B Beringer, LF Koeslag, J Leaver*,
NA Mehlomakulu, DJ Otto
*Non-Executive



This document has been prepared by Digby Wells Environmental.

Report Type:	Burial Grounds and Graves: Social Consultation and Entitlement Framework Report
Project Name:	Thabametsi Coal Mine
Project Code:	EXX 0564

Name	Responsibility	Signature	Date
Johan Nel HRM Unit Manager ASAPA Membership no:	Project Manager		January 2016
Justin du Piesanie	Technical review		March 2015

This report is provided solely for the purposes set out in it and may not, in whole or in part, be used for any other purpose without Digby Wells Environmental prior written consent.

EXECUTIVE SUMMARY

Exxaro Coal (Pty) Ltd (Exxaro) has respectively submitted a Mining Right Application (MRA) and an application for Environmental Authorisation (EA), in addition to other applications, to the Department of Mineral Resources (DMR) and the Limpopo Department of Economic Development, Environment and Tourism (LEDET) to develop the Thabametsi Coal Mine (the Thabametsi Project). This Project will be developed on five farms near Lephalale (Ellisras) in the Waterberg District Municipality, Limpopo Province.

Exxaro appointed Digby Wells Environmental (Digby Wells) as independent environmental consultants to investigate the environmental, socio-economic and cultural aspects of the Thabametsi Project, required in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) (MPRDA), National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) and other applicable legislation.

The MRA and EA application were supported by Environmental Impact Assessments (EIA), an Environmental Management Programme (EMPR) and an Environmental Management Plan (EMP). One of the specialist studies undertaken by Digby Wells for the EIA/EMPR (2013) and EIA/EMP (2014) reports was a Heritage Impact Assessment (HIA) completed in January 2013. This study identified amongst other heritage resources, two burial grounds containing one and seven graves respectively.

The HIA report was submitted to the South African Heritage Resources Agency (SAHRA) and the Limpopo Heritage Resources Authority (LIHRA) on 31 January 2013. The SAHRA issued a "Final Comment" wherein it required the identified graves to be mitigated in accordance with all applicable legislation.

Exxaro consequently appointed Digby Wells to undertake a Burial Grounds and Graves Consultation (BGGC) process to register Interested and Affected Parties (&APs) and identify and consult next-of-kin (NoK) of the deceased buried on the properties on which the Thabametsi Project will be developed.

The BGGC process was undertaken in accordance with the National Heritage Resources Act, No. 25 of 1999 (NHRA) process as regulated through Governmental Notice Regulation (GN R) 548, 2 June 2000.

This document provides proof of concerted efforts made to identify and consult with NoK and agreements reached between Exxaro and NoK to relocate the latter's family graves.

Project description and motivation

The first phase of the Thabametsi Project intends to mine coal via open pit and underground mining methods for supply to a proposed Independent Power Producer (IPP) coal-fired power station, which will be located north of the proposed project area. During the development phase of the proposed mine, coal will be trucked to the Grootegeluk Coal Mine. Further expansion of the proposed Thabametsi Coal Mine will follow the rail capacity



expansions and raw water supply additions (MCWAP2) to the area. Development will include an open pit and supporting infrastructure; developments of specific importance of this report include *inter alia*:

- Infrastructure construction
 - Removal of topsoil and vegetation;
 - Development of haul roads and use of borrow pits;
 - Transport of construction material; and
 - Construction of surface infrastructure including wash plant, offices, pipeline, powerlines, product stockpile areas.
- Mining development area:
 - Blasting;
 - Development of initial bench for mining; and
 - Topsoil and overburden stockpiling.
- Water management activities
 - Storm water diversion berms;
 - Construction of pollution control dams and reticulation systems;
 - Construction of clean water dams; and
 - Construction of sewerage treatment plant.
- Mining activities:
 - Removal of overburden;
 - Drilling and blasting (explosive use);
 - Overburden stockpiling;
 - ROM stockpile; and
 - Use and maintenance of haul roads.

These activities will pose significant risks to the identified burial grounds and graves. The entire mining area will furthermore be fenced for security and safety reasons. Access into the mining area by surrounding local communities will be restricted due to inherent risks associated with operational mining sites.

Exxaro therefore initiated a BGGC process to identify and consult with NoK to reach agreement on relocating graves that will be affected by the Thabametsi Project.

Methodology

The following activities were completed during the BGGC process:

- Data collection;
- Developing participation and consultation materials; and
- Participation and sign-off of relocation agreements.

Data collection and description of graves

In general, the graves are situated within a typical rural agricultural landscape. Graves can be grouped into three main categories in terms of their location:

- Graves in a clearly defined burial ground that account for the majority;
- Isolated marked graves located in natural scrub / veldt; and
- Unmarked graves with no surface evidence in undefined burial grounds (pointed out by NoK).

Surface dressing of the graves vary between commercial granite covering and headstones, concrete covering and headstone, brick covering with markers, stone covering and grave markers, stone covering with no markers, and no surface dressings.

The total number of affected graves that could be verified through surface evidence at the time of compiling this report is 10. Of these, seven are located within a clearly defined burial ground – site S.36-002. The remaining three are isolated graves located in the veld, identified through visible grave Table 4 dressings. An additional nine alleged graves were pointed out by Mr Tloki David Maluleke in two undefined burial grounds: there are visible surface evidence for these graves. Another alleged unmarked grave was pointed out by Mr Steven Tibanyane.

A register of all identified burial grounds and graves is provided in the table below.

List of identified graves per farm

Farm	Grave no.	Deceased	Description	Date	No. graves
RE of Vaalpensloop 3131 LQ	S.36-002/1	Matlou , Smith	Single grave in burial ground	30/08/1959	1
	S.36-002/2	Matlou , Anna / Mmannana	Single grave in burial ground	Unknown	1
	S.36-002/3	Tibanyane , Klaas	Single grave in burial ground	09/04/1960	1
	S.36-002/4	Tibanyane , Mishack Tshidi Lesisana	Single grave in burial ground	12/04/1980	1
	S.36-002/5	Serumula , Stephina	Single grave in burial ground	26/09/1984	1
	S.36-002/6	Tibanyane , Lotta	Single grave in burial ground	16/01/1985	1
	S.36-002/7	Tibanyane , Mferoane	Single grave in burial ground	1990	1
Leeuwdrift 312 LQ	S.36-015	Gwane , Semenson	Isolated grave	Unknown	1

Farm	Grave no.	Deceased	Description	Date	No. graves
Van der Waltspan 310 LQ	S.36-016	Komo , Frans	Isolated grave	25/04/1985	1
Jackalsvley 309 LQ	S.36-017	Pretorius , Jacobus Johannes	Isolated grave	05/03/1950	1
	S.36-018	Maluleke	Unmarked grave	Unknown	2
	S.36-019	Maluleke	Unmarked grave	Unknown	7

Agreement framework

An Agreement Framework was developed and presented to Exxaro for comment. This document informed discussions and consultation with NoK. Certain principles were included in the Agreement Framework prior to the first public meeting based on best practice, prior experience and the Exxaro Grave Relocation Policy. The Agreement Framework was continuously updated as a 'living' document throughout the formal consultation process. NoK were invited to comment on the Agreement Framework; their comments were then submitted to Exxaro for approval and, if approved, incorporated into an updated version of the Agreement Framework. In terms of South African legislation and best practice standards, the Agreement Framework refers both to graves that will need to be relocated and those that will may need to be conserved *in situ*. The Agreement Framework outlined the following:

- The legal framework within which consultation and agreements pertaining to grave relocation and associated rights will take place;
- Definition and categories of affected NoK;
- Eligibility of NoK for remedial action; and
- Rights to remedial action.

Two agreements were developed based on the Agreement Framework and presented to Exxaro and NoK. These agreements defined the terms of relocation and the rights and responsibilities of the various parties involved:

- A **General Agreement** was developed that formalised the Agreement Framework. All NoK were invited to sign-off on the General Agreement. The General Agreement does not constitute consent for relocation, but merely confirms that Exxaro and the NoK agree to the general principles contained in the Agreement Framework. As with the Agreement Framework, the General Agreement refers to both to-be-relocated and to-be-conserved graves.



- A **NoK Agreement** was developed that contained principles specific to grave relocation, including consent to relocate. NoK Agreements are specific to each NoK, as these agreements formalises the mutually agreed rights and responsibilities of the two parties.

Consultation and participation

Participation and consultation with NoK and other stakeholders were accomplished through 17 meetings in a 33-month period that commenced in April 2014. Meetings included an initial public project clarification meeting, six group NoK meetings, five individual NoK meetings, an authority meeting and three meetings with other interested parties.

Attendees at the public meeting were requested to inform any other persons who may be affected by the process, and provide Digby Wells and / or Exxaro with such details.

Following the public meeting, all NoK meetings were scheduled with input from NoK and other stakeholders who were notified and reminded of the follow-up meetings via Short Message Services (SMSs). After the first public meeting, all NoK were collected and transported to and from their places of residence to the venue.

The first six meetings were facilitated by Digby Wells; Exxaro was represented at meetings from 26 July 2015. Attendees were requested to sign attendance registers, and proceedings were recorded through digital voice and video recordings. Information was presented using PowerPoint presentations, providing hardcopies of agendas, minutes and other documentation. Most documents were made available in both English and translated into SeTswana on request.

List of meetings held

Date	Venue	Meeting type	Number of attendees			
			NoK	Interested Parties	Digby Wells	Exxaro
12 April 2014	Mogol Club, Lephallale	Public project clarification meeting	9	4	4	
30 May 2014	Mogol Club, Lephallale	Group NoK meeting	5	2	3	
31 May 2014	Vaalpensloop	Site visit with NoK	7		2	
12 June 2014	Mogol Club, Lephallale	Group NoK meeting	6	4	3	1
18 June 2014	Jackhalsvley	Site visit	1		1	



Date	Venue	Meeting type	Number of attendees			
			NoK	Interested Parties	Digby Wells	Exxaro
26 June 2014	Mogol Club, Lephale	Group NoK meeting	10	7	3	
22 May 2015	Mogol Club, Lephale	Group NoK meeting	4	18	3	5
10 July 2015	Marapong Public Library	Group NoK meeting	6	12	2	6
13 August 2015	Ga-Seleka	Individual NoK meeting – Catherine Leola	2	-	1	1
13 August 2015	Ga-Seleka	Individual NoK meeting – Israel Nkoati	2	-	1	1
13 August 2015	Steilloop	Individual NoK meeting – MJ Tibanyane	1	-	1	1
14 August 2015	Marapong	Individual NoK meeting – Emmie Mashabane	1	-	1	1
14 August 2015	Shongwane	Individual NoK meeting – Fannie Serumula	2	-	1	1
26 August 2015	Marapong Public Library	Group NoK meeting	2	5	1	1
1 October 2015	Lephale Mayoral Office	Authority meeting				1
16 October 2015	Exxaro Head Office	CRL meeting		1	1	4
17 November 2015	Exxaro Onverwacht Office	CRL & NoK meeting	2	1	1	1

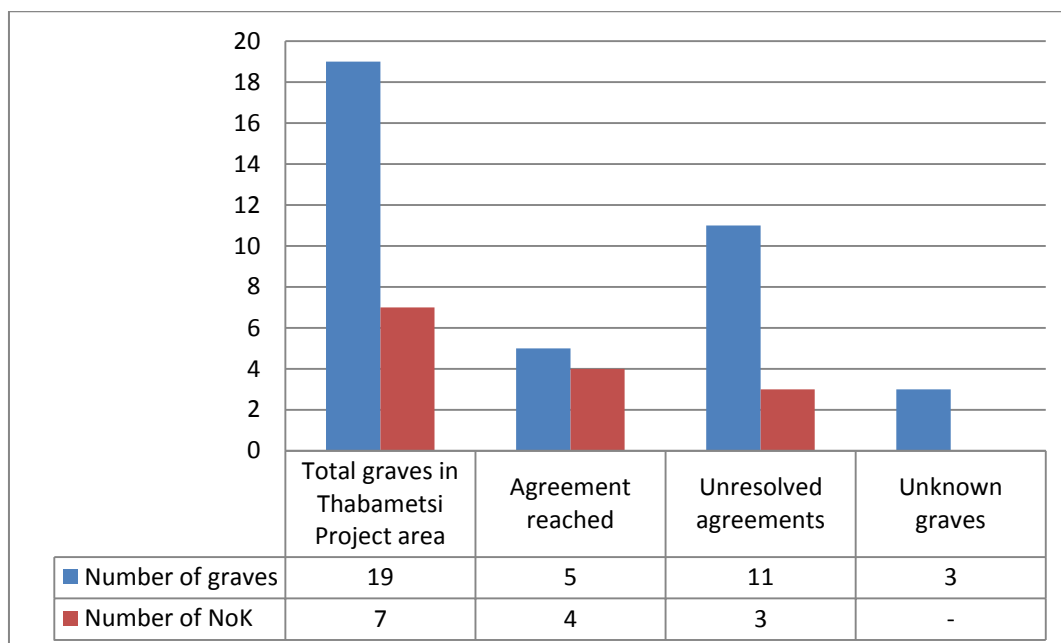
Date	Venue	Meeting type	Number of attendees			
			NoK	Interested Parties	Digby Wells	Exxaro
30 November 2015	Exxaro Onverwacht Office	CRL & NoK meeting	4	2	1	2

Sign-off of agreements

In principle, NoK engaged during the consultation process agreed to the principles and remedial actions presented and discussed at each of the six meetings held (12 April 2014 to 10 July 2015).

The total number of affected graves that have been identified for relocation amounted to 19. This number includes graves not originally identified in the HIA (mentioned in 1.1 below). The consultation process identified seven NoK, accounting for 16 of the 19 graves (84% success rate). NoK of only three graves could not be identified (16% of total graves).

As at the time of compiling this report, four of the seven NoK have formally agreed to relocate their family graves, accounting for five graves (26% of total grave count). Three NoK have not agreed, accounting for 11 graves (58% of the total grave count). However, of these 11 graves, the actual existence of nine graves will need to be confirmed through GPR and test excavations.



Results of consultation and agreements

The relatives who have signed off on the Agreements are the bona fide NoK or representatives of the deceased as summarised in Table 22. The graves associated with these NoK account for five of seven graves contained in a single burial ground (S.36-002) on Vaalpensloop 313 LQ.

List of graves and NoK in agreement

Grave no.	Deceased	Date of burial	NoK	NoK's relationship to deceased
S.36-002/2	Matlou , Anna / Mmannana	Unknown	Nkoati , Lettia / Israel	Cousin
S.36-002/3	Tibanyane , Klaas	09/04/1960	Leola , Catherine Mathaga	Spouse
S.36-002/4	Tibanyane , Mishack Tshidi Lesisana	12/04/1980	Mashabane , Makgaetsi Emmie	Grandchild
S.36-002/5	Serumula , Stephina	26/09/1984	Serumula , Isamai Fanie	Child
S.36-002/7	Tibanyane , Mferoane	1990	Mashabane , Makgaetsi Emmie	Grandchild

Notwithstanding the concerted efforts made to contact and consult NoK to reach agreement on the relocation all affected graves, no agreements have been reached with Messrs Steven Tibanyane, David Maluleke and Jacob Matlou. The graves associated with these NoK are listed in Table 23. These graves account for two graves in burial ground S.36-002 on Vaalpensloop 313 LQ, and nine graves on Jackalsvley 309 LQ.

List of graves and unresolved NoK agreements

Grave no.	Deceased	Date of burial	NoK	NoK's relationship to deceased
S.36-002/1	Matlou , Smith	30/08/1959	Closest living relative	Matlou , Jacob
S.36-002/6	Tibanyane , Lotta	16/01/1985	Son	Tibanyane , Steven
S.36-018	Maluleke ,	Unknown	Closest living relative	Maluleke , Tloki
S.36-019	Maluleke ,	Unknown	Closest living relative	Maluleke , Tloki

The signed agreements between NoK and Exxaro are attached as Appendix C. The Agreements were based on the Agreement Framework, amended with input from NoK and Exxaro, as captured in the minutes.

Preferred reburial sites

Following the final group NoK meeting individual meetings with NoK were scheduled at their places of residence. The purpose of these meetings was to finalise the Agreements and obtain sign-off between Exxaro and NoK. The NoK who signed the relocation agreements indicated their preferences for reburial sites as follows:

- Mr Fannie Seremula, who requested that his family grave be exhumed and reburied in Shongwane 3;
- Mrs Catherine Leola family who requested that her family grave be exhumed and reburied in Marapong;
- Mrs Emmie Mashabane who requested that her two family graves be exhumed and reburied in Marapong; and
- Mrs Maria Nkoati who requested that her family grave be exhumed and reburied in Marapong.
- The three graves without any identified NoK will all be reburied within registered municipal cemeteries in Lephalale.

Customary requirements submitted by NoK

Consultation further resulted in agreements between NoK and Exxaro regarding requirements by NoK to practice their living heritage associated with grave relocation. Exxaro has agreed to provide certain items, based on the requirements submitted by NoK who have formally agreed to relocating their family graves.

The requirements submitted by NoK were considered by Exxaro, taking into account NoK's cultural practices and reasonable demands. The requirements that were finally agreed to resulted from consultation and negotiation between Exxaro and NoK.

NoK furthermore requested that the ceremonial event be hosted at the Mogol Club, Lephalale as a single event that all the families can attend.

Proposed way forward

With regard to the graves associated with NoK who have not reach agreement Digby Wells is of the opinion that these graves will be at risk both during the development and later operation of the Thabametsi Project. Should these graves remain *in situ*, not only will there be direct, physical risk to the graves, but access to the sites will be greatly restricted and pose significant safety and health risks to any family visiting the sites.



In addition the actual existence and location of nine graves on Jackalsvley have not been determined. These burial grounds will need to be subjected to GPR and test excavations.

Digby Wells, on behalf of Exxaro, proposes to submit permit applications to relocate all 19 graves that will be affected by the Thabametsi Project. Graves S3.6-002/1, 002/6, 018 and 019 are therefore included in the permit applications, with specific reference to Regulation 40(3) of GN R 548.

In support of the application, this document and its appendices provide proof of the concerted efforts made to contact and reach agreement with the identified NoK over a 33-month period.



PERMIT APPLICATION OVERVIEW

For ease of reference, sections in this report with specific relevance to the conditions required in terms of the NHRA: Regulation Chapter IX and XI are outlined in the table below

NHRA: Regulations Chapter XI – Procedure for consultation regarding burial grounds and graves (NHRA Section 36(5))	Relevant BGGC report section
(a) The name and address, erf/stand/farm number or geographical coordinates of the grave or burial ground and the magisterial district;	5.1
(b) the name, address, telephone and/or fax numbers of the planning authority for the place;	4.3
(c) details of the action(s) for which application is made, in accordance with the Guidelines;	8.4
(d) motivation for the proposed action(s), including supporting documentation and research, in accordance with the Guidelines;	4.1
(e) details of the cost of the action(s);	TBC
(f) the name, identity number, address, telephone and/or fax number, qualifications, relevant experience and signature of the person who will be responsible for the action(s);	4.2
(g) the name, identity number, address, telephone and/or fax number and signature of the owner of the land on which the grave or burial ground is situated;	4.2
(h) in the case of the exhumation or removal of a grave, the name, identity number, address, telephone and/or fax number, qualifications, relevant experience and signature of the archaeologist who will supervise the work;	4.4
(i) in the case of destruction or damage of any burial ground or grave referred to in regulation 33 (a), details of arrangements for the exhumation and reinternment of the contents of such graves;	6 & 8
(j) in the case of any activity under regulation 33 (b) of these regulations	
(i) details of efforts made to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and	2.2, 2.3 & 7
(ii) copies of agreements reached with such communities or individuals regarding the future of such grave or burial ground;	8
(k) the name, identity number, address, telephone and/or fax number and signature of the applicant, if the owner is not the applicant;	4.2
(l) any other relevant information required by the provincial heritage resources authority.	NA

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- Appendix C: Signed agreements

Appendix D: Grave register



1 Introduction

1.1 Project background

Exxaro Coal (Pty) Ltd (Exxaro) has respectively submitted a Mining Right Application (MRA) and an application for Environmental Authorisation (EA), in addition to other applications, to the Department of Mineral Resources (DMR) and the Limpopo Department of Economic Development, Environment and Tourism (LEDET) to develop the Thabametsi Coal Mine (the Thabametsi Project). This Project will be developed on five farms near Lephalale (Ellisras) in the Waterberg District Municipality, Limpopo Province.

Exxaro appointed Digby Wells Environmental (Digby Wells) as independent environmental consultants to investigate the environmental, socio-economic and cultural aspects of the Thabametsi Project, required in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) (MPRDA), National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) and other applicable legislation.

The MRA was submitted to the DMR in accordance with the MPRDA on 31 January 2013 (DMR reference LP30/5/1/2/2/10013MR). This application was supported by an Environmental Impact Assessment (EIA) and Environmental Management Programme (EMPR) report as required by Regulation 49 of the MPRDA.

The application for EA was submitted to LEDET in accordance with the NEMA in September 2014 (LEDET reference 12/1/9/2/-W44). This application was supported by an EIA and Environmental Management Plan (EMP) report to comply with the NEMA for the authorisation of listed activities contained in Government Notice Regulation (GN R) 544 of 18 June 2010, GN R 545 of 18 June 2010, and GN R 546 of 18 June 2010.

One of the specialist studies undertaken by Digby Wells for the EIA/EMPR (2013) and EIA/EMP (2014) reports was a Heritage Impact Assessment (HIA). The South African Heritage Resources Agency (SAHRA) was notified of the proposed Thabametsi Project and consequently required that a HIA be undertaken in accordance with the National Heritage Resources Act, 1999 (Act 25 of 1999) (NHRA) (Hine 2012). The SAHRA specifically required that the HIA must include assessments of the following components:

- Archaeology;
- Palaeontology;
- Built structures older than 60 years;
- Sites of cultural significance associated with oral histories;
- Burial grounds and graves;
- Graves of victims of conflict; and
- Cultural landscapes or views.



The HIA was undertaken in 2012 and completed in January 2013 to comply with the SAHRA's requirements and the NHRA. The HIA identified amongst other heritage resources, two burial grounds containing one and seven graves respectively.

The HIA report was submitted to the SAHRA and the Limpopo Heritage Resources Authority (LIHRA) on 31 January 2013. Submission was made online via the South African Heritage Resources Information System (SAHRIS) (Case ID 569). The SAHRA issued a "Final Comment" on the HIA on 27 August 2013 (Galimberti 2013), wherein it stated that as the graves are younger than 60 years, section 36 of the NHRA does not apply. However, other relevant legislation must be adhered to, as outlined in section 3 below.

1.2 Scope of work

Exxaro appointed Digby Wells to undertake a Burial Grounds and Graves Consultation (BGGC) process to register Interested and Affected Parties (&APs) and identify and consult next-of-kin (NoK) of the deceased buried on the properties on which the Thabametsi Project will be developed.

The BGGC process was undertaken in accordance with the NHRA process contained in GN R 548, 2 June 2000.

1.3 Purpose and contents of report

The purpose of this document is to provide a record of the consultation process and agreements reached with identified NoK whose family graves will need to be relocated as part of the development of the Thabametsi Project.

The report is structured as follows:

- Chapter 2 describes the activities undertaken during the BGGC process and the compilation of this report;
- Chapter 0 provides a brief outline of the legal framework applicable to the BGGC process;
- Chapter 4 is a summary of the project description and motivation to exhume and relocate the identified graves;
- Chapter 5 summarises collected data and describes the to-be-relocated graves;
- Chapter 6 summarises the principles and remedial actions that were developed based on the legal framework, international standards and Exxaro's Grave Relocation Policy;
- Consultation and participation that was undertaken is recorded in Chapter 7; and
- Agreements reached between Exxaro and NoK are summarised in Chapter 8.

2 Methodology

The following activities were completed during the BGGC process:

- Data collection;
- Developing participation and consultation materials; and
- Participation and sign-off of relocation agreements.

2.1 Data collection

2.1.1 Legal review

Relevant national and provincial legislation, international best practice standards, and Exxaro policy were reviewed. The purpose was to ensure that the Thabametsi Project BGGC process adhered to all conditions contained in these documents.

2.1.2 Verification survey and preliminary grave registration

The burial grounds identified in the HIA (Karodia & Higgitt 2012) were verified during a graves census survey undertaken in 2013. This information was used to develop a preliminary grave register based on visible information inscribed on grave dressings. The grave register was included in the development of announcement material described in 2.2 below.

2.1.3 Additional data collection

Supplementary site visits were undertaken during consultation with NoK (as discussed in 2.3 and 7 below). During these site visits NoK were requested to verify graves as theirs, as well as point out any other burial grounds or graves they may have knowledge of and that may not have been identified during the HIAs.

Site visits were undertaken on four occasions:

- 31 May 2014;
- 16 June 2014 (NoK did not arrive on site);
- 18 June 2014; and
- 30 November 2015.

2.1.4 Grave database development

As mentioned in 2.1.2 above, a preliminary grave register was developed using information inscribed on grave dressings. This register was captured in a MS Excel database in which each grave was assigned a unique identifier, with additional fields added for each identifier to capture data collected during participation and consultation, such as deceased and NoK details. The final, updated grave register is attached as Appendix D.

2.2 Developing participation and consultation materials

2.2.1 Public announcement

Public announcement materials were developed in accordance with Regulation 39 of GN R 548. The materials included:

- Landowner notification letters;
- A Background Information Document (BID);
- Print media notices; and
- Site notices.

Landowners were notified of the BGGC process through letters submitted either per email or delivered per hand on 28 October 2013.

The BGGC process was formally announced through the placement of media and site notices in English and SeTswana. Site notices were placed at:

- Burial ground S.36-002 and S.36-016 and access routes to the Thabametsi Project area on 28 March 2014; and
- The Lephalale (28 March 2014) and Marapong Public Libraries (31 March 2014).

A press notice was placed in “The Mogol Post” of 10 April 2014. All notices contained information required in terms of Regulation 39 of GN R 548. Copies of the media and site notices are attached as Appendix A

The BID was made available to persons who attended the first consultation meeting (see 2.3 below). This document described the Thabametsi Project and its possible effect on graves, and also provided an outline of the relevant legal framework. The BID included the preliminary grave register as well as a registration and comment form to allow I&APs and NoK to register and / or comment on the BGGC process and proposed grave relocation. A copy of the BID is attached in Appendix A.

2.2.2 Development of relocation agreements

An Agreement Framework was developed and presented to Exxaro for comment. This document would inform the discussions and consultation with NoK. Certain principles were included in the Agreement Framework prior to the first public meeting based on best practice, prior experience and the Exxaro Grave Relocation Policy (referred to in 3.3 below). The Agreement Framework was continuously updated as a ‘living’ document throughout the formal consultation process. NoK were invited to comment on the Agreement Framework; their comments were then submitted to Exxaro for approval and, if approved, incorporated into an updated version of the Agreement Framework. In terms of South African legislation and best practice standards, the Agreement Framework refers both to graves that will need

to be relocated and those that will may need to be conserved *in situ*. The Agreement Framework outlined the following:

- The legal framework within which consultation and agreements pertaining to grave relocation and associated rights will take place;
- Definition and categories of affected NoK;
- Eligibility of NoK for remedial action; and
- Rights to remedial action.

Two agreements were developed based on the Agreement Framework and presented to Exxaro and NoK. These agreements defined the terms of relocation and the rights and responsibilities of the various parties involved:

- A **General Agreement** was developed that formalised the Agreement Framework. All NoK were invited to sign-off on the General Agreement. The General Agreement does not constitute consent for relocation, but merely confirms that Exxaro and the NoK agree to the general principles contained in the Agreement Framework. As with the Agreement Framework, the General Agreement refers to both to-be-relocated and to-be-conserved graves. Copies of signed General Agreements are attached as Appendix C.
- A **NoK Agreement** was developed that contained principles specific to grave relocation, including consent to relocate. NoK Agreements are specific to each NoK, as these agreements formalises the mutually agreed rights and responsibilities of the two parties. Copies of signed NoK Agreements are attached as Appendix C

2.3 Participation and consultation

2.3.1 Identification and registration of NoK

The majority of NoK were identified during the early phases of the BGGC process (such as during the public meeting discussed in 2.3.2 below). However, NoK identification was an incremental process: small numbers of additional NoK came to light and were included in consultation until fairly late in the process.

2.3.2 Consultation

Consultation with stakeholders included identified NoK and their legal representatives (where applicable), as well as other stakeholders, such as:

- Lephalale Local Municipality;
- Local ward councillors; and
- The Commission for the Promotion and Protection of the Rights of cultural, Religious and Linguistic Communities (CRL).

Identified NoK and other stakeholders were consulted through different forums that included:

- **1 public meeting** where the Thabametsi Project was introduced to a wider audience than only the NoK. The purpose of the public meeting was to identify NoK who did not respond to any of the public announcements or site notices.
- **5 group NoK meetings** were held after completion of the public meetings, when the specialist team was confident that the majority of NoK had been identified. NoK were invited to these meetings with the purpose of negotiating and agreeing on the content of the Agreement Framework described in 2.2.2 above and 6 below.
- **4 individual meetings** were held with NoK following the final group NoK meeting. The purpose of these individual meetings was mainly to obtain sign-off on the agreements referred to in 2.2.2 above and 0 below.
- **5 additional meetings** with NoK who have not agreed to relocation have been held, including two meetings where the CRL was present.
- **1 meeting with the Mayor of Lephalale Local Municipality** was held in Lephalale attended by Exxaro representatives.
- **1 meeting with the CRL** was held at Exxaro's Pretoria head office attended by a CRL commissioner, Exxaro and Digby Wells representatives.

With the exception of the first public meeting (which was announced via the media and site notices mentioned in 2.2.1 above), all NoK meetings were scheduled with input from NoK; meeting participants were notified and reminded of the follow-up NoK meetings via SMS (see Appendix B). After the first public meeting, attendees were provided with transport to and from the venue. The dates, times and venues of meetings are listed in Table 21: List of meetings held below

Consultation with identified NoK is summarised in Chapter 7 below. Formal records of meetings are attached in Appendix C.

3 Legal and policy framework

This section outlines the relevant South African legal and policy framework that governs grave relocation. In view of the fact that this framework does not stipulate minimum acceptable standards with regards to the consultation process, or provide sufficient guidance in terms of rights to remedial action, reference is also made below to Exxaro's Grave Relocation Policy.

3.1 National legislation

3.1.1 The National Health Act, 2003 (Act No. 61 of 2003) (NHA)

The NHA provides the general framework within which various state structures and other institutions need to operate in respect of human health, including exhuming human remains.

This Act does not provide any details specific to exhumation, transport and reburial of human remains, but makes provision for regulations concerning these actions.

3.1.2 Government Notice Regulation 363, 22 May 2013 (GN R 363) (NHA Regulations)

The NHA Regulations outline the process by which human remains may be exhumed and reburied. Although these Regulations do not consider consultation with NoK, it does prescribe certain activities that need to be taken into account during consultation and consequent agreements reached between Exxaro and NoK, including:

- Reburial can only take place in a burial site for which environmental authorisation has been granted in terms of the National Environmental Management Act, 1998, as amended, i.e. reburial is restricted to established and registered municipal cemeteries;
- Should reburial take place within a private burial site, such site must have been subject to a land survey by the local government and include waste management and ablution facilities;
- Exhumation must be undertaken by a registered funeral undertaker;
- Human remains must be placed and sealed in a container and placed in a substitute coffin; and
- The reburial must be registered with the local government.

3.1.3 The National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA)

The NHRA enforces the general protection of burial grounds and graves under Section 36. As such, the South African Heritage Resources Agency Burial Grounds and Graves (SAHRA BGG) Unit requires that any physical alteration to the integrity of burials be applied for and permitted.

Section 36(3) specifically states that where graves that are generally protected in terms of this Act will be impacted on, a permit application must be made to the responsible heritage resources authority. These so-called Section 36(3) permits for the exhumation and relocation of burials may only be granted if appropriate arrangements for the exhumation and re-internment of the contents of such graves have been made at the cost of the applicant and in accordance with the NHRA Regulations. These include:

- Evidence of concerted efforts to contact and consult NoK of affected burial grounds or graves; and
- Records of agreements reached with NoK regarding the future of burials.

3.1.4 Government Notice 548, 2 June 2000 (GN R 548) (NHRA: Regulations)

The NHRA: Regulations regulate both consultation (Regulations Chapter XI) and NHRA Section 36(3) permit applications (Regulations Chapter IX).

Regulation 39 requires the applicant – in this case Exxaro – to provide evidence of concerted efforts made to identify the descendants and family members, i.e. the *bona fide* NoK, of the deceased. Such identification must be done through:

- Archival and documentary research regarding the origin of the burial ground or grave;
- Direct consultation with local community organisations and / or members who may assist in identifying *bona fide* NoK;
- The erection of site notices at the burial ground or grave for at least 60 days; and
- Advertising in local press.

The applicant is further required to keep accurate record of all actions undertaken to identify NoK and submit these to the SAHRA BGG. Records must include the details of all persons and organisations contacted and their responses.

Regulation 40 requires the applicant to consult with NoK regarding the effect of any proposed grave relocation in order to reach agreement on the future of burial grounds and graves. Exxaro is required to cover costs of actions on which agreement was reached between Exxaro and identified NoK: whether in terms of relocation or *in situ* conservation.

Chapter IX outlines the permit application process and prescribes the relevant information that must be submitted to the SAHRA BGG unit.

3.2 Provincial legislation and local by-laws

3.2.1 The Exhumations Ordinance 12 of 1980

The Exhumations Ordinance regulates the exhumation, disturbance, removal and re-interment of human remains and matters incidental thereto. Section 3 of this Ordinance outlines the process in respect of consultation and approvals required for the exhumation and relocation of human remains.

The Ordinance furthermore, in terms of Section 3(2)(iii) requires that written consent for the exhumation and relocations must be given by *bona fide* NoK, defined as, in order of precedence:

1. The surviving spouse or partner of the deceased;
2. In the absence of a surviving spouse or partner, the eldest adult child of the deceased;
3. In the absence of an adult child, a parent of the deceased;
4. In the absence of a parent, an adult sibling of the deceased; and
5. In the absence of a sibling, the closest adult relative of the deceased.



3.3 Exxaro Grave Relocation Policy

The Exxaro Grave Relocation Policy is largely founded on the Acts and international standards referred to above. Exxaro has stated that the purpose of this Policy is to:

- Formulate a co-ordinated approach with respect to relocating graves of non-landowning households within Exxaro's mining right areas; and
- Provide guidelines for graves found and remaining within the mining right areas before, during and after operations are conducted.

The scope of this Policy applies to Exxaro as a legal entity and each of its subsidiaries, trusts, and any ventures controlled by Exxaro. Exxaro requires all its wholly owned subsidiaries to adopt this Policy.

The following Exxaro Grave Relocation Policy principles apply to the Thabametsi Project BGGC process:

- **Relocation of graves within mining area:** Exxaro acknowledges that graves are special places that serve as a bridge to the past, memorialising the deceased and serves as sacred places to remember and celebrate their lives. Grave relocation is inherently sensitive that must be approached with due sensitivity and respect. Exxaro is therefore obliged to take or follow an approach that is balanced between its requirements, respect for the deceased, family directives, cultural considerations and compliance with National, Provincial and local applicable laws.
- **Relocation and expenses:** Exxaro will not exhume, or cause to exhume any grave without consent from *bona fide* NoK obtained through extensive consultation, proof of which will be submitted in support of applicable permit applications. Exxaro will furthermore cover all costs associated with:
 - The exhumation and reburial of graves and the relocation of graves dressings;
 - Repair of dressings that may be damaged during relocation;
 - Supply of new grave dressings in the absence of existing dressings;
 - Ceremonial practices.
- **Next of Kin unwillingness to grant consent:** In the event that NoK do not consent to grave relocation, Exxaro will:
 - Exxaro will conduct impact assessments on such graves to assess for example: effect of mining around graves or undermining graves; effect of mitigation measures such as fencing graves off;
 - Periodical inspect *in situ* graves to monitor any damage, which if occurs will be repaired immediately;
 - Should Exxaro's Executive Committee (ExCo) determine that mitigation measures will not sufficiently protect graves, it may decide to implement grave



relocation without the consent of NoK. Exxaro will develop a communication plan to explain its actions.

- **Graves without identified NoK:** In the event that NoK cannot be identified, graves will be relocated in their absence but in the presence of officials in accordance with the applicable legal framework. The same obligations that apply to graves with NoK will apply, except with regard to covering costs of cultural ceremonies.
- **Exhumation and reburial:** Exxaro will cover the costs to:
 - Appoint a qualified and experienced archaeologist to apply for all relevant permits, and oversee, record and manage the exhumation process;
 - Appointment registered funeral undertaker to exhume, transport and rebury deceased; and
 - Collect NoK from an agreed central venue to the exhumation site and reburial site if required.
- **Ceremonial practices:** NoK will be entitled to practice their culture, and Exxaro will attend to appropriate NoK expenses through:
 - Covering costs associated with ceremonial practices that may be required by NoK, as agreed between the two parties;
 - Expenses for ceremonial practices will be in-kind and not cash;
 - Exxaro will provide transport for NoK from an agreed central venue to attend the event.
- **Grave dressing:** Exxaro will compensate NoK for existing grave dressings through:
 - Appointing a contractor to remove grave dressings;
 - Repair or replace grave dressings damaged or destroyed during relocation;
 - Replacement of grave dressings will be with similar dressings, taking into account possible restrictions imposed through cemetery regulations;
 - The replacement of grave dressings with the minimum acceptably dressing if existing dressings are disallowed in a cemetery due to cemetery regulations.
- **New grave sites:** Exxaro will purchase new grave plots and relocate graves to existing municipal cemeteries in the surrounding towns or mutually agreed site with the NoK.
- **Cash compensation:** Exxaro will not pay any cash compensation to NoK for relocating their graves. Exxaro has determined that there are no legal requirements for financially compensating NoK, other than precedents that have been created by other developers.

4 Project description

This section summarises the information required in terms of NHRA: Regulation 34(3) to apply for a Section 36(3) exhumation and relocation permit for the 155 graves located within the Thabametsi Project area. This section includes:

- A brief description of the Thabametsi Project and activities in motivation of the permit application;
- Details of the affected properties and legal land owner;
- Details of the responsible planning authority; and
- Persons / entities that will be responsible to implement the grave relocation should the required permits and approvals be awarded.

4.1 Project description and motivation

The first phase of the Thabametsi Project intends to mine coal via open pit and underground mining methods for supply to a proposed Independent Power Producer (IPP) coal-fired power station, which will be located north of the proposed project area. During the development phase of the proposed mine, coal will be trucked to the Grootegeluk Coal Mine. Further expansion of the proposed Thabametsi Coal Mine will follow the rail capacity expansions and raw water supply additions (MCWAP2) to the area. At this point in time it is foreseen that from 2021 both Power Station Coal (PSC) and Semi-Soft Coking Coal (SSCC) will be produced. The Run of Mine (RoM) coal suitable for PSC and SSCC will be transported to the respective clients by rail. Underground mining will start in 2022, producing Metallurgical Coal (Met Coal) RoM which will be transported to the South Mine Complex plant for beneficiation.

Development will include an open pit and supporting infrastructure; developments of specific importance of this report include *inter alia*:

- Infrastructure construction
 - Removal of topsoil and vegetation;
 - Development of haul roads and use of borrow pits;
 - Transport of construction material; and
 - Construction of surface infrastructure including wash plant, offices, pipeline, powerlines, product stockpile areas.
- Mining development area:
 - Blasting;
 - Development of initial bench for mining; and
 - Topsoil and overburden stockpiling.



- Water management activities
 - Storm water diversion berms;
 - Construction of pollution control dams and reticulation systems;
 - Construction of clean water dams; and
 - Construction of sewerage treatment plant.

- Mining activities:
 - Removal of overburden;
 - Drilling and blasting (explosive use);
 - Overburden stockpiling;
 - ROM stockpile; and
 - Use and maintenance of haul roads.

These activities will pose significant risks to the identified burial grounds and graves. The entire mining area will furthermore be fenced for security and safety reasons. Access into the mining area by surrounding local communities will be restricted due to inherent health and safety risks associated with operational mining sites.

Exxaro therefore initiated a BGGC process to identify and consult with NoK to reach agreement on relocating graves that will be affected by the Thabametsi Project.

4.2 Applicant and landowner details and consent

Exxaro is currently the legal landowner of the farms McCabesvley 311 LQ, Van Der Waltspan 310 LQ, Zaagput 307 LQ, Jackhalsvley 309 LQ, Vaalpensloop 313 LQ Remaining Extent and Vaalpensloop 313 LQ Portion 1.

The contact details of the responsible Exxaro representative and title deed information are summarised in Table 1. As both landowner and applicant, Exxaro has provided written consent for the proposed exhumation, in accordance with NHRA: Regulation 34(3)(g). The official signed document is attached as Appendix C.

Table 1: Title Deed and landowner details

Property	Owners / occupiers	Description
McCabesvley 311 LQ	Exxaro Coal (Pty) Ltd	No agriculture or occupants. Only mine infrastructure. Game farming and trophy hunting.
Van Der Waltspan 311 LQ	Exxaro Coal (Pty) Ltd	Game farming and trophy hunting.
Zaagput 307 LQ	Exxaro Coal	Cattle and some game farming.



Property	Owners / occupiers	Description
	(Pty) Ltd	
Jackalsvley 309 LQ	Exxaro Coal (Pty) Ltd	No occupants. Farm rented to Hardus Steenekamp who uses it for game farming.
Vaalpensloop 313 LQ Remaining Extent	Exxaro Coal (Pty) Ltd	Game farming.
Vaalpensloop 313 LQ Portion 1	Exxaro Coal (Pty) Ltd	No occupants. Some game farming.
Graaffwater 456 LQ (Portion 2)	Exxaro Coal (Pty) Ltd	Cattle and game farming. No occupants. (This property is outside the mining area)
Landowner details		
Name	Mrs Babsie Crane	
Position	Exxaro Project Manager	
Telephone	012 307 4953	
Email	babsie.crane@exxaro.com	

4.3 Responsible planning authority

As stated in 1.1 above, the Thabametsi Project is located near Lephalale in the Limpopo Province. The responsible planning authority is the Lephalale Local Municipality. Details of the project location and planning authority are listed in Table 2.

Table 2: Thabametsi Project geographical location and planning authority details

Geographical location	
Province	Limpopo
District Municipality	Waterberg District Municipality
Local Municipality	Lephalale Local Municipality
Magisterial District	Ellisras
Nearest Town/s	Lephalale



Properties	See Table 2
Planning authority	
Name	Lephalale Local Municipality
Address	Private Bag X136 Lephalale 0555 Civic Centre Onverwacht c/o Joe Slovo and Douwater Road
Contact person	Ms E. M. Tukakgomo Municipal Manager
Telephone	014 762 1409 / 082 496 5280
Fax	086 536 3506
Email	Riekie.coetzee@lephalale.gov.za

4.4 Responsible persons / entities

As mentioned in 1.2 above Exxaro appointed Digby Wells to conduct the BGGC consultation process with NoK.

Exxaro will furthermore appoint Digby Wells as the 'responsible persons' contemplated in NRHA: Regulation 34(3)(f) and (h) to implement the proposed exhumation and relocation of the affected graves.

Exxaro will appoint responsible service providers through a tender process, taking cognisance of all legal requirements and ensuring 'responsible persons' to the minimum requirements outlined in Table 3.

Table 3: Requirements for 'responsible persons'

Project aspect	Qualification & experience
Archaeologist	Johan Nel (Digby Wells) BA Honours Archaeology >15 years' experience



Undertaker to be appointed	Registered funeral undertaker who can operate within the ELM Proven experience in grave relocation projects
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5 Data collection results and description of graves

This section provides a description of the graves located in the Thabametsi Project area. It is informed by the data collection activities outlined in 2.1 above, which included:

- A review of a previous HIA report (Pistorius 2010);
- The survey undertaken by Digby Wells during the EIA processes mentioned in 1.1 above; and
- Identification of graves by NoK during site visits.

In general, the graves are situated within a typical rural agricultural landscape. Graves can be grouped into three main categories in terms of their location:

- Graves in a clearly defined burial ground that account for the majority;
- Isolated marked graves located in natural scrub / veldt; and
- Unmarked graves with no surface evidence in undefined burial grounds (pointed out by NoK).

Surface dressing of the graves vary between commercial granite covering and headstones, concrete covering and headstone, brick covering with markers, stone covering and grave markers, stone covering with no markers, and no surface dressings.

5.1 Results of site visits and surveys

The total number of affected graves that could be verified through surface evidence at the time of compiling this report is 10. Of these, seven are located within a clearly defined burial ground – site S.36-002. The remaining three are isolated graves located in the veld, identified through visible grave Table 4 dressings. An additional nine alleged graves were pointed out by Mr Tloki David Maluleke in two undefined burial grounds: there are visible surface evidence for these graves. Another alleged unmarked grave was pointed out by Mr Steven Tibanyane.

The location of all identified burial grounds and graves are listed in Table 4 and depicted in Plan 1.

Table 4: List of affected graves

Farm	Grave no.	Deceased	Description	Date	No. graves
RE of Vaalpensloop 3131 LQ	S.36-002/1	Matlou, Smith	Single grave in burial ground	30/08/1959	1



Farm	Grave no.	Deceased	Description	Date	No. graves
	S.36-002/2	Matlou, Anna / Mmannana	Single grave in burial ground	Unknown	1
	S.36-002/3	Tibanyane, Klaas	Single grave in burial ground	09/04/1960	1
	S.36-002/4	Tibanyane, Mishack Tshidi Lesisana	Single grave in burial ground	12/04/1980	1
	S.36-002/5	Seremula, Stephina	Single grave in burial ground	26/09/1984	1
	S.36-002/6	Tibanyane, Lotta	Single grave in burial ground	16/01/1985	1
	S.36-002/7	Tibanyane, McFarlane	Single grave in burial ground	1990	1
Leeuwdrift 312 LQ	S.36-015	Gwane, Semenson	Isolated grave	Unknown	1
Van der Waltspan 310 LQ	S.36-016	Komo, Frans	Isolated grave	25/04/1985	1
Jackalsvley 309 LQ	S.36-017	Pretorius, Jacobus Johannes	Isolated grave	05/03/1950	1
	S.36-018	Maluleke	Unmarked grave	Unknown	2
	S.36-019	Maluleke	Unmarked grave	Unknown	7

Plan 1: Location of graves in relation to Thabametsi Project development footprint

5.1.1 S.36-002

The burial ground is located on Vaalpensloop 313 LQ Re. The burial ground contains seven graves with different grave dressings depicted in Figure 1. The graves are associated with the Tibanyane, Matlou and Seremula families. Inscriptions on the headstones enabled the deceased to be identified as indicated in.

The graves will require relocation as they are located within the proposed open cast pit as depicted in Plan 1.



Figure 1: S.36-002 located on Vaalpensloop 313 LQ Re (Karodia & Higgitt, 2013)

Table 5: List of deceased buried in S.36-002 and identified NoK

Grave no.	Deceased	NoK	Place of Residence	Contact
S.36-002/1	Matlou , Smith	Matlou , Jacob	Maropong	0784433246
S.36-002/2	Matlou , Anna / Mmannana	Nkoati , Lettia / Israel	Ga-Seleka	0836679657 / 0721200110
S.36-002/3	Tibanyane , Klaas	Leola , Catherine Mathaga	Ga-Seleka	0721204994
S.36-002/4	Tibanyane , Mishack Tshidi Lesisana	Mashabane , Makgaetsi Emmie	Maropong	0837257224
S.36-002/5	Serumula , Stephina	Serumula , Isamai Fanie	Shongwane 3	0732693718
S.36-002/6	Tibanyane , Lotta	Tibanyane , Steven	Maropong	0781862347
S.36-002/7	Tibanyane , Mferoane	Mashabane , Makgaetsi Emmie	Maropong	0837257224

5.1.2 S.36-015

The grave site is located on Leeuwdrift 309 LQ. The grave dressing consists of three stone that mark the location of the grave, with an iron cross as a grave marker as depicted in Figure 2. The deceased could be identified as “Semenson Gwane” based on visible inscription on the grave dressing.

Although the grave will not be directly impacted on by the proposed mine infrastructure, it is considered at risk as depicted in Plan 1 and will need to be relocated.



Figure 2: S.36-015 located on Jackalsvley 309 LQ (Pistorius, 2010)

5.1.3 S.36-016

The gravesite is located on Van der Waltspan 301 LQ. The grave dressing consists of a cement slab and headstone as depicted in Figure 3. Inscriptions on the headstones enabled the deceased to be identified as “Frans Komo”.

The grave will be at risk due to construction activities and infrastructure development as depicted in Plan 1 and will need to be relocated.



Figure 3: S.36-016 located on Van der Waltspan 310 LQ (Pistorius, 2010)

5.1.4 S.36-017

The gravesite is located in on Jackalsvley 309 LQ. The grave dressing comprises of cement and brick as shown in Figure 4. Inscriptions on the headstones enabled the deceased to be identified as “Jacobus Johannes Pretorius”.

Although the grave is situated within the proposed underground mining area as depicted in Plan 1, access will be restricted and there are possible risks of subsidence. This grave should therefore be considered at risk and should be relocated.



Figure 4: S.36-017 located on Jackalsvley 309 LQ

5.1.5 S.36-018 and S.36-019

These alleged burial grounds are located in on Jackalsvley 309 LQ, no visible surface evidence of graves exist (see Figure 5 and Plan 1). The family, represented by Mr David Tloki Maluleke, is also uncertain of the exact position of the graves within the burial grounds.

To determine the actual existence and location of graves at these sites, it will be necessary to undertake various investigations that may include:

- Non-intrusive surveys using ground penetrating radar (GPR) to ascertain the likelihood of graves; and
- Test excavations to verify GPR results.

Should the tests provide proof of graves, the graves must be considered for relocation as access to the burial ground it is situated within the proposed underground mining area as depicted in Plan 1. Access to the site by family members will be significantly restricted due to mine health and safety risks. In addition, the site could possibly be at risk of subsidence once the area is undermined.

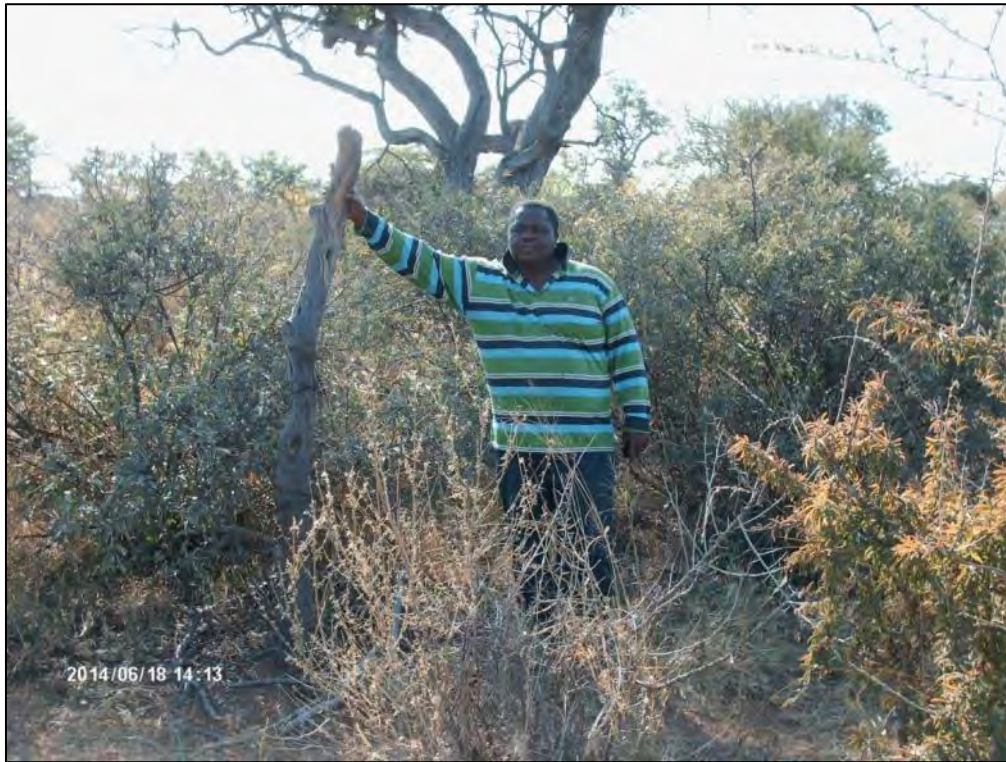


Figure 5: Mr T Maluleke standing at S.36-018 located on Jackalsvley 309 LQ



Figure 6: Mr T Maluleke pointing to S.36-019 located on Jackalsvley 309 LQ

6 Agreement framework

The Agreement Framework referred to in 2.2.2 above outlined the principles for remedial actions to which affected NoK has certain rights. The Agreement Framework was presented to NoK and updated following their comments and input into the document. The Agreement Framework defined who will be eligible for remedial action.

The Agreement Framework presented here is founded on the legal and policy framework described in 0 above. This chapter comprises:

- A glossary of terms and definitions;
- Categories of graves;
- Eligibility; and
- Remedial actions, principles and agreements;
- Agreed criteria regarding the eligibility of NoK for remedial action and assistance in terms of each category of grave;
- A narrative description of each agreed remedial action;
- Agreed principles in respect of remedial actions and entitlements to which NoK are entitled to, in tabular format indicating initial draft entitlements and final agreed entitlements.

The final agreements attached as Appendix C, are the results of NoK consultation and input, summarised in 0 below. At each meeting, NoK were encouraged to participate in the decision-making process. The Agreement Framework and final agreements must be understood with reference to the definitions provided in Section 6.1.

6.1 Definitions and Terms

In lieu of appropriate definitions and guidelines within the South African grave relocation legal framework, especially with reference to rights to remedial action certain established definitions were adapted for use throughout this document. Definitions were adapted from the Acts referred to in Section 0 above, as well as definitions contained in the *International Finance Corporation Handbook for Preparing a Resettlement Action Plan* (2012).

Table 6: Terms and definitions used in the Agreement Framework

Term	Definition
Agreement	The negotiated and legally binding arrangement between Exxaro and Next of Kin resulting from consultations, including any remedial actions or other reasonable actions required by the Next of Kin. In relation to graves, an agreement must include principles for re-establishment of graves and recompense.



Term	Definition
Applicant	The person or entity that is responsible for any development that will destroy, damage, alter, remove from its original position, or otherwise disturb any grave or burial ground.
Conservation	The protection, maintenance, preservation and sustainable use of graves to safeguard their cultural significance.
Consultation	The action or process of discussing the effect of proposals on graves with identified next of kin with the aim of reaching agreement about the future of such grave or burial ground. Consultation may include one-on-one, focus group or public meetings, telephonic conversations, and written communication. Records of consultation with next of kin must be kept including comments made by any interested party.
Development	In relation to graves, any physical intervention, excavation, or action, other than those caused by natural forces, which may in any way result in a change to the nature, appearance or physical nature of a burial ground or grave, or influence its stability and future well-being.
Grave	A place of interment that includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place.
Improvement	The repair, restoration and rehabilitation of a grave as part of <i>in situ</i> conservation of subsequent to grave relocation.
Living heritage	In relation to graves, means the intangible aspects of inherited culture that may include cultural tradition, ritual and the holistic approach to nature, society and social relationships, including performances relating to burial, to graves or to the continuing relationship between the deceased and the living NoK.
Management	The conservation, presentation and improvement of a burial ground or grave.
Next of Kin	<p>Next-of-kin of graves means the living relative/s of the deceased buried in a grave. The order of precedence of NoK is determined in accordance with the Exhumation Ordinance as:</p> <ul style="list-style-type: none"> ■ The surviving spouse or partner of the deceased; ■ In the absence of a surviving spouse or partner, the eldest adult child of the deceased; ■ In the absence of an adult child, a parent of the deceased; ■ In the absence of a parent, and adult sibling of the deceased; and ■ In the absence of a sibling, the closest adult relative of the deceased.



Term	Definition
Owner	<p>The landowner on whose property the grave is located, including:</p> <ul style="list-style-type: none"> ■ In the case of privately owned land, the owner's authorised agent; ■ In the case of land owned by the State or State-aided institutions, the Minister or any other person or body of persons responsible for the care, management or control of that place; ■ In the case of tribal trust land, the recognised traditional authority.
Performance	In relation to graves, the action or process of performing a task or function at the burial ground or ground.
Presentation	In relation to burial grounds and graves includes the erection of grave dressings, provision of access to graves and performances.
Re-establishment	In relation to grave relocation, means actions and items required to re-establish graves at new locations in a manner similar to that of the original grave, grave relocation including the removal and re-erection of grave dressings, purchase of new coffins and grave plots, and possible performances. The rate of re-establishing graves must be calculated on the market value of the actions and items, plus transaction costs.
Relocation	In relation to graves means the exhumation, relocation and re-interment of the contents of a grave from its original location to an alternative location.
Relocation assistance	Support provided to Next of Kin whose graves are relocated, and may include transportation and food, that are provided by Exxaro to affected Next of Kin during the grave relocation process.
Remedial action	Actions agreed on, following consultation between Exxaro and Next of Kin, to remediate impacts on graves. Remedial actions may include conservation, improvement, presentation, and relocation. Costs of remedial actions are the responsibility of Exxaro, unless otherwise agreed to.

6.2 Categories of Graves

The categorisation of affected graves is required for the development of a comprehensive and detailed Agreement Framework. Three categories of graves were defined based on possible impacts, listed in Table 7 below.

**Table 7: Categories of graves in the Thabametsi Project area**

Category	Definition
Category 1: Unaffected graves	Burial grounds and graves that are located on properties comprising the project area but will not be at direct physical risk due to project activities; these will therefore not be relocated, but will be conserved <i>in situ</i> . NoK will not be at unmanageable personal risk during visits to gravesites. NoK may, however, experience loss of <i>unrestricted</i> access to sites due to restrictions imposed on them by Exxaro – for example due to health and safety policies and considerations; and
Category 2: To-be-relocated graves with identified NoK	Graves that will be at direct physical risk due to project activities and will therefore require relocations, as well as graves located in the mining area where significant risks to visitors and access restrictions will manifest.
Category 3: To-be-relocated graves with no identified NoK	Graves without identified NoK will be relocated in their absence but in the presence of officials in accordance with NHA Regulations.

6.3 Eligibility

With regard to NoK's eligibility for remedial action and assistance certain criteria were proposed per category outline in Section 6.2 above. These criteria are presented in Table 8 below.

Table 8: Eligibility for remedial actions

Category	Criteria
NoK associated with Category 1 graves	All <i>bona fide</i> NoK of Category 1 graves will be eligible for remedial action, including: <ul style="list-style-type: none"> ■ The opportunity to provide input into a CMP that will be submitted to the SAHRA BGG for approval; ■ Access to burial grounds and graves for the purposes of improvement, performance and presentation; and ■ Being timeously informed regarding any change to the existing status quo of conserved burial grounds and graves.
NoK associated with Category 2 graves	<i>Bona fide</i> NoK of Category 2 graves will be eligible for remedial action, including <ul style="list-style-type: none"> ■ In situ conservation of their gravesites for the duration of the permit application process and until such time as exhumation takes place; and ■ Exhumation and re-establishment of graves.

Category	Criteria
Category 3 graves	<ul style="list-style-type: none"> ■ Gravesites for which NoK have not been identified will be ■ Relocated to an established, registered municipal cemetery if there is any risk to the sites due to project activities, or if access will be restricted; or ■ Conserved <i>in situ</i> in accordance with the CMP if such sites will not be physically impacted on and access can be provided

6.4 Principles, remedial actions and stakeholder rights

This section outlines principles for remedial actions to which NoK have certain rights, based on the Agreement Framework and final input into the Agreement Framework by NoK and other stakeholders during the participation and consultation process.

6.4.1 Principles regarding rights to consultation

The NHRA and NHRA Regulations require that concerted effort is made to:

- Identify all possible stakeholders and NoK; and
- Consult identified NoK regarding the future of affected burial grounds and graves.

The purpose of this consultation process is to provide NoK with adequate information to enable them to make prior and informed decisions regarding the *in situ* conservation or relocation of graves, whichever may be the case. The principles to the right to consultation as a remedial action are listed in Table 9 below, including draft and agreed rights to which NoK are eligible.

Table 9: Principles of the consultation process

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Exxaro must ensure that all possible affected stakeholders are identified in respect of proposals regarding the future of burial grounds and graves.	Exxaro will ensure that <i>bona fide</i> NoK are identified and consulted with regard to the future of identified graves	Unchanged
Affected stakeholders may include landowners, relatives of the deceased, traditional and local authorities, and conservation groups.		
Exxaro must consider providing travel assistance to NoK to attend meetings.	Exxaro will collect and provide transport for	Exxaro will collect and provide transport for NoK within a 100

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Travel assistance must exclude cash reimbursements for any travel related expenses, including fuel, public transport or air travel.	stakeholders within a 50 km radius of the meeting venue.	km radius to enable NoK resident at Ga-Selaka and Shongwane
NoK who cannot attend focus group meetings will need to elect and appoint representatives to act on their behalf.		

6.4.2 Category 1 Graves

6.4.2.1 Plan for in situ management plan of graves

The NHRA affords burial grounds and graves general protection. The purpose of this remedial action is therefore to develop a CMP with the aim to provide a set of management principles that must be adhered to where gravesites will remain *in situ* in the Thabametsi Project area. Such *in situ* conservation may be required either until grave relocation of specific sites become necessary or inevitable, or into perpetuity. Management of *in situ* conserved gravesites is a joint responsibility between Exxaro and NoK. However, the primary onus is on Exxaro as both landowner and developer. The CMP must be included into all operational plans, procedures and programmes established by Exxaro and should be reviewed at least every five years.

The principles of the CMP as a remedial action are listed in Table 10 below, including draft and agreed rights to which NoK are eligible.

Table 10: Principles for in situ management plan of graves

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
A Conservation Management Plan (CMP) must be drafted at the cost of the Applicant	Affected NoK and landowners will be entitled to provide input into the CMP through consultation	Unchanged
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 grounds and graves		

6.4.2.2 Conservation of burial grounds and graves

To give further affect to the NHRA, Exxaro must ensure that burial grounds and graves are conserved *in situ*. Exxaro is therefore required to protect, maintain and preserve gravesites to ensure the sustainable use of these heritage resources to safeguard their cultural significance. This is especially important given that NoK will be unable to access gravesites unrestricted, as they will be located within the boundary of an operational mine.

The principles of *in situ* conservation are listed in Table 11 below, including draft and agreed rights to which NoK are eligible.

Table 11: Principles for conservation of burial grounds and graves

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Exxaro must protect and conserve burial grounds and graves that will remain <i>in situ</i> in the project area	Exxaro will ensure that the status quo of the burial grounds and graves are maintained throughout the life of the project.	Unchanged
	Exxaro will fence burial grounds and grave to safeguard sites against possible direct, physical damage.	Unchanged
	Exxaro will maintain sites through cleaning and periodic monitoring in lieu of unrestricted access by NoK.	Unchanged

6.4.2.3 Access to conserved burial grounds and graves

To give effect to the NHRA requirement to safeguard the cultural significance of burial grounds and graves through sustainable use, Exxaro must implement remedial action that will enable NoK to access their gravesites for living heritage purposes. However, taking into consideration that the gravesites will be located within an operational mining area, NoK will be obliged to adhere to Exxaro health and safety policies that are based on the Mine Health and Safety Act, 1996 (Act 29 of 1996) (MHSA).

The principles for access to *in situ* conserved gravesites are listed in Table 12 below, including draft and agreed rights to which NoK are eligible.

Table 12: Principles for access to conserved burial grounds and graves

Remedial action principles / comments	Draft Entitlement	Final Agreed Entitlement
Exxaro will acknowledge the right of NoK to access conserved burial grounds and graves to ensure sustainable use of the sites and safeguard their cultural significance	NoK will be entitled to access gravesites, within constraints that may be imposed by any health and safety policies, regulations and legislation.	Exxaro will be entitled to advance notice of proposed site visits to enable necessary arrangements to be made.
	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 presentation 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 access and improve gravesites, and presentation and performances at gravesites under safety escort.
	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 will have indemnity from any risk, injury, damage or other impact on NoK when visiting gravesites.	Exxaro 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.	Exxaro will require NoK to comply with standard operational procedures regarding visitor access to mine properties. Exxaro will have indemnity from any incident that may result in injury or death of NoK as a result



Remedial action principles / comments	Draft Entitlement	Final Agreed Entitlement
		of pre-existing medical conditions, and that is unrelated to any activity for which Exxaro may be responsible, to reduce the risk to Exxaro with regard to incident reporting, investigation and possible temporary mine closure.
	NoK will be entitled to sign informed consent indemnifying Exxaro Arnot Coal of any loss, injury, death or any other risk experienced when visiting graves.	Exxaro will provide approved transport for, and escort NoK to gravesites.

6.4.2.4 Improvement to burial grounds and graves

A remedial action that is required to safeguard the cultural significance of burial grounds and graves is to enable NoK to improve gravesites. This may include the repair, restoration and rehabilitation of graves and the immediate surrounding space. Improvement to gravesites will be made at the cost of NoK, unless mining activities have changed the *status quo* of the sites.

The principles for improvement to *in situ* conserved gravesites are listed in Table 13 below, including draft and agreed rights to which NoK are eligible.

Table 13: Principles for improvement of conserved burial grounds

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Exxaro will 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	Unchanged, but refer to 6.4.2.3 above in terms of principles and entitlements regarding access.
	NoK will be entitled to being informed of any changes to burial grounds and graves as a result of project activities, or	Exxaro will draft status quo reports for every <i>in situ</i> burial ground and grave to monitor the condition of these sites throughout the operational lifespan of the mine, or until grave relocation is



Remedial action principles	Draft Entitlement	Final Agreed Entitlement
	changes in ownership	completed.
		NoK will be entitled to being informed of any changes to burial grounds and graves noted in monitoring reports, or changes in ownership.
Exxaro will repair, restore and rehabilitate burial grounds and graves affected by project activities resulting from Exxaro's development	Exxaro 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.	Unchanged

6.4.2.5 Presentation of burial grounds and graves

Presentation of burial grounds and graves is a required remedial action to enable the sustainable use and cultural significance of these sites. Presentation may include the placing of grave dressings, or the provision of access to, and performances at, gravesites as described under 0 above and 0 below.

The principles for presentation of *in situ* conserved gravesites are listed in Table 14 below, including draft and agreed rights to which NoK are eligible.

Table 14: Principles for presentation of conserved burial grounds and graves

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Exxaro will allow NoK presentation of / at the burial grounds and graves	NoK will be entitled to access their graves erect for the purposes of erecting new grave dressings	Unchanged, but refer to 6.4.2.3 above in terms of principles and entitlements regarding access.
	NoK will be responsible for all costs associated with erecting new grave dressings	Unchanged.

6.4.2.6 Performances at burial grounds and graves

Sustainable use of burial grounds and graves may require performing certain actions at sites associated with living heritage. This remedial action therefore gives effect to the NHRA requirement to safeguard the cultural significance of gravesites.

The principles for performances at *in situ* conserved gravesites are listed in Table 15 below, including draft and agreed rights to which NoK are eligible.

Table 15: Principles for performances at conserved burial grounds and graves

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Exxaro will acknowledge the right of NoK to express their living heritage	NoK will be entitled to performing actions associated with living heritage at graves.	Unchanged, but refer to above in terms of principles and entitlements regarding access.
	NoK will be responsible for all costs associated with performances.	Unchanged.

6.4.2.7 Recompense for *in situ* conservation

Provided that all remedial actions referred to above are considered and implemented, no financial or other recompense will be paid to NoK whose gravesites will be conserved *in situ*.

The principles for performances at *in situ* conserved gravesites are listed in Table 16 below, including draft and agreed rights to which NoK are eligible.

Table 16: Principles for recompense for conserved burial grounds and graves

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Exxaro will not compensate NoK whose burial grounds and graves are conserved <i>in situ</i> .	NoK will not be entitled to any recompense in the form of solatia or otherwise for the conservation of graves	Unchanged, but refer to above regarding entitlements related to mining activity related changes to <i>status quo</i> of gravesites.

6.4.3 Category 2 Graves

6.4.3.1 Relocation of graves

Section 36(5) and Regulation 40 of the NHRA requires as a remedial action consultation with NoK. The purpose of this remedial action is, therefore, to develop a GRP based on a set of agreed principles to be adhered to when relocating graves. NoK have the right and encouraged to participate in the decision-making process to reach agreements regarding the relocating process. This extends to NoK being provided with all relevant information to enable them to give prior and informed consent to grave relocation.

Graves may require relocation if:

- Gravesites are at direct risk of destruction or damage due to development related activities;
- There are significant risks to NoK and / or graves should the graves remain *in situ*;
- NoK specifically requests relocation during consultation.

The principles for relocation of graves are listed in Table 17 below, including draft and agreed rights to which NoK are eligible.

Table 17: Principles for grave relocation

Remedial action principles	Draft Entitlement	Final Agreed Entitlement
Exxaro will cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro will implement a grave relocation process in accordance with applicable legislation.	Unchanged.
	Exxaro will appoint a qualified and registered archaeologist to manage the grave relocation process.	Unchanged.
	Exxaro 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.	Unchanged.
Exxaro will 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	Unchanged.
	NoK will be entitled to provide informed consent prior to exhuming	Unchanged.



Remedial action principles	Draft Entitlement	Final Agreed Entitlement
	the contents of graves	

6.4.3.2 Re-establishment of graves

Section 36(4) and regulations 34(2)(i), 35(c), and 40(2) of the NHRA requires as a remedial action agreement with NoK regarding the exhumation and re-internment of the contents of graves. The purpose of this remedial action is, therefore, to reach agreements with NoK regarding the exhumation and re-internment of their graves.

The principles for re-establishment of relocated graves are listed in Table 18 including draft and agreed rights to which NoK are eligible.

Table 18: Principles for re-establishment of relocated graves

Remedial action principles / comments	Draft Entitlement	Final Agreed Entitlement
Exxaro will cover all 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"> 1. Fannie Serumula indicated that his deceased NoK must be relocated to Shongwane 2. Helen Mokau indicated that her deceased NoK must be relocated to Marapong 3. Catherine Leola indicated that her deceased NoK must be relocated to Marapong 4. Relocation of NoK of Steve Tibanyane and Jacobus Matlou still unresolved 5. NoK of Maluleke family on Jackhalsvley still unresolved. 6. Exxaro also provided NoK with the option to have their deceased relatives reburied in a special relocation cemetery on Vaalpensloop that Exxaro was prepared to establish. This cemetery would:



Remedial action principles / comments	Draft Entitlement	Final Agreed Entitlement
		<ul style="list-style-type: none"> ■ Be located in an area easily accessible from major routes; ■ Include adequate facilities, including ablutions and a dedicated space to slaughter sacrificial animals; ■ Not include any access restrictions; and ■ Be strictly reserved to accommodate deceased that may be exhumed and relocated - the burial of recently deceased persons would not be allowed.
	Exxaro will cover costs associated with the procurement and registration of new grave plots	Unchanged.
Exxaro will 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.	Unchanged.
	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.	Unchanged.
	NoK will be entitled to grave markers at the new grave where existing grave dressings comprised only	Removed, all NoK entitled to standard grave dressings.



Remedial action principles / comments	Draft Entitlement	Final Agreed Entitlement
	stone-packed cairns or were absent.	
	Exxaro will repair or replace grave dressings damaged as a result of relocation	Unchanged.
	Exxaro will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing	Unchanged.
Exxaro will ensure that new grave sites are registered in the names of the <i>bona fide</i> NoK	NoK will be responsible for costs of improvement and presentation of new grave sites after re-establishment	Exxaro will not be responsible for the maintenance, repair, or any other action, after graves have been re-established at new locations.
		NoK will be responsible for costs of improvement and presentation of new grave sites after re-establishment, without any claims or recourse to Exxaro.
Exxaro will 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	Unchanged.
	Logistical arrangements and needs will be determined and agreed on in consultation with NoK	Unchanged.
	Exxaro will cover expenses associated with logistical arrangements and physical needs of NoK in order to express their living heritage	NoK will not be paid any funds related to arrangements and physical needs required for any customary ceremonies and rituals.
		Exxaro will, in lieu of any cash payment, cover expenses associated with logistical arrangements and procure agreed on items required by NoK to express their living heritage.



6.4.3.3 Solatia

Solatia or any other form of cash compensation is not required in terms of any Act or Regulation governing grave relocation. However, precedents have been set in many other projects in the region where the developer had paid cash compensation directly to NoK instead of the assuming responsibility for the procurement and provision of NoK requirements. This may have created expectations by communities that they will benefit financially from grave relocation.

Solatia in relation to grave relocation refers to an acknowledgement that grave relocation may cause inconvenience and a sense of loss. Given that Exxaro will not compensate affected NoK in cash, but will procure and provide the requirements requested by NoK, the offer of solatia had been included in the consultation process from the start.

However, Exxaro developed its Grave Relocation Policy during the course of consultation and implemented this Policy across all its current GRP projects. The Policy does not make provision for any form of cash compensation.

Any form of cash compensation was therefore excluded from the Agreement Framework. As a result, no entitlements with regard to solatia were agreed on and this remedial action was excluded from the final Agreements (See Table 19).

Table 19: Principles for solatia

Remedial action principles / comments	Draft Entitlement	Final Agreed Entitlement
Exxaro acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced	Exxaro will acknowledge the inconvenience and possible loss experienced by NoK as a financial token.	Solatia removed from Agreement Framework following development of Exxaro Grave Relocation Policy and adoption thereof by Exxaro Executive Committee.
NoK will not receive any additional payment, other than recompense in the form of a solatium, for attending meetings or giving consent.	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.	
Beneficiaries of solatia will be NoK defined in accordance with the Exhumation Ordinance, i.e. the closest relative of the deceased. This means that only one closest living relative will receive solatia.		



6.4.4 Category 3 graves

Exxaro agreed to the following principles and remedial actions listed Table 20 with regard to graves of which no NoK were identified.

Table 20: Principles for graves with unidentified NoK

Remedial action	Remedial action principles	Entitlement
Relocation of graves	Exxaro will cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro will implement a grave relocation process in accordance with applicable legislation
		Exxaro will appoint a qualified and registered archaeologist to manage the grave relocation process
		Exxaro 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
Re-establishment of graves	Exxaro will cover all costs for the establishment of new graves.	Exxaro will cover costs associated with the procurement and registration of new grave plots in the nearest municipal cemetery
		Exxaro 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.
	Exxaro will cover costs for improvement and presentation of new grave sites after re-interment.	Exxaro 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.
		Exxaro will repair or replace grave dressings damaged as a result of relocation
		Exxaro will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing



7 Consultation and participation

Participation and consultation with NoK and other stakeholders were accomplished through 17 meetings in a 33-month period that commenced in April 2014. As mentioned in 2.3.2 above, meetings included an initial public project clarification meeting, six group NoK meetings, five individual NoK meetings, an authority meeting and three meetings with the CRL.

Attendees at the public meeting were requested to inform any other persons who may be affected by the process, and provide Digby Wells and / or Exxaro with such details.

Following the public meeting, all NoK meetings were scheduled with input from NoK and other stakeholders who were notified and reminded of the follow-up meetings via Short Message Services (SMSs). After the first public meeting, all NoK were collected and transported to and from their places of residence to the venue.

The first six meetings were facilitated by Digby Wells; Exxaro was represented at meetings from 26 July 2015. Attendees were requested to sign attendance registers, and proceedings were recorded through digital voice and video recordings. Information was presented using PowerPoint presentations, providing hardcopies of agendas, minutes and other documentation. Most documents were made available in both English and translated into SeTswana on request.

Table 21: List of meetings held

Date	Venue	Meeting type	Number of attendees			
			NoK	Interested Parties	Digby Wells	Exxaro
12 April 2014	Mogol Club, Lephale	Public project clarification meeting	9	4	4	
30 May 2014	Mogol Club, Lephale	Group NoK meeting	5	2	3	
31 May 2014	Vaalpensloop	Site visit with NoK	7		2	
12 June 2014	Mogol Club, Lephale	Group NoK meeting	6	4	3	1
18 June 2014	Jackhalsvley	Site visit	1		1	
26 June 2014	Mogol Club, Lephale	Group NoK meeting	10	7	3	



Date	Venue	Meeting type	Number of attendees			
			NoK	Interested Parties	Digby Wells	Exxaro
22 May 2015	Mogol Club, Lephale	Group NoK meeting	4	18	3	5
10 July 2015	Marapong Public Library	Group NoK meeting	6	12	2	6
13 August 2015	Ga-Seleka	Individual NoK meeting – Catherine Leola	2	-	1	1
13 August 2015	Ga-Seleka	Individual NoK meeting – Israel Nkoati	2	-	1	1
13 August 2015	Steilloop	Individual NoK meeting – MJ Tibanyane	1	-	1	1
14 August 2015	Marapong	Individual NoK meeting – Emmie Mashabane	1	-	1	1
14 August 2015	Shongwane	Individual NoK meeting – Fannie Serumula	2	-	1	1
26 August 2015	Marapong Public Library	Group NoK meeting	2	5	1	1
1 October 2015	Lephale Mayoral Office	Authority meeting				1
16 October 2015	Exxaro Head Office	CRL meeting		1	1	4
17 November 2015	Exxaro Onverwacht Office	CRL & NoK meeting	2	1	1	1
30 November	Exxaro Onverwacht Office	CRL & NoK meeting	4	2	1	2



Date	Venue	Meeting type	Number of attendees			
			NoK	Interested Parties	Digby Wells	Exxaro
2015						

7.1 Clarification Meeting, 12 April 2014

Details of this meeting were announced via site notices and media adverts as described in 2.2.1 above. The meeting was held at the Mogol Club, Lephalale and attended by 14 Interested and Affected Parties (I&APs) that include eight family representatives, a traditional healer, and five Interested Parties (IPs).

The purpose of the meeting was to:

- Introduce the Thabametsi Project and present the graves identified to date;
- Outline and explain the legal framework and process within which consultation and grave relocation would take place;
- Identify NoK and any other I&APs;
- Present the Agreement Framework; and
- Commence consultation.

The following significant issues arose at this meeting:

- The following matters were raised by Mr S Tibanyane:
 - His dissatisfaction at not having been contacted before the site notices and media adverts were places, as well as enquiring why only graves and heritage are being discussed and not land claim issues;
 - Submission of copies of several letters and applications including *inter alia* to the Land Claims Commission and the CRL; and
 - Categorically stated that he will not agree to relocate his family grave, and that he will not allow the Thabametsi Project to be developed.
- All attendees requested that representatives from the LLM and the Seleka Traditional Authority be invited to the next meeting.

Digby Wells contacted the LLM to request that a representative attend the next meeting. The LLM indicated that Mr Thompson Nyadzani must be requested to attend all future meetings.

Digby Wells also contacted the Seleka Traditional Authority to request that a representative attend the following meeting. The Authority indicated that Ms Sophia Matlou will represent them.

Detailed minutes of this meeting are attached as Appendix B.

7.2 NoK meeting, 30 May 2014

Details of this meeting were circulated to all persons who registered at the public meeting as NoK or IPs, via SMS, and per hand delivered invitations. The meeting was held at the Mogol Club, Lephalale and attended by six NoK, Ms Sophia Matlou representing the Seleka Traditional Authority and Mr Thompson Nyadzani as a LLM representative. Identified NoK who did not attend included Messrs Steven Tibanyane and David Maluleke.

The purpose of the meeting was to outline and explain the legal framework and process within which consultation would take place. The Agreement Framework was also presented, for discussion and comment.

The attending NoK agreed in principle to the remedial actions, principles and entitlements contained in the Agreement Framework.

Significant matters arising included:

- A query by the NoK why Exxaro did not attend the meeting; and
- NoK requested that traditional beer be allowed on site for ritual purposes when visiting their graves.

Detailed minutes and attendance of this meeting are attached as Appendix B.

7.3 NoK meeting, 12 June 2014

Details of this meeting were circulated to all persons who registered at the preceding meetings as NoK or IPs, via SMS. The meeting was held at the Mogol Club, Lephalale and attended by eight NoK, Ms Sophia Matlou representing the Seleka Traditional Authority and Mr Thompson Nyadzani as a LLM representative. In addition, a representative from Exxaro also attended, as per the request of the NoK made in the previous meeting. Identified NoK who did not attend included Messrs Steven Tibanyane and David Maluleke.

The purpose of the meeting was to present the Agreement Framework as amended following the previous meetings and for discussion and comment.

The attending NoK agreed in principle to the remedial actions, principles and entitlements contained in the Agreement Framework.

Significant matters arising included:

- NoK raised concerns regarding their personal safety on mine property, should their should their graves be conserved *in situ*;
- NoK were requested to submit their requirements to perform customary practices in terms of grave relocation at the next meeting; and
- The NoK indicated that they would prefer the ceremonial event to be held at Mogol Club.

Detailed minutes and attendance of this meeting are attached as Appendix B.

7.4 NoK meeting, 26 June 2014

Details of this meeting were circulated to all persons who registered at the preceding meetings as NoK or IPs, via SMS. The meeting was held at the Mogol Club, Lephalale and attended by 12 NoK, Ms Sophia Matlou representing the Seleka Traditional Authority and Mr Thompson Nyadzani as a LLM representative. In addition, a representative from Exxaro also attended, as per the request of the NoK made in the previous meeting. Identified NoK who did not attend included Messrs Steven Tibanyane and David Maluleke.

The purpose of the meeting was to present the Agreement Framework as amended following the previous meetings and finalise the Framework to prepare the final agreements between Exxaro and NoK. The meeting therefore focussed on the remedial actions applicable to grave relocation.

The attending NoK agreed in principle to the remedial actions, principles and entitlements contained in the Agreement Framework, with the exception of the solatia issue.

Significant matters arising included:

- Attending NoK all agreed in principle to relocate their family graves and indicated their preferred places of reburial;
- NoK also submitted their requirements for the relocation ceremony, including amounts they expect for as solatia, totalling R 500 000.00;
- The solatia amounts were not accepted and the NoK requested Exxaro to be present at the following meeting to respond to their questions and concerns.
- Attendees raised concerns regarding their personal safety on mine property, should their should their graves be conserved *in situ*;
- NoK were requested to submit their requirements to perform customary practices in terms of grave relocation at the next meeting; and
- The NoK indicated that they would prefer the ceremonial event to be held at Mogol Club.

During this period, Exxaro was in the process of drafting its Grave Relocation Policy, outlined in 3.3 above. All consultation was therefore postponed until the Policy was finalised and approved by the Exxaro Executive Committee.

Detailed minutes and attendance of this meeting are attached as Appendix B.

7.5 NoK meeting, 22 May 2015

Details of this meeting were circulated to all persons who registered at the preceding meetings as NoK or IPs, via SMS. The meeting was held at the Mogol Club, Lephalale and

attended by 13 NoK, Ms Sophia Matlou representing the Seleka Traditional Authority and Mr Thompson Nyadzani as a LLM representative. In addition, a representative from Exxaro also attended, as per the request of the NoK made in the previous meeting. Identified NoK who did not attend included Messrs Steven Tibanyane and David Maluleke.

The purpose of the meeting was to summarise the consultation process to date, present the Exxaro Grave Relocation Policy and Framework Agreement and come to a final resolution and way forward.

No resolution could be reached between the attending NoK and Exxaro with regard to the proposed grave relocation of the NoK's family graves.

Significant matters arising included:

- Issues regarding culturally specific customs that need to be adhered to in relation to grave relocation;
- Issue regarding cash compensation for grave relocation;
- The legal advisors for Chief Seleka had not seen the Exxaro Grave Relocation policy and requested copies and time to review the policy against other policies in the country.

The meeting was concluded without any final resolution reached. Detailed minutes and attendance of this meeting are attached as Appendix B.

7.6 NoK meeting, 10 July 2015

Details of this meeting were circulated to persons who registered at the preceding meetings as NoK or IPs, via SMS. The meeting was held at the Marapong Public Library, Lephalale. The meeting was attended by representatives of all the NoK, with the exception of Messrs David Maluleke and Jacob Matlou, the Seleka Traditional Authority and their legal advisors, ward councillors, and Exxaro officials.

The purpose of the meeting was to reach final agreement between Exxaro and NoK regarding the relocation of their family graves, and to plan the consultation process following this meeting.

The attending NoK agreed to exhume and relocate their family graves in line with the remedial actions, principles and entitlements contained in the Agreement Framework, as amended throughout the consultation process.

Significant matters arising included:

- General consensus among the Seleka Traditional Authority and their legal advisors, as well as attending NoK that the consultation process must end and agreements signed off;
- Individual consultation with NoK will be undertaken during August 2015 to reach final agreements and sign-off on these.



Individual meetings with NoK were held from 13 to 14 August 2015 – these meetings are not summarised in this section of the report, as the outcomes are summarised in 0 below.

Detailed minutes and attendance of this meeting are attached as Appendix B.

7.7 NoK meeting, 26 August 2015

A meeting was scheduled at the request of NoK who did not agree to grave relocation. The meeting was held at the Marapong Public Library. NoK were notified of the meeting via SMS and telephone calls.

The purpose of this meeting was to consult with the Messrs Maluleke, Tibanyane and Matlou in terms of their request to involve the CRL.

The following matters were raised:

- Mr Motsekga of the Seleka Traditional Authority confirmed that Exxaro will ensure all required rituals will be performed for grave relocation;
- Mr Steven Tibanyane stated that a land claim has been lodged for Vaalpensloop, and that if the graves are relocated the land claim will not be taken into consideration;
- Adv. Seshoka stated that the land claim and grave relocation process are two separate issues.

Exxaro requested that Adv. Seshoka close the meeting and arrange a follow up meeting where the CRL will be present to address any issues raised by the NoK.

Detailed minutes and attendance of this meeting are attached as Appendix B.

7.8 NoK meeting, 17 November 2015

Details of this meeting were circulated to Messrs Tibanyane, Matlou and Maluleke by Adv. Seshoka, as per agreement reached in the previous meeting. The meeting was held at Exxaro's office in Onverwacht, Lephalale.

The meeting was attended by Exxaro representatives, NoK who included Messrs Tibanyane and Maluleke and their relatives, Mr Kgositsoi Sedupane from the CRL and Mr Tele Maphoto, Head of Programmes: Restitution of the Department of Rural Development and Land Reform (Limpopo).

The purpose of the meeting was to enable the families to raise issues directly with the CRL as previously requested. The CRL and Department of Rural Development and Land Reform representatives would also be taken to site to familiarise themselves with Thabametsi Project area.

The following significant matters were raised:

- Mr Steven Tibanyane provided a summary of his association with Vaalpensloop in support of land claim submitted by him in 2014. He also stated that he is not willing to relocate his grave or discuss this matter further – his main concern is the land claim;



- Mr David Maluleke stated that he is not willing to relocate his family graves, but that if it has to happen, the graves should be relocated to another part of Jackalsvley;
- Mr Joel Ngobeni stated that he last visited his family graves in 1961, and cannot remember where they are situated anymore;
- The CRL and Department of Rural Development and Land Reform both confirmed that the grave relocation and land claims processes are two separate issues: the one does not affect the other;
- The Department of Rural Development and Land Reform further stated that land claims can only be awarded to claimants who had been land owners or labour tenants, and who were forcibly removed; and
- The planned site visit did not take place.
- Detailed minutes and attendance of this meeting are attached as Appendix B.

7.9 NoK site visit, 30 November 2015

Following the meeting of 17 November, a site visit was arranged. This site visit was attended by CRL commissioners, a local ward councillor, Adv. Seshoka and Messrs Tibanyane and Maluleke. Transport was provided to the NoK.

No records of this meeting were kept.

8 Sign-off of agreements

8.1 Summary of consultation process

The results of the NoK consultation are presented in Section 7 above. In principle, NoK engaged during the consultation process agreed to the principles and remedial actions presented and discussed at each of the six meetings held (12 April 2014 to 10 July 2015).

The total number of affected graves that have been identified for relocation amounted to 19. This number includes graves not originally identified in the HIA (mentioned in 1.1 above). The consultation process identified seven NoK, accounting for 16 of the 19 graves (84% success rate). NoK of only three graves could not be identified (16% of total graves).

As at the time of compiling this report, four of the seven NoK have formally agreed to relocate their family graves, accounting for five graves (26% of total grave count). Three NoK have not agreed, accounting for 11 graves (58% of the total grave count). However, of these 11 graves, the actual existence of nine graves will need to be confirmed through GPR and test excavations.

The aforementioned figures are graphically depicted in Figure 7.

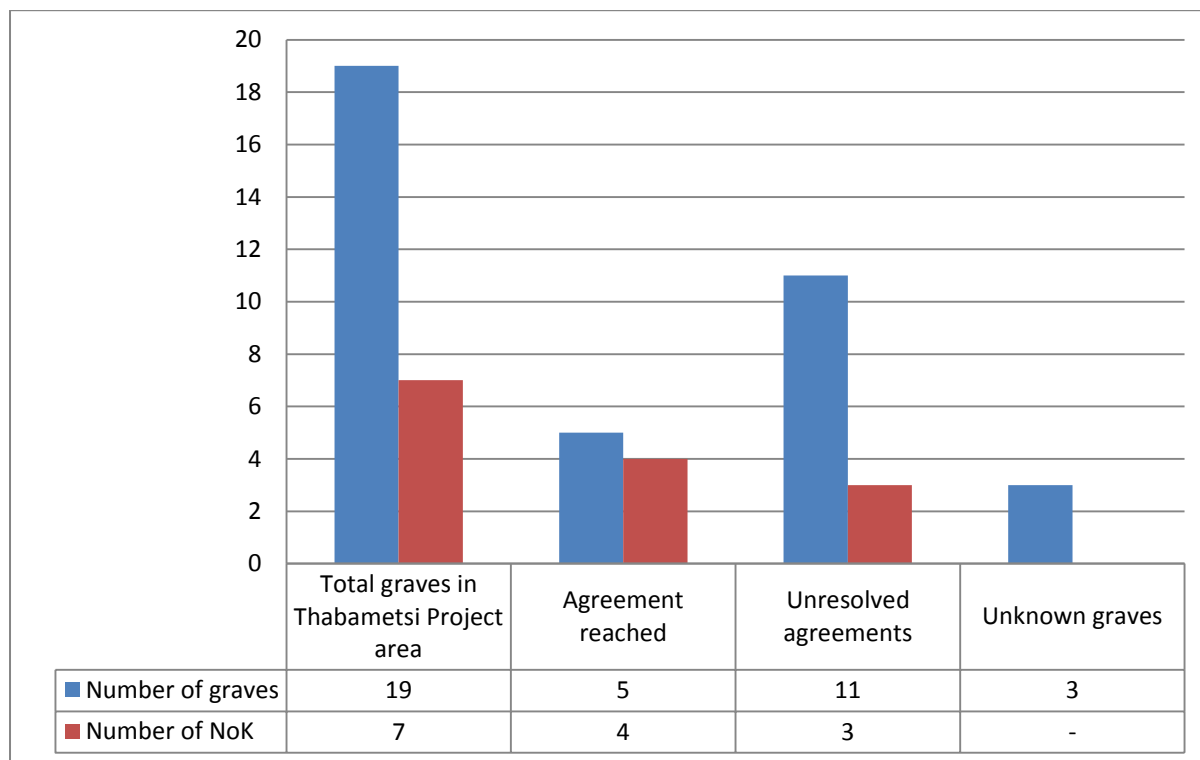


Figure 7: Summary of consultation results

The relatives who have signed off on the Agreements are the bona fide NoK or representatives of the deceased as summarised in Table 22. The graves associated with these NoK account for five of seven graves contained in a single burial ground (S.36-002) on Vaalpensloop 313 LQ.

Table 22: List of graves and NoK in agreement

Grave no.	Deceased	Date of burial	NoK	NoK's relationship to deceased
S.36-002/2	Matlou , Anna / Mmannana	Unknown	Nkoati , Lettia / Israel	Cousin
S.36-002/3	Tibanyane , Klaas	09/04/1960	Leola , Catherine Mathaga	Spouse
S.36-002/4	Tibanyane , Mishack Tshidi Lesisana	12/04/1980	Mashabane , Makgaetsi Emmie	Grandchild
S.36-002/5	Serumula , Stephina	26/09/1984	Serumula , Isamai Fanie	Child
S.36-002/7	Tibanyane , Mferoane	1990	Mashabane , Makgaetsi Emmie	Grandchild

Notwithstanding the concerted efforts made to contact and consult NoK to reach agreement on the relocation all affected graves, no agreements have been reached with Messrs Steven Tibanyane, David Maluleke and Jacob Matlou. The graves associated with these NoK are

listed in Table 23. These graves account for two graves in burial ground S.36-002 on Vaalpensloop 313 LQ, and nine graves on Jackalsvley 309 LQ.

Table 23: List of graves and unresolved NoK agreements

Grave no.	Deceased	Date of burial	NoK	NoK's relationship to deceased
S.36-002/1	Matlou , Smith	30/08/1959	Closest living relative	Matlou , Jacob
S.36-002/6	Tibanyane , Lotta	16/01/1985	Son	Tibanyane , Steven
S.36-018	Maluleke ,	Unknown	Closest living relative	Maluleke , Tloki
S.36-019	Maluleke ,	Unknown	Closest living relative	Maluleke , Tloki

The signed agreements between NoK and Exxaro are attached as Appendix C. The Agreements were based on the Agreement Framework, amended with input from NoK and Exxaro, as captured in the minutes (attached as Appendix B).

8.2 Preferred reburial sites

Following the final group NoK meeting, summarised in 7.6 above, individual meetings with NoK were scheduled at their places of residence. The purpose of these meetings was to finalise the Agreements and obtain sign-off between Exxaro and NoK. The NoK who signed the relocation agreements indicated their preferences for reburial sites as follows:

- Mr Fannie Seremula, who requested that his family grave be exhumed and reburied in Shongwane 3;
- Mrs Catherine Leola family who requested that her family grave be exhumed and reburied in Marapong;
- Mrs Emmie Mashabane who requested that her two family graves be exhumed and reburied in Marapong; and
- Mrs Maria Nkoati who requested that her family grave be exhumed and reburied in Marapong.

The three graves without any identified NoK will all be reburied within registered municipal cemeteries in Lephale.

8.3 Customary requirements submitted by NoK

Consultation further resulted in agreements between NoK and Exxaro regarding requirements by NoK to practice their living heritage associated with grave relocation. Exxaro has agreed to provide certain items, based on the requirements submitted by NoK who have formally agreed to relocating their family graves.

The requirements submitted by NoK were considered by Exxaro, taking into account NoK's cultural practices and reasonable demands. The requirements that were finally agreed to resulted from consultation and negotiation between Exxaro and NoK.

NoK furthermore requested that the ceremonial event be hosted at the Mogol Club, Lephalale as a single event that all the families can attend.

8.4 Proposed way forward

With regard to the graves associated with NoK who have not reach agreement mentioned in 7 and 8.1 above, Digby Wells is of the opinion that these graves will be at risk both during the development and later operation of the Thabametsi Project. Should these graves remain *in situ*, not only will there be direct, physical risk to the graves, but access to the sites will be greatly restricted and pose significant safety and health risks to any family visiting the sites.

In addition the actual existence and location of nine graves on Jackalsvley have not been determined. These burial grounds will need to be subjected to GPR and test excavations as stated in 5.1.5 above.

Digby Wells, on behalf of Exxaro, proposes to submit permit applications to relocate all 19 graves that will be affected by the Thabametsi Project. Graves S3.6-002/1, 002/6, 018 and 019 are therefore included in the permit applications, with specific reference to Regulation 40(3) of GN R 548.

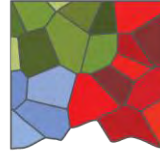
In support of the application, this document and its appendices provide proof of the concerted efforts made to contact and reach agreement with the identified NoK over a 33-month period.

9 References

- IFC. (2012). *Handbook for Preparing a Resettlement Action Plan*. Washington: the International Finance Corporation (IFC).
- Karodia, S., & Higgitt, N. (2013). *Heritage Impact Assessment for the proposed Thabametsi Project, Lephalale, Limpopo Province*. Randburg: Digby Wells Environmental.
- Pistorius, J. (2010). *A Phase 1 Heritage Impact Assessment Study for Exxaro's Proposed New Thaba Metsi Open Cast Coal Mine near Lephalale in the Limpopo Province of South Africa*. Archaeology and Heritage Management Consultants.



Appendix A: Public announcement material



DIGBY WELLS
ENVIRONMENTAL

BACKGROUND INFORMATION DOCUMENT

PROPOSED THABAMETSI COAL MINE GRAVE RELOCATION PROCESS

March 2014

Project Number: EXX546

Prepared for: Exxaro Coal (Pty) Ltd

For any project information contact:

Digby Wells Environmental – Stakeholder Engagement Office

Tel: (011) 789 9495 or Fax: 086 583 5715

Email:

gondile.monareng@digbywells.com/natasha.higgitt@digbywell.com

Website: www.digbywells.com under Public Documents

DMR Reference Number: LP30/5/1/2/2/10013MR

1 BACKGROUND

Exxaro Coal (Pty) Ltd (Exxaro) is proposing to develop the Thabametsi Coal Mine on the farms McCabesvley 311 LQ, Van Der Waltspan 310 LQ, Zaagput 307 LQ, Jackhalsvley 309 LQ Vaalpensloop 313 LQ Remaining Extent and Vaalpensloop 313 LQ Portion 1, which are located near the town of Lephalale in the Waterberg District Municipality (DM) of the Limpopo Province. Exxaro was given a Prospecting Right in April 2007 in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) (MPRDA) for the above properties.

A Mining Right Application (MRA) in terms the MPRDA for the proposed project was also submitted to the Department of Mineral Resources (DMR) in April 2012. Specialist studies were completed for the MRA and an Environmental Impact Assessment (EIA) Report and Environmental Management Programme (EMPr) was compiled and submitted to the DMR on 31 January 2013.

Digby Wells Environmental, who is the independent Environmental Assessment Practitioner (EAP) appointed by Exxaro Coal to undertake an EIA process, will also now undertake a Grave Relocation Process of all directly affected burial grounds and graves within the Thabametsi Project area.

2 PROJECT LOCALITY AND DESCRIPTION

The proposed Thabametsi Project will be situated near the town of Lephalale in the Waterberg DM of the Limpopo Province. The locations of the main coal extraction, beneficiation and associated infrastructure areas are illustrated in Figure 2-1. Marapong and Onverwacht are the closest towns to the project.

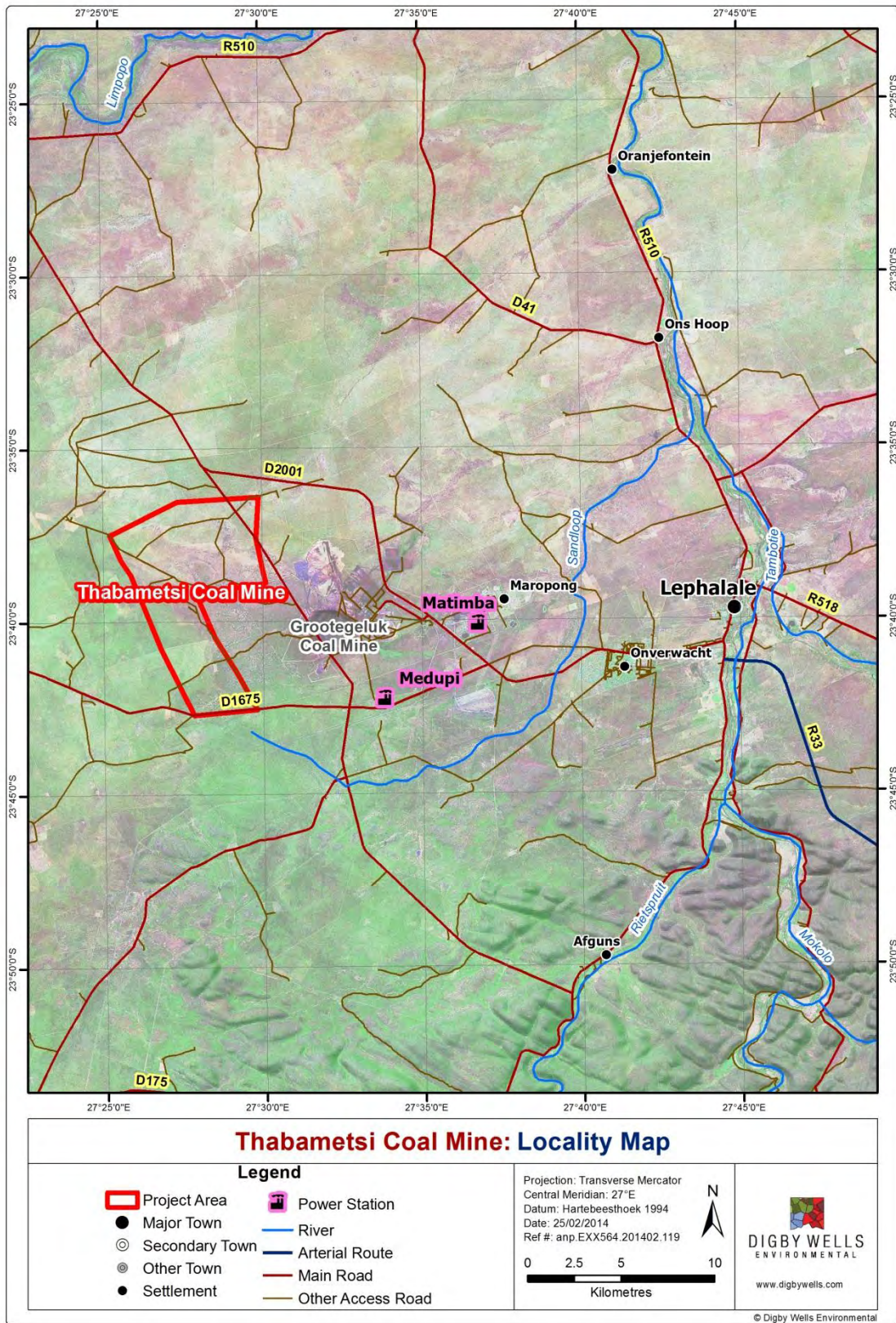


Figure 2-1: Thabametsi Project Area

2.1 Brief Project Description

The Exxaro Thabametsi Coal Mine Project aims to develop a coal resource in the Waterberg Coalfield which is an independent coal mine adjacent to the existing Exxaro Grootegeluk Coal Mine (Grootegeluk) owned and operated by Exxaro. Digby Wells conducted a Heritage Impact Assessment (HIA) in January 2013 and eight graves were identified within the Project Area. The HIA was submitted to the South African Heritage Resources Agency (SAHRA) and comments were received on the 27 August 2013. A Grave Relocation Process will be conducted in terms of section 36 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), National Heritage Resources Act (NHRA) Regulations, 1999 and the National Health Act (NHA) Regulations, 2013, as well as all applicable local bylaws and regulations.

2.2 Results of the Heritage Impact Assessment

A total of eight graves were identified within the affected project area. Of the eight graves only one did not have a grave marker with a name. The names on the grave markers are shown in Table 2-1 and graves are indicated in Figure 2-2. The location of the graves within the project area is shown in Figure 2-3.

Table 2-1: Identified names on grave markers at identified graves in the Thabametsi Project area

Names	Dates
MJ Smith Pavana	1955/02/27-1959/08/30
S. Klaas Tibanyane	1934/12/09-1960/04/09
Meshark Tibanyane	1919/11/4-1980/4/12
Ntlakala Stephina Serumula	1919-1984/9/26
Lotta Tibyanane	1932-1985/1/16
Dabeer Tibyanane	1916-1990
Semenson Gwane	Unknown



Figure 2-2: Identified burial ground within Thabametsi Project area

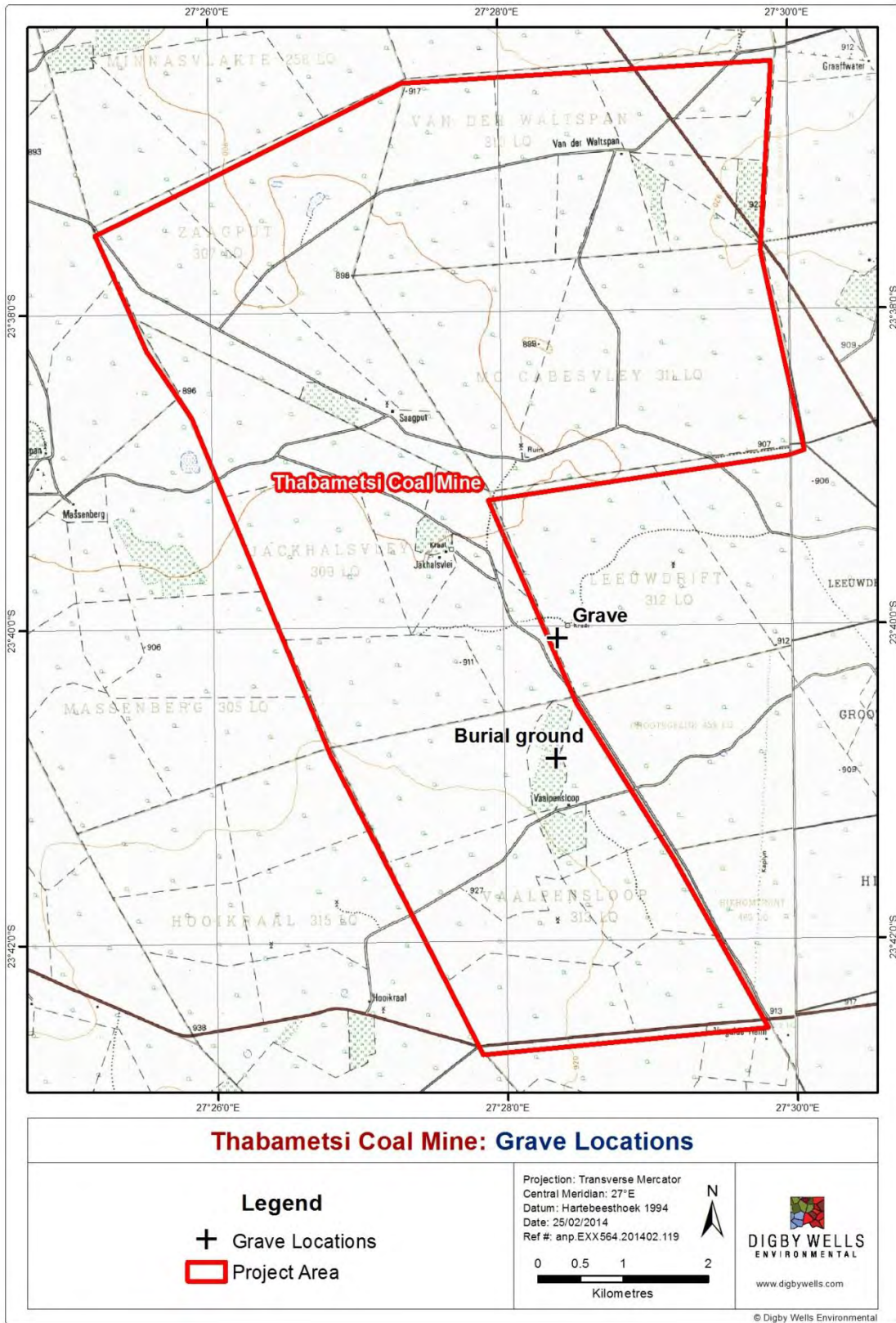


Figure 2-3: Location of identified burials within the Thabametsi Project area

Windeed searches on the affected farms revealed the ownership history of each farm shown in Table 2-2.

Table 2-2: Historical and current owners of the affected properties in the Thabametsi Project area

Property	Owner	Dates	Title Deed
Jackalsvley 309 LQ	Sasol Mining Pty Ltd	1957/06/12	T13963/1957
McCabesvley 311 LQ	Suid-Afrikaanse Yster & Staal Ind Korp Ltd	1974	T42904/1974
McCabesvley 311 LQ	Isacor Coal Pty Ltd	2001	T136805/2001
McCabesvley 311 LQ	Kumba Coal Pty Ltd	2001	T136805/2001
McCabesvley 311 LQ	Exxaro Coal Pty Ltd	2001/11/23	T136805/2001
Vaalpensloop 313 LQ 1	Dr Vastie Retief du Toit		
Vaalpensloop 313 LQ 1	Exxaro Coal Pty Ltd	2013	T70086/2013
Vaalpensloop 313 LQ RE	Smith, Hermanus Arnoldus	1964	T8955/1964
Vaalpensloop 313 LQ RE	Louis Rossel Trust	1998/11/30	T141063/1998
Vaalpensloop 313 LQ RE	Exxaro Coal Pty Ltd	2013	T58558/2013
Van Der Waltspan 310 LQ	Kruger, Christoffel Alwyn	1974	T330/1974
Van Der Waltspan 310 LQ	Quick Leap Inv 284 Pty Ltd	2006/02/13	T15749/2006
Van Der Waltspan 310 LQ	Exxaro Coal Pty Ltd	2013	T51979/2013
Zaagput 307 LQ	Erasmus, Cornelius Marthinus	1982	T23108/1982
Zaagput 307 LQ	Erasmus, Thomas Ignatius	1997	T111271/1997
Zaagput 307 LQ	Zaagput Boerdery CC	2004/11/24	T164510/2004
Zaagput 307 LQ	Exxaro Coal Pty Ltd	2013	T71912/2013

3 PUBLIC PARTICIPATION PROCESS

Public Participation is an important part of the Grave Relocation Process by providing next-of-kin with the opportunity to comment and provide information regarding any burials within the Thabametsi Project Area.

An Information Sharing meeting and a Next-of-Kin registration meeting has been organized for the 12 April 2014. A next-of-kin meeting will be organised and communicated to all next-of-kin in due course. Next-of-kin representatives will accompany Digby Wells's representatives to identify all burial grounds and graves on the affected properties after the meeting.

Next-of-Kin can provide comments on the Grave Relocation Process by means of any of the following methods:

- Submitting written comment to Digby Wells via post, email or fax;
- Calling the Digby Wells Stakeholder Engagement Office to provide comments; or
- Completing the Comment Sheet enclosed.

In helping with the facilitation of burial ground and grave identification, we would like to request your assistance. If you are aware of any burial grounds or graves on your property and know of potentially any next-of-kin associated with these graves, we would appreciate if you could forward this information to Digby Wells.

GRAVE RELOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE

LEPHALALE LOCAL MUNICIPALITY, LIMPOPO PROVINCE, SOUTH AFRICA

Date of site notice: 28 March 2014

Exxaro Resources Limited (Exxaro) is proposing to develop a new coal mine in the Waterberg area to be known as the Thabametsi Coal Mine located within the Lephalale Local Municipality in Limpopo Province, South Africa. The proposed project is to be located approximately directly west and northwest of the existing Grootegeluk Coal Mine. Marapong and Onverwacht are the closest towns to the project.

Digby Wells has been appointed by Exxaro to undertake a Grave Relocation Process (GRPr) in the Thabametsi Project Area in terms of section 36 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), NHRA Regulations, 1999 and the National Health Act (NHA) Regulations, 2013, as well as all applicable local bylaws and regulations.

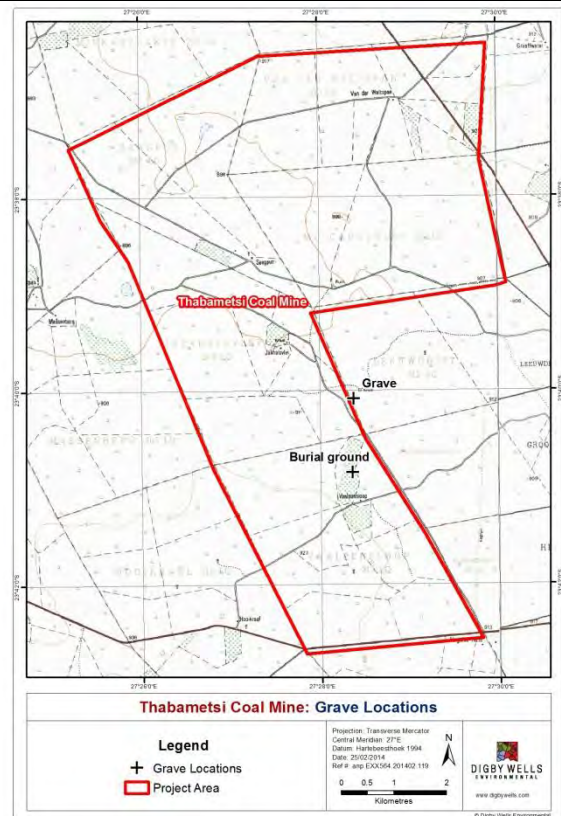
The following graves have been identified:

Names	Dates
MJ Smith Pavana	1955/02/27-1959/08/30
S. Klaas Tibanyane	1934/12/09-1960/04/09
Meshark Tibanyane	1919/11/4-1980/4/12
Ntlakala Stephina Serumula	1919-1984/9/26
Lotta Tibyanane	1932-1985/1/16
Dabeer Tibyanane	1916-1990
Semenson Gwane	Unknown

Notice is hereby given that Digby Wells will be undertaking the following:

- Public Meeting
- Next-of-kin (NoK) meeting/s
- Grave Relocation

IMPORTANT: No grave relocation will take place without a legal permit issued by the South African Heritage Resources Agency



Bona fide Next-of-Kin (NoK) and persons who by tradition have interests in the Burial Grounds and Graves are invited to participate by providing comments and raising concerns or comments, within 60 days of the date of this site notice, i.e. on or before 27 May 2014.

You are invited to attend an Information Sharing Meeting and NoK registration as follows:

Date	Venue
12 April 2014 10:00 – 12:00	Mogol Club, Lephalale

To register as a NoK , please contact:



Qondile Monareng / Natasha Higgitt
Digby Wells Environmental
Private Bag X10046, Randburg, 2125

Tel: (011) 789-9495 • Fax: (011) 789-9498

Email: gondile.monareng@digbywells.com / natasha.higgitt@digbywells.com



TSHEPIDISO YA KGODUSO YA MABITLA YA KEPO YA LEFASE YEO E KGOPELWAGO ELEGO YA THABAMETSI COAL MINE, MASEPALENG WA LEPHALALE PROFENSE YA LIMPOPO, AFRIKA BORWA

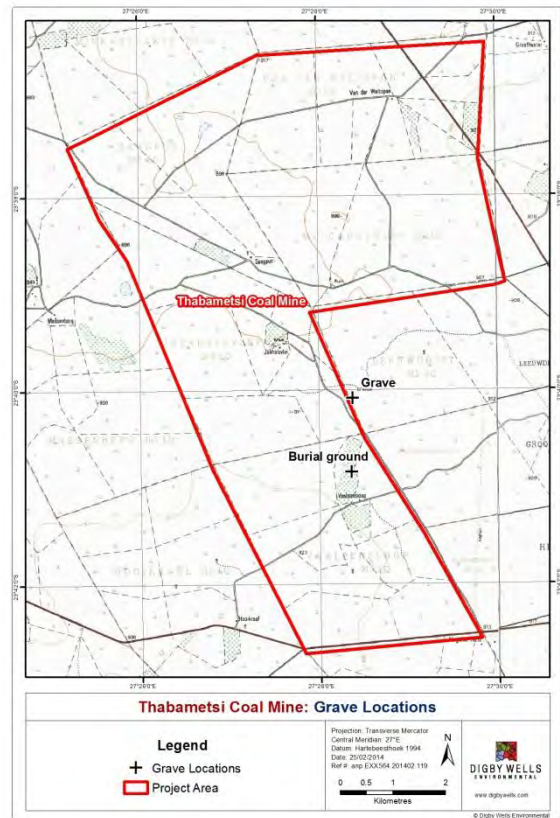
Letsatsi la tsebiso: 28 Mopitlwe 2014

Exxaro Resources Limited (Exxaro) e kgopetse go thoma kepo ya malatla mo nageng ya Waterberg eo etlilego go bitsiwa Thabametsi Coal Mine elego ka gare ga Masepaleng wa Lephalele mo porofenseng ya Limpopo, South Africa. Tirelo ye ekgopelwago etlabe ele ka Bodikela tsatsi le Bokone Bophirima ga kepo ya malatla ye elego gona ebisiwa gore ke Grootegeluk Coal Mine. Marapong le Onverwacht ke metse elego gaufinyana le projeke.

Digby wells e kgethilwe ke ba Exxaro gore etseye mosebetsi wa tshepidiso ya kgoduso ya mabitla mo porojeke ya Thabametsi ka tlase ga seripa 36 ya molao wa National Heritage Resources, 1999 (Act No. 25 of 1999), NHRA Regulations, 1999 le molao wa National Health Act (NHA) Regulations, 2013, le melawana, le ditsamaiso tseo diamegago ke mabitla.

Mabitla agumanego ke a alatelago:

Mabitso	Letsatsi
MJ Smith Papanana	1955/02/27-1959/08/30
S. Klaas Tibanyane	1934/12/09-1960/04/09
Meshark Tibanyane	1919/11/4-1980/4/12
Ntlakala Stephina Serumula	1919-1984/9/26
Lotta Tibyanane	1932-1985/1/16
Dabeer Tibyanane	1916-1990
Semenson Gwane	Matsatsi a botsalo le gotlokofala ga a etsiwe



Tsebiso yena etswa go ba Digby wells gore batlabe ba dira mesebetsi elatelago:

- Kopano le setshaba
- Kopano leba leloko
- Kgoduso ya mabitla

Bothokwa: ga gona kgoduso ya mabitla etlodirwago kante le lekwalelo lamolao letswago goba South African Heritage Resources Agency

Bona fide, Leba leloko le batho goya ka setso bao banago le kgathlego mo lefaseng la poloko le mabitla ba memiwa goba karolo ba kwale di ngongorego pele ga matsatsi a masome a tshelang (60) morago ga tsebiso yena etswelela afela elego pele ga letsatsi la masome pedi supa la mothlaganong lefeta (27 May 2014)

Lememiwa gotla kopanong ya go lemosana ka dikgang le kwadiso ya maloko matsatsi alatelang:

Letsatsi	Tulo
12 April 2014 10:00	Mogol Club, Lephalele

Gokwadisa jwalo ka leloko ekopane le ba latelago :

Qondile Monareng / Natasha Higgitt
Digby Wells Environmental
 Private Bag X10046, Randburg, 2125

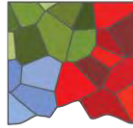
Tel: (011) 789-9495 • Fax: (011) 789-9498

Email: gondile.monareng@digbywells.com / natasha.higgitt@digbywells.com





Appendix B: Records of meetings



DIGBY WELLS

ENVIRONMENTAL

12 April 2014

Thabametsi 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 Thabametsi Project HIA
4. Legislative requirements
5. Outline of process
6. Defining Next-of-Kin and registration
7. Comments and questions
8. Closing and thanks

Project Name: Thabametsi Grave Relocation
Project No: EXX 0564
Date: 12 April 2014

1 Present

Name	Affiliation	Title
Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Qondile Monareng (QM)	Digby Wells	Public Participation Officer
Brett Coutts (BC)	Digby Wells	Thabametsi Coal Mine Project manager
Natasha Higgitt (NH)	Digby Wells	Heritage Consultant

Family and next of kin as per attendance register attached.

2 Apologies

None received.

3 Approval of Previous Minutes and Matters Arising

N/A – first meeting.

4 Current Minutes and Action Items

4.1 Welcome and introduction

JN welcomed everyone present and thanked the audience for their time to attend the meeting, as well as apologised for running late.

JN introduced Digby Wells employees as per item 1 of Minutes.

JN chaired the meeting.

QM requested audience to introduces themselves and state their relationship to deceased as per the table below:

Name	Deceased buried in Thabametsi Project Area
Ms Helen Mokau	Mother, father, sister and aunt
Mr Joel Ngobeni	Father and grandfather
Mr Jacobus Matlou	Younger brother and cousin
Mr Motshego	Younger brother
Mr Steven Tibanyane	Family buried on Vaalpensloop
Mr Meshack Tibanyane	Grandfather and grandmother

Those present also stated that they would not sign any attendance register before the purpose of the meeting was explained.

4.2 Purpose of the meeting

The purpose of the meeting is to discuss the following:

- Discuss the grave relocation process;
- Identify affected persons and bona fide Next-of-Kin (NoK);
- Register bona fide NoK;
- Present a Draft Entitlement Framework (DEF); and
- Start consulting with NoK.

4.3 Background

A brief project background was presented to attendees by JN:

- A HIA was conducted in 2010 by Mr Pistorius and that another HIA was conducted in 2012 by Digby Wells. A total of 8 graves were identified in the project area. The HIA was submitted to SAHRA, who issued Statutory Comment requiring that graves, which will be negatively impacted on, be relocated.
- All heritage including graves older than 60 years are protected by the National Heritage Resources Act, 1999 (Act 25 of 1999) (NHRA).
- No graves can be relocated without an agreement with the NoK and the Applicant (in this case the Thabametsi Coal Mine), and without a permit issued by the relevant Government departments i.e. the South African Heritage Resources Agency (SAHRA), the Department of Health and the Lephalale Local Municipality.
- JN noted that based on the attendees' response, there are additional graves than those identified in the HIA.

4.4 Legal Process

JN presented the legal framework and process as follows:

- Relevant legislation
 - National Heritage Resources Act, 1999 (Act 25 of 1999) (NHRA);
 - NHRA Regulations, 1999;
 - National Health Act (NHA) Regulations, 2013;
 - Waterberg District Municipality Cemeteries and Crematoria By-laws; and
 - Ordinance 12 of 1980.
- The NHRA Regulations outlines the consultation process;
- The NHA Regulations outline the exhumation process; and
- The Waterberg By-laws govern burials and exhumations within municipal cemeteries in the Waterberg District Municipality.

4.5 Grave Relocation process

JN presented the process being followed:

- First, Thabametsi Coal Mine must provide proof of attempts to contact and the bona fide NoK.
- Publication of deceased's names on site notices and newspaper advertisements to ensure that the bona fide NoK are informed of the potential grave relocation.
- Site notices must remain on site for 60 days to ensure that all the relevant individuals are informed of the process.
- The *bona fide* NoK are defined as follows in order of relevance (as per Ordinance 12 of 1980 and the Master of the High Court NoK Affidavit):
 1. Surviving spouse;
 2. Eldest adult child;
 3. Parent;
 4. Adult sibling; and
 5. Closest adult relative.
- An agreement is to be negotiated with the NoK and the Applicant regarding future of graves based on the DEF
- The DEF is a collective agreement (family agreement); however the relevant bona fide NoK (as defined previously) must still give informed consent before grave relocation.

- The DEF is a working document that will outline entitlements that will form part of permit applications submitted to SAHRA, the Limpopo Department of Health and Social Development, and the Local Municipality.
- Final decision rests with SAHRA and Limpopo Department of Health and Social Development whether or not to issue permits.
- The DEF on the future of graves does not mean that the graves will be relocated, but forms basis of future agreements.

4.6 Comments and questions

Name	Comment	Response	Action item
Mr S Tibanyane	Stated upfront that he was upset that he was not contacted with regard to the placing of site notices and placing a newspaper advertisement.	<p>QM: Stated that repeated attempts were made to contact MR Tibanyane, but that due to connection issues, calls were dropped.</p> <p>QM: Stated that in the end a letter of invite was given to Ms Sophia Matlou to deliver to Mr Tibanyane at Vaalpensloop.</p>	None
	Enquired why only heritage is being discussed and the land issue is not being addressed.	<p>JN: Stated that the Grave Relocation Process is a independent process from the EIA and any Land Claim processes.</p> <p>JN: Stated that he understands that graves are important in terms of traditional African culture.</p>	None



	<p>Raised concern that if graves are relocated this would affect any claims to land.</p>	<p>JN: Stated that grave relocation in general does not affect any land claims, as the process ensures an accurate record of graves on farms.</p> <p>JN: Stressed that grave relocation is not yet definite, but that the process must continue in the event that graves need to be relocated.</p> <p>JN: Stated that issues raised by attendees are recorded and that this must form part of the application process when required.</p>	<p>Compile minutes for distribution and approval by NoK</p>
	<p>Raised concern that if graves are relocated this would affect any claims to land.</p>	<p>JN: Restated that the current process can only consider issues surrounding graves.</p>	<p>None</p>
	<p>Stated that he was under the impression that representatives of Land Affairs, Health Department, the Local Municipality and SAHRA would be at the meeting to discuss his land claim.</p>	<p>JN: Stated that no response in respect of land ownership and land claims can be given, as this is outside the mandate of the current project.</p>	

	Presented a letter issued by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities on 27 August 2012, following a complaint regarding an alleged permit to visit to graves.	Noted	None
	Stated that he will not sign attendance register before he receives more information on the purpose of the meeting.	Noted	None
	Presented two newspaper articles regarding a previous grave relocation undertaken by African Grave Relocation Specialists that alleged insufficient consultation was conducted and that the graves were relocated without consent.	<p>JN: Stated that the process being undertaken by Digby Wells is based on law and will ensure that all actions comply with legislation.</p> <p>JN: The manner in which the graves referred to in the article were relocated will not happen in this project.</p>	None
	Stated that he is not willing to have his graves relocated, and that he will not allow the Thabametsi Coal Mine to be developed.	Comment noted	Forward comment to Thabametsi Coal Mine
	Stated that he was born on the farm and is therefore its owner.	Comment noted	Forward comment to Thabametsi Coal Mine

<p>Mr L Seodisa</p>	<p>Raised concern regarding possible health risk due to grave relocation, especially TB, and that it may infect communities where deceased will be reburied. Requested that graves not be exhumed, but rather fenced and kept in situ.</p>	<p>JN: Stated that grave relocation can only be undertaken by qualified registered archaeologists who manage the process, Digby Wells employs three archaeologists.</p> <p>JN: Stated that the NHA requires an Environmental Health Practitioner or a medical doctor to be present during exhumation.</p> <p>JN: Stated that the local police Station Commander must be notified of the exhumation seven days before exhumation takes place.</p> <p>JN: Stated that there are strict regulations governing exhumation, including ensuring that remains are placed in body bags and that the graves are screened during exhumation.</p> <p>JN: Perceived risk of TB noted, but stated that risk is minimal if at all.</p>	<p>Obtain specialist opinion regarding risk of TB</p>
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Traditional Herbalist	Stated that a plan for grave relocation must be presented. Alternative locations for reburial must be considered, including establishing a reburial cemetery in the nearby area.	JN: Agreements with regard to future of graves will be made in consultation with NoK. JN: The DEF will include an outline for such agreements and include places of re-interment. JN: The DEF will be presented for discussion at the next meeting.	None
Mr J Ngobeni	Requested that graves are to be conserved in situ and not relocated. Stated that some families have been searching for the location of their graves for many years. Please do not move the graves.	JN: Stated that as far as possible, graves will be left in situ. JN: Stated that where the risk to graves and NoK is too great, then graves need to be relocated. JN: Restated that NoK must provide informed consent for exhumation, based on agreements reached through DEF.	Possibility of establishing a local relocation cemetery investigated. Raise issue with Thabametsi Coal Mine



All attendees	Requested that a representative from the Lephale Municipality be invited to next meeting. Requested that Kgoshi Solomon Mogotsi be invited to next meeting. Requested that a representative of the CLR be invited to next meeting Requested that relevant documents that need to be signed by NoK be translated into Setswana.	Requests noted. JN: Responded that these persons will be invited, but that their attendance cannot be guaranteed.	Draft letters of invite to relevant representatives and provide proof of invite to NoK
---------------	---	--	--

4.7 Closing and next meeting

JN thanked everyone who attended.

The date of the next meeting will be finalised and circulated to NoK following invites sent to relevant representatives as requested.

Meeting date will be sent to NoK via sms and per letter.



DIGBY WELLS
ENVIRONMENTAL

Thabametsi Grave Relocation Information Sharing Meeting and Next-of-Kin Registration

12 April 2014

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

- 8 graves identified in project area in HIA
 - 7 located in proposed open pit
 - 1 in project boundary
- SAHRA issued Statutory Comment requiring grave relocation

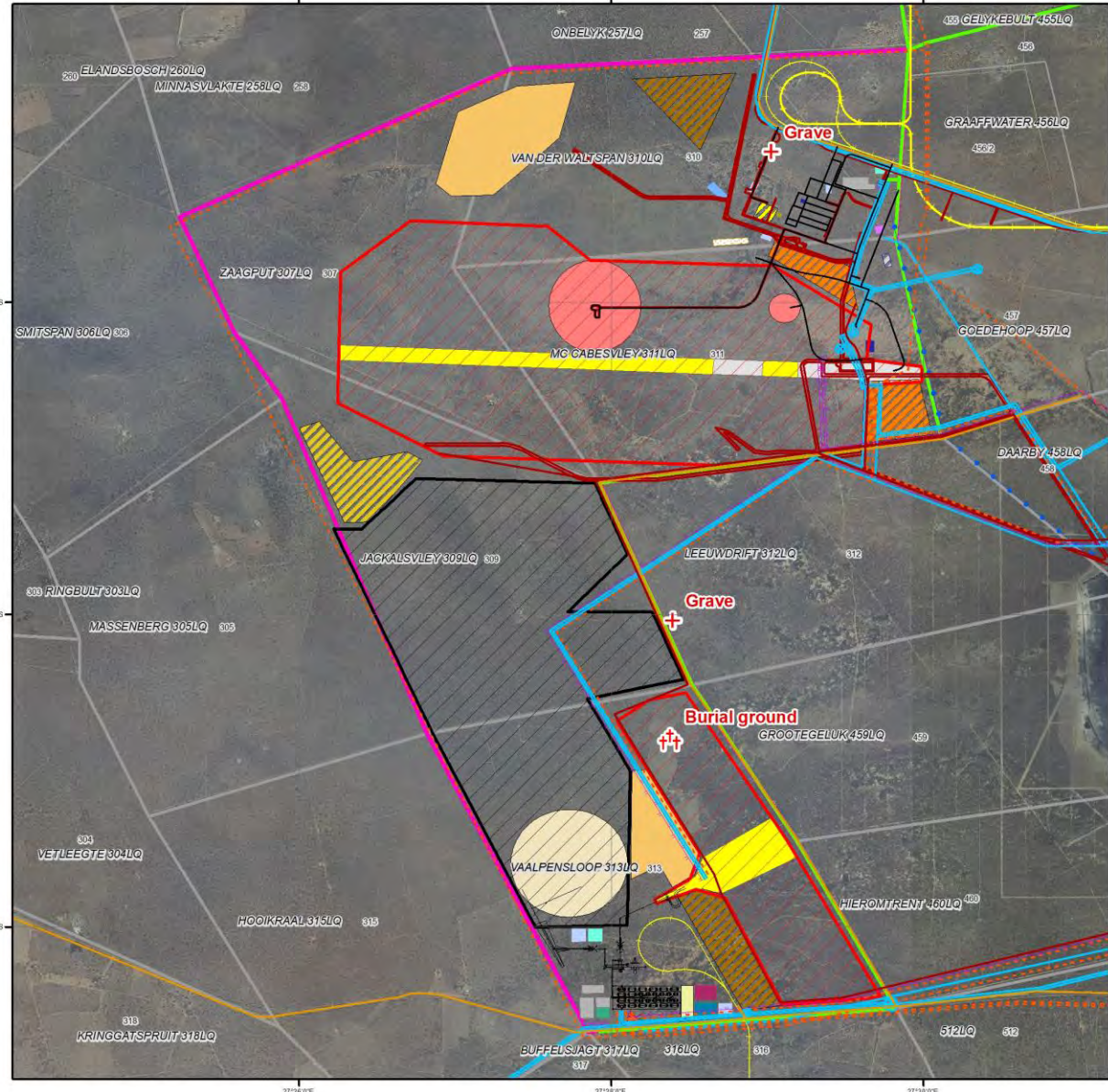


Thabametsi Coal Mine

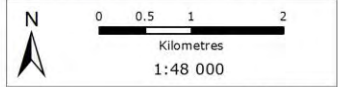
Conceptual Mine Plan

Legend

- Burial Ground
 - Grave
 - Project Area
 - Infrastructure
 - Conveyors
 - Proposed Power Line Options
 - Existing Railway Line
 - Proposed Railway Options
 - Proposed Water Pipelines
 - Pipeline
 - Primary Road
 - Proposed Haul Road and Other Roads
 - Proposed Alternative Roads
 - Internal Roads
 - Bulk Roads
 - Farm Boundaries
 - Farm Portions
- Mine Plan**
- Explosives Magazine Options
 - Opencast Pit
 - Underground Mining
 - Offices
 - Parking
 - Store
 - Substation
 - Pollution Control Dams
 - Construction Dam
 - Raw Water Dam
 - Stormwater Dam
 - Water Pollution Dam
 - Mining Waste & Recycle Yard
 - Subsoil Dump
 - Discard Dump
 - Topsoil Dump
 - Pit Waste Dump
 - Future Domestic Dump
 - Overburden Dump
 - Topsoil Stockpile
 - Water Treatment Plant
 - Sewage Treatment Plant
 - Biofilter Plant
 - Future Char Plant
 - Proposed Benches
 - Proposed Boxcuts



Projection: Transverse Mercator Datum: Hartbeesthoek 1994 Central Meridian: 27°E Ref #: anp.EXX564.201207.03 Revision Number: 1 Date: 25/09/2012



Legal Framework

- National Heritage Resources Act, No. 25 of 1999 - NHRA
- NHRA Regulations, 1999
- National Health Act (NHA) Regulations, 2013
- Waterberg District Municipality Cemeteries and Crematoria By-laws



Grave Relocation Process

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



Comments and questions



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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





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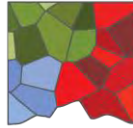
Country



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30 May 2014

Thabametsi 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

Project Name: Thabametsi Grave Relocation
Project No: EXX 0564
Date: 30 May 2014

1 Present

Name	Affiliation	Title
Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Qondile Monareng (QM)	Digby Wells	Public Participation Officer
Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Thompson Nyadzani (TN)	Lephalale Municipality	
Sophia Matlou	Representative of Kgoshi Solomon Mogotsi	

Family and next of kin as per attendance register attached.

2 Apologies

- Kgoshi Solomon Mogotsi.
- Representative from the Commission for Linguistic, Religious and Cultural Rights

3 Approval of Previous Minutes and Matters Arising

Minutes of previous meeting were not adopted due to too few people attending

4 Current Minutes and Action Items

4.1 Welcome and introduction

Meeting was chaired by JN.

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

- JN introduced Digby Wells' specialists.
- QM requested audience to introduce themselves.
- Stephina Serumula requested that the meeting be postponed, as not enough of her family members were present.
- JN noted Ms Serumula's concern, but requested that the meeting continue, as it was imperative that the Draft Entitlement Framework (DEF) be presented to NoK to allow them to provide feedback to their respective families.
- JN further stated that no formal agreements would be entered into at this meeting, but that present, attending NoK can approve the contents of the DEF in principle, and at any time state that certain entitlements will need further input from family members.
- Ms Serumula agreed to this and the meeting continued.

4.2 Purpose of the meeting

- The purpose of the meeting was to present and discuss the DEF
- JN stated that the DEF outlines the rights and responsibilities of all stakeholders (NoK, Exxaro, Municipality etc.) concerning the future of the affected graves.
- JN discussed each remedial action principles and entitlements to the attending NoK aided by a PowerPoint presentation where the content of the entitlement matrix was presented to the attending NoK in simplified language.

4.3 Discussion of the Entitlement Matrix

Remedial action	Remedial action principles / comments	Entitlement	NoK input (30 May 2014)	Response / Action Item
Consultation related to entitlement	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.	<ol style="list-style-type: none"> Ms Helen Mokau thanked Digby Wells for the opportunity to participate in the consultation process. She indicated that she is grateful that Digby Wells and Exxaro are willing to discuss the future of graves with the families and that their input is taken to heart. Ms Stephina Serumula enquired why Exxaro is not present at this meeting. Unanimously approved in principal by all attending 	<ol style="list-style-type: none"> JN noted Ms Mokau's comment and in return thanked her and all NoK for their cooperation, stating that all parties look forward to continue working with them. JN stated that these meetings intend to provide NoK the opportunity to freely discuss any issues. From experience, it is easier for NoK to discuss issues without the client being present. If, however, the NoK wishes Exxaro to be present, this request will be put to them.
	Affected stakeholders may include landowners, relatives of the deceased, traditional and local authorities, and conservation groups.			
	Exxaro Thabametsi Coal must consider providing travel assistance to NoK to attend meetings	Exxaro Thabametsi Coal will collect and provide transport for stakeholders within a 50 km radius of the meeting venue		
	Travel assistance must exclude cash reimbursements for any travel related expenses, 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.			
Category 1 graves (Graves that will not be directly impacted on)				
Plan for in situ management of graves	A Conservation Management Plan (CMP) must be drafted at the cost of Exxaro Thabametsi Coal	Affected NoK and landowners will be entitled to provide input into the CMP through consultation	Unanimously approved in principal by all attending	
	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 grounds and graves			
Conservation of burial grounds and graves	Exxaro Thabametsi Coal must protect and conserve burial grounds and graves that will remain in situ in the project area	Exxaro Thabametsi Coal will ensure that the status quo of the burial grounds and graves are maintained throughout the life of the		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (30 May 2014)	Response / Action Item
		project;		
		Exxaro Thabametsi Coal will fence burial grounds and grave to safeguard sites against possible direct, physical damage		
		Exxaro Thabametsi Coal will maintain sites through cleaning and periodic monitoring in lieu of unrestricted access by NoK		
Access to conserved burial grounds and graves	Exxaro Thabametsi Coal must acknowledge the right of NoK to access conserved burial grounds and graves to ensure sustainable use of the sites and safeguard their cultural significance	NoK will be entitled to access gravesites, within constraints that may be imposed by any health and safety policies, regulations and legislation.	Unanimously approved in principal by all attending	
		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.	1. NoK requested that traditional beer be allowed on site for the purposes of offering libations to ancestor.	JN noted this request and indicated that it will be put to Exxaro to respond
	Exxaro Thabametsi 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.	2. NoK stated that they would be prepared to be subject to breathalyser tests when entering and leaving the site.		
Exxaro Thabametsi Coal will have indemnity from any risk, injury, damage or other impact on NoK when visiting gravesites.	NoK stated that the beer is intended only for the ancestors and not for consumption by any living person, therefore will not pose any risk to Exxaro.			
		NoK will be entitled to sign informed consent indemnifying Exxaro Thabametsi Coal of any loss, injury, death or any other risk experienced when visiting graves.	Unanimously approved in principal by all attending	
Improvement to burial grounds and graves	Exxaro Thabametsi 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	1. Ms Stephina Serumula enquired about relocating graves even if they will not be impacted, and who will be responsible for such costs.	1. JN responded that Exxaro would cover costs to relocate all graves in the project area. JN stated that, however, if NoK agree to in situ conservation, and consequent to the conclusion of this process want to relocate, they will be responsible for the 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		
			3. Unanimously approved in principal by all attending	2. JN stated that an aspect of the CMP would be to



Remedial action	Remedial action principles / comments	Entitlement	NoK input (30 May 2014)	Response / Action Item
	Exxaro Thabametsi Coal must repair, restore and rehabilitate burial grounds and graves affected by project activities resulting from Exxaro Thabametsi Coal's development	Exxaro Thabametsi 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.		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.
Presentation of burial grounds and graves	Exxaro Thabametsi Coal must allow NoK presentation of / at the burial grounds and graves	NoK will be entitled to access their graves erect for the purposes of erecting new grave dressings		
		NoK will be responsible for all costs associated with erecting new grave dressings		
Performances at burial grounds and graves	Exxaro Thabametsi 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		
Category 2 graves (Graves that will be directly impacted on)				
Relocation of graves	Exxaro Thabametsi Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Thabametsi Coal will implement a grave relocation process in accordance with applicable legislation	3. Unanimously approved in principal by all attending	
		Exxaro Thabametsi Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
		Exxaro Thabametsi 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 Thabametsi 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				



Remedial action	Remedial action principles / comments	Entitlement	NoK input (30 May 2014)	Response / Action Item
Re-establishment of graves	Exxaro Thabametsi 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"> Mr Thompson Nyadzani suggested that graves not be relocated too far from original locations and should be reburied in Thabametsi Project Area. Mr Thompson Nyadzani asked who would be responsible for grave relocation. NoK requested that Exxaro consider 1) establishing graves in general project area, 2) that graves also be relocated to settlements further afield such as Ga-Selaka and Shongwane. 	<ol style="list-style-type: none"> JN responded that Exxaro has considered this option, and suggestion will be noted and submitted to Exxaro for response JN responded that Exxaro would be responsible to ensure process is done in accordance with all legal requirements. JN further stated that Digby Wells will manage the process and appoint registered undertakers JN responded that this will be considered and noted for Exxaro to respond
		Exxaro Thabametsi Coal will cover costs associated with the procurement and registration of new grave plots		
	Exxaro Thabametsi 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 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 dressings comprised only stone-packed cairns or were absent.		
		Exxaro Thabametsi Coal will repair or replace grave dressings damaged as a result of relocation		
		Exxaro Thabametsi Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing		
Exxaro Thabametsi 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	Unanimously approved in principal by all attending		
Exxaro Thabametsi Coal must acknowledge the right of NoK to express	NoK will be entitled to expressing their living heritage			



Remedial action	Remedial action principles / comments	Entitlement	NoK input (30 May 2014)	Response / Action Item
	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	Logistical arrangements and needs will be determined and agreed on in consultation with NoK Exxaro Thabametsi Coal will cover expenses associated with logistical arrangements and physical needs of NoK in order to express their living heritage		
Solatia	Exxaro Thabametsi Coal should acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced	Exxaro Thabametsi Coal will acknowledge the inconvenience and possible loss experienced by NoK as a financial token that will be agreed upon between NoK and Exxaro Thabametsi Coal	<ol style="list-style-type: none"> 1. JN requested that NoK must consult with their families and provide a cost at next meeting. 2. JN also stated that he proposed a R 500.00 solatium to Exxaro. 3. 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. 	<ol style="list-style-type: none"> 1. NoK must provide amounts at next meeting. 2. Exxaro to respond / agree / negotiate.
	NoK will not receive any additional payment, other than recompense in the form of a solatium, for attending meetings or giving consent.	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.		
	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.			
Category 3 graves (Graves that will be directly impacted on, without identified NoK)				
Relocation of graves	Exxaro Thabametsi Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Thabametsi Coal will implement a grave relocation process in accordance with applicable legislation	<ol style="list-style-type: none"> 1. Unanimously approved in principal by all attending 2. JN stated that graves without identified NoK are generally reburied in municipal cemeteries 	
		Exxaro Thabametsi Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
		Exxaro Thabametsi 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		
Re-establishment of graves	Exxaro Thabametsi Coal must cover costs for the establishment of new graves	Exxaro Thabametsi Coal will cover costs associated with the procurement and registration of new grave plots		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (30 May 2014)	Response / Action Item
	Exxaro Thabametsi Coal must cover costs for improvement and presentation of new grave sites after re-interment	<p>Exxaro Thabametsi 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.</p> <p>Exxaro Thabametsi 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 Thabametsi Coal will repair or replace grave dressings damaged as a result of relocation</p> <p>Exxaro Thabametsi Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing</p>		

4.4 Closing and next meeting

- It was announced that Digby Wells would be on the farms on the 31 May 2014 to identify the graves. The families were requested to join them to point out their graves on the affected farms. Transport had been arranged that would pick them up at a central point in Marapong at 8:30.
- A tentative date of the 12 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.
- Johan once again thanked all those present for their time.

GRAVE RELOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE

EXX0564

DIGBY WELLS
ENVIRONMENTAL

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DIGBY WELLS
ENVIRONMENTAL

Thabametsi Grave Relocation

Draft Entitlement Framework

Johan Nel – 30 May 2014

Purpose

- **Entitlement = rights & responsibilities that NoK & Exxaro Thabametsi 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 Thabametsi

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 Thabametsi Coal will collect NoK to attend the meetings and take them back again within 50 km of the meeting venue
	Interested people can include the NoK, landowners, dikgoshi and local authorities	
	Exxaro Thabametsi Coal must consider providing travel assistance to NoK to attend meetings	
	Travel assistance will not be paid in cash or paying for fuel, taxis, busses or air travel	NoK and other people will be a consulted
	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 Thabametsi 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 Thabametsi Coal must protect and look after gravesites that will not be relocated	Exxaro Thabametsi Coal must make sure that condition of gravesites are kept as it is during the life of the project
		Exxaro Thabametsi Coal will protect gravesites by putting up fences
		Exxaro Thabametsi 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 Thabametsi 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 Thabametsi Coal will not be responsible for loss, injury, damage, death or other impact on NoK when visiting gravesites	Exxaro Thabametsi 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 Thabametsi 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 Thabametsi Coal must repair and fix gravesites if they have been affected by project activities	Exxaro Thabametsi 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 Thabametsi 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 Thabametsi 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 Thabametsi Coal must pay the costs of exhuming, relocating and reburying deceased	Exxaro Thabametsi Coal will pay for a grave relocation as per law
		Exxaro Thabametsi Coal will pay a qualified and registered archaeologist to manage the grave relocation process
		Exxaro Thabametsi Coal will pay the cost of a registered funeral undertaker to exhume, transport and rebury the deceased
	Exxaro Thabametsi 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 Thabametsi 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 Thabametsi 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 Thabametsi Coal must pay the costs to move and rebury the deceased in new graves	Exxaro Thabametsi Coal will pay to have old tombstones removed and put up again ant new cemeteries as long as it is allowed by cemetery rules
		Exxaro Thabametsi Coal will replace “informal” tombstones such as bricks-and-cement, at the new cemetery with new tombstones
		Exxaro Thabametsi Coal will pay for new grave markers at the new cemeteries if the old graves did not have any tombstones
		Exxaro Thabametsi Coal will fix or replace tombstones that may be damaged during removal
		Exxaro Thabametsi 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 Thabametsi Coal must register the new graves in the names of the NoK	NoK will need to pay for all fixing and repair of new graves after they have been relocated
	Exxaro Thabametsi Coal must acknowledge the right of NoK to perform cultural ceremonies and pay for things that may be required	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 Thabametsi Coal
	Exxaro Thabametsi 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 Thabametsi Coal will acknowledge that moving graves are difficult for NoK	Exxaro Thabametsi 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 <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
	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 Thabametsi Coal must pay for the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Thabametsi Coal will implement a grave relocation process in accordance with applicable legislation
		Exxaro Thabametsi Coal will appoint a qualified and registered archaeologist to manage the grave relocation process
		Exxaro Thabametsi 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 Thabametsi Coal must cover costs for the establishment of new graves	Exxaro Thabametsi Coal will pay the costs for new graves
	Exxaro Thabametsi Coal must cover costs for improvement and presentation of new grave sites after re-interment	Exxaro Thabametsi Coal will remove and put up tombstones at new cemeteries
		Exxaro Thabametsi 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 Thabametsi Coal will fix or replace tombstones damaged as a result of relocation
		Exxaro Thabametsi Coal will replace tombstones that may not be allowed in new cemeteries with new tombstones

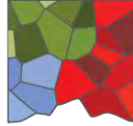
Natasha Higgitt

From: natasha.higgitt@gmail.com
Sent: 09 June 2014 02:25 PM
To: Natasha Higgitt
Subject: Fw:

----- SMS -----

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To: 0837257224
To: 0781957938
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To: 0710128572
To: 0781862347
To: +27827176671
To: 0737837392
To: 0780280388
To: 0713624248
To: 0784433246
To: 0732693718

Thobela Batho ka moka. Re le kgopela go tla kopanong ka 12 June 2014 nako ke 11:00 goseng fo fihla ka 15:00 lefelo ke Mogol Club, Lephalale, senamelwa se gona go lata batho, ge o na le potsiso e kgokaganye le batho b aba latelago ke Natasha le Qondile mo dinomorong tse di latelago 0117899495. Mangwalo a memo le tla a hwetsa tsa Digby Wells Lephalale (10B Modaru Building, Kort Street). Senamelwa se tla hwetsagala ka tsela ye e latelago: 8h30-Ga-Seleka Taxi Rank, 9h00-Shongoane 2 Scrapyard, 10h00-Marapong Old Age Home. Wa lena Sent via my BlackBerry from Vodacom - let your email find you!



DIGBY WELLS

ENVIRONMENTAL

12 June 2014

Thabametsi 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

Project Name: Thabametsi Grave Relocation
Project No: EXX 0564
Date: 12 June 2014

1 Present

Name	Affiliation	Title
Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Qondile Monareng (QM)	Digby Wells	Public Participation Officer
Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Justin du Piesanie (JdP)	Digby Wells	Heritage Consultant
James Coetzee (JC)	Digby Wells	Digby Wells Environmental: Lephalale Office Manager
Selvan Subroyen (SS)	Exxaro	HOE – Legal Consultant to Exxaro
Thompson Nyadzani	Lephalale Municipality	
Sophia Matlou	Representative of Kgoshi Solomon Mogotsi	

Family and next of kin as per attendance register attached.

2 Apologies

- Kgoshi Solomon Mogotsi; and
- Mr S Tibanyane.

3 Approval of Previous Minutes and Matters Arising

Minutes adopted by Sophia Matlou and Fanie Seremula.

4 Current Minutes and Action Items

4.1 Welcome and introduction

Meeting was chaired by JN.

- JN welcomed everyone present and thanked the audience for their time to attend the meeting;
- JN apologised for the confusion regarding transport;
- JN introduced Digby Wells' specialists and Exxaro representative;

4.2 Purpose of the meeting

- The purpose of the meeting was to present and discuss the DEF; and
- JN added that at every meeting, the purpose of the meeting would remain the same as that is the main purpose of all the meetings.

Matter raised	Digby Wells Response and action items
<p>Ms Sophia Matlou enquired regarding the breathalyser test, and stated that at times it is customary for a person performing a ritual to sip alcohol and spray it over the grave.</p> <p>Ms Matlou requested clarity on whether this will trigger the breathalyser.</p>	<p>JC suggested that instead of undergoing breathalyser tests, NoK are escorted to gravesites in an Exxaro vehicle.</p> <p>JN also responded that NoK must be aware that will not be able to casually access gravesites, and that access will need to be arranged prior to site visits.</p> <p>SB explained the Mine Health and Safety Act, and stated that access will need to be arranged up to two weeks in advance.</p>
<p>NH enquired whether Exxaro would provide emergency medical assistance to NoK in the event that they require such whilst on site?</p>	<p>SB – Will follow up</p>

4.3 Discussion of the Entitlement Matrix

Remedial action	Remedial action principles / comments	Entitlement	NoK input (12 June 2014)	Action items/Response/Follow-up
Consultation related to entitlement	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 Thabametsi Coal must consider providing travel assistance to NoK to attend meetings	Exxaro Thabametsi Coal will collect and provide transport for stakeholders within a 50 km radius of the meeting venue.	NoK agreed in principal	
	Travel assistance must exclude cash reimbursements for any travel related expenses, 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.			
Category 1 graves (Graves that will not be directly impacted on)				
Plan for in situ management of graves	A Conservation Management Plan (CMP) must be drafted at the cost of Exxaro Thabametsi Coal	Affected NoK and landowners will be entitled to provide input into the CMP through consultation	NoK agreed in principal	
	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 grounds and graves			
Conservation of burial grounds and graves	Exxaro Thabametsi Coal must protect and conserve burial grounds and graves that will remain in situ in the project area	Exxaro Thabametsi Coal will ensure that the status quo of the burial grounds and graves are maintained throughout the life of the project;	NoK agreed in principal	



Remedial action	Remedial action principles / comments	Entitlement	NoK input (12 June 2014)	Action items/Response/Follow-up
		Exxaro Thabametsi Coal will fence burial grounds and graves to safeguard sites against possible direct, physical damage		
		Exxaro Thabametsi Coal will maintain sites through cleaning and periodic monitoring in lieu of unrestricted access by NoK		
Access to conserved burial grounds and graves	Exxaro Thabametsi Coal must acknowledge the right of NoK to access conserved burial grounds and graves to ensure sustainable use of the sites and safeguard their cultural significance	NoK will be entitled to access gravesites, within constraints that may be imposed by any health and safety policies, regulations and legislation.	NoK agreed in principal	
		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 Thabametsi Coal will allow NoK the right to use traditional beer for the purposes of offering libation to their deceased ancestors	NoK will be entitled to bring traditional beer onto the Thabametsi Coal Mine for the purposes of offering libation to deceased ancestors.	Pauline Leola asked if she is the person that must tend to the graves and she is sick and something happens to her while at the gravesite.	
		NoK will be required to declare any traditional beer and other alcohol on entering the Thabametsi Coal Mine for the purposes of visiting gravesites.		
		NoK will be entitled to access graves under safety and security escort arranged by Exxaro.		
		Exxaro will be entitled to advance notice of any grave visits		
	Exxaro Thabametsi Coal will have indemnity from any risk, injury, damage or other impact on NoK when visiting gravesites.	Exxaro Thabametsi Coal will be entitled to indemnify itself of any claims with regard to pre-existing health conditions that any NoK may experience that may result in loss, injury or death when accessing graves.		
		Exxaro Thabametsi Coal will be entitled to request NoK to sign informed indemnity before entering the Coal Mine property.		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (12 June 2014)	Action items/Response/Follow-up
Improvement to burial grounds and graves	Exxaro Thabametsi 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 agreed in principal	
		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 Thabametsi Coal must repair, restore and rehabilitate burial grounds and graves affected by project activities resulting from Exxaro Thabametsi Coal's development	Exxaro Thabametsi 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.	NoK agreed in principal	
Presentation of burial grounds and graves	Exxaro Thabametsi Coal must allow NoK presentation of / at the burial grounds and graves	NoK will be entitled to access their graves for the purposes of erecting new grave dressings	NoK agreed in principal	
		NoK will be responsible for all costs associated with erecting new grave dressings		
Performances at burial grounds and graves	Exxaro Thabametsi 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 agreed in principal	
		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	NoK agreed in principal	
Category 2 graves (Graves that will be directly impacted on)				
Relocation of graves	Exxaro Thabametsi Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Thabametsi Coal will implement a grave relocation process in accordance with applicable legislation	Lucas Leola asked what coffins will be used and what tombstone will be used?	JN said the NoK must stipulate those types of requirements. Exxaro and Digby Wells cannot tell the NoK what will be used. JN added that graves will also be relocated if the NoK are at risk when they access the graves
		Exxaro Thabametsi Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
		Exxaro Thabametsi 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		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (12 June 2014)	Action items/Response/Follow-up
	Exxaro Thabametsi 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	NoK agreed in principal	
Re-establishment of graves	Exxaro Thabametsi 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. Exxaro Thabametsi Coal will cover costs associated with the procurement and registration of new grave plots	NoK agreed in principal	
	Exxaro Thabametsi Coal must consider alternative site locations for reburial of the contents of graves.	Exxaro Thabametsi Coal will provide a portion of their land to re-establish graves in the general area instead of relocating the remains to municipal cemeteries.	NoK agreed in principal	
		Exxaro Thabametsi Coal will ensure that the new cemetery will be placed in an area that will be easily accessible from major routes.		
		Exxaro Thabametsi Coal will ensure that the relocation cemetery has adequate facilities, including ablutions and a dedicated space to slaughter sacrificial animals.		
		NoK will be entitled to access this relocation cemetery without restrictions.		
		The relocation cemetery will be strictly reserved to accommodate deceased that may be exhumed and relocated - the burial of recently deceased persons will not be allowed.		
Exxaro Thabametsi 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 added that the NoK must bring a list of all their requirements for relocation at the next meeting.	



Remedial action	Remedial action principles / comments	Entitlement	NoK input (12 June 2014)	Action items/Response/Follow-up
		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 dressings comprised only stone-packed cairns or were absent. Exxaro Thabametsi Coal will repair or replace grave dressings damaged as a result of relocation Exxaro Thabametsi Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing		
	Exxaro Thabametsi 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 agreed in principal	
	Exxaro Thabametsi 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 Logistical arrangements and needs will be determined and agreed on in consultation with NoK Exxaro Thabametsi Coal will cover expenses associated with logistical arrangements and physical needs of NoK in order to express their living heritage	Fanie Seremula requested that the relocation event should be held at the Mogol Club.	JN added that at the next meeting, NoK must bring a list of all requirements for the relocation, tombstones, caskets, ceremony, sacrifice etc.
	Exxaro Thabametsi Coal should acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced	Exxaro Thabametsi Coal will acknowledge the inconvenience and possible loss experienced by NoK as a financial token that will be agreed upon between NoK and Exxaro Thabametsi Coal	NoK agreed in principal	
Solatia	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 <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.	NoK agreed in principal	JN asked the NoK to discuss the amount with their families and that they need to bring a figure to the next meeting.



Remedial action	Remedial action principles / comments	Entitlement	NoK input (12 June 2014)	Action items/Response/Follow-up
	only one closest living relative will receive solatia.			
Category 3 graves (Graves that will be directly impacted on, without identified NoK)				
Relocation of graves	Exxaro Thabametsi Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Thabametsi Coal will implement a grave relocation process in accordance with applicable legislation	NoK agreed in principal	
		Exxaro Thabametsi Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
		Exxaro Thabametsi 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		
Re-establishment of graves	Exxaro Thabametsi Coal must cover costs for the establishment of new graves	Exxaro Thabametsi Coal will cover costs associated with the procurement and registration of new grave plots	NoK agreed in principal	
		Exxaro Thabametsi 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.	NoK agreed in principal	
	Exxaro Thabametsi 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.			
	Exxaro Thabametsi Coal will repair or replace grave dressings damaged as a result of relocation			
	Exxaro Thabametsi Coal must cover costs for improvement and presentation of new grave sites after re-interment	Exxaro Thabametsi Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing		

4.4 Closing and next meeting

- JN stated that they had hoped to get the NoK to sign the affidavits stating that they are next of kin at this meeting, but that it would be finalised at the next meeting;
- A date of the 26 June 2014 was agreed on for the next meeting;
- JN added that the next meeting would be the last meeting, so the Entitlement Framework and agreement would be signed at the next meeting;
- JN urged the NoK present to discuss the relocation with their families and draw up a list of all requirements for the relocation as well as the amount for the solatia, to be presented at the next meeting;
- An SMS notification of the next meeting will be sent out when the next meeting is organised with details for the transport; and
- JN once again thanked all those present for their time.



DIGBY WELLS ENVIRONMENTAL

ATTENDANCE REGISTER

THABAMETSI GRAVE RELOCATION INFORMATION MEETING

GRAVE RELOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE, LIMPOPO PROVINCE, SOUTH AFRICA

12 June 2014

DATE:

12 June 2014

VENUE:

Mogol Club, Old Ladies Room

PROJECT:

EXX564

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

ALLOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE

A0564

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ENVIRONMENTAL



TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS		
				Tel:	E-mail:	Signature:
	John Nel	Digby Wells				
	ANDREA MONTGOMERY	A&A ENTERPRISES (Pty) LTD		Tel: 027 584 89 571	john.nel@digbywells.com	
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	Sophia Matthew	Chief Secretary	P.O. Box 29 Steenbokpoort 0533	E-mail: sm@matthew		
				Signature: SMATTHEW		
				Tel: 0721204944		
				Fax:		
				E-mail:		
				Signature:		
				Tel: 0722362647		
				Fax:		
				E-mail:		
				Signature:		
				Tel: 0721200110		
				Fax:		
				E-mail:		
				Signature:		
	Paulina leola		P.O. Box 4879 Enkelbult 0556			
				Tel:		
				Fax:		
				E-mail:		
				Signature:		
				Tel: 0721200110		
				Fax:		
				E-mail:		
				Signature:		
	Estrel Pakwazi		P.O. Box 4 Seveta 0609			
				Tel:		
				Fax:		
				E-mail:		
				Signature:		

TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS			
				Tel:	Fax:	E-mail:	Signature:
	Fan Setumane		P.O. Box 3025 Le Phalane 0559				
	THOMPSON NYABANI	Community Municipality	P.O. Box 514 LEPHALANE 0555				
	JAMES COETZEE	D.W.	PO Box 169 LEPHALANE 0555				
Ms	Natasha Higginth	Digby Wells					
MV	Shuan Sibany	Est Legal	Erano 178				
	Heleen Moxau						

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E-mail:

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0733095272

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR THE PROPOSED THABAMETSI COAL MINE

HALALE LOCAL MUNICIPALITY, LIMPOPO

EXX0564



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TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
	Solomon Dikgake		Boyce's seker	Tel: 0 Fax: E-mail: 0723950547 Signature: <i>[Signature]</i> Tel: 0826833448 Fax: E-mail: Signature: <i>[Signature]</i>
	Lucas Keola		P O Box 0724879 Enkel But 0556	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:
				Tel: Fax: E-mail: Signature:
				Tel: Fax: E-mail: Signature:

Natasha Higgitt

From: natasha.higgitt@gmail.com
Sent: 23 June 2014 01:31 PM
To: Natasha Higgitt
Subject: Fw:

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To: 0826833498
To: 0723950847
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To: 0722362647
Sent: Jun 23, 2014 13:03

Thobela Batho ka moka. Re le kgopela go tla kopanong ka 26 June 2014 nako ke 10:00 goseng fo fihla ka 16:00 lefelo ke Mogol Club, Lephallale, senamelwa se gona go lata batho, ge o na le potsiso e kgokaganye le batho b aba latelago ke Natasha le Qondile mo dinomorong tse di latelago 0117899495. Mangwalo a memo le tla a hwetsa di offising tsa Digby Wells Lephallale (10B Modaru Building, Kort Street). Senamelwa se tla hwetsagala ka tsela ye e latelago: 7h30-Ga-Seleka Taxi Rank, 8h00-Shongoane 2 Scrapyard, 9h00-Marapong Old Age Home. Wa lena Sent via my BlackBerry from Vodacom - let your email find you!

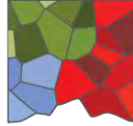
Natasha Higgitt

From: natasha.higgitt@gmail.com
Sent: 23 June 2014 12:47 PM
To: Natasha Higgitt
Subject: Fw:

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To: 0781862347
To: 0827176671
To: 0737837392
To: 0780280388
To: 0713624248
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DIGBY WELLS

ENVIRONMENTAL

26 June 2014

Thabametsi 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. Finalise Entitlement Framework
 5. Registration of Next-of-Kin
- Lunch
6. Signing of the Entitlement Framework (Agreement between Exxaro and NoK)
 7. Closing and thanks

Project Name: Thabametsi Grave Relocation
Project No: EXX 0564
Date: 26 June 2014

1 Present

Name	Affiliation	Title
Johan Nel (JN)	Digby Wells	Grave Relocation Project manager
Qondile Monareng (QM)	Digby Wells	Public Participation Officer
Natasha Higgitt (NH)	Digby Wells	Heritage Consultant
Thompson Nyadzani	Lephalale Municipality	
Sophia Matlou	Representative of Kgoshi Solomon Mogotsi	

Family and next of kin as per attendance register attached.

2 Apologies

- Babsie Crane (Exxaro);
- Mr S Tibanyane; and
- Filitia Serumula.

3 Approval of Previous Minutes and Matters Arising

3.1 Previous Minutes

Minutes adopted by Fan Seremula, and seconded by Paulina Seremula, Helen Mokau and Esrael Nkoati.

3.2 Matters arising

- JN explained why Exxaro did not attend the meeting, stating that they felt that the NoK first needed to provide their requirements to Digby Wells, without Exxaro's presence

to enable free communication. Digby Wells will then present these requirements to Exxaro;

- JN added that Exxaro would be meeting on Friday 27 June 2014 where the whole Thabametsi Project would be discussed, including the NoK's list of requirements;
- JN added that feedback on medical assistance to NoK during site visits had not yet been received, but this issue will be finalised before the next meeting.

4 Current Minutes and Action Items

4.1 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.

4.2 Purpose of the meeting

- The purpose of the meeting was to present and discuss the DEF; and
- JN added that the purpose of this meeting was to finalise the EF in preparation for the final agreement between Exxaro and the NoK;
- JN focussed the discussion on the entitlements related to grave relocation.

4.3 Discussion of the Entitlement Matrix

Remedial action	Remedial action principles / comments	Entitlement	NoK input (26 June 2014)	Action items/Response/Follow-up
Consultation related to entitlement	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 Thabametsi Coal must consider providing travel assistance to NoK to attend meetings	Exxaro Thabametsi Coal will collect and provide transport for stakeholders within a 50 km radius of the meeting venue.	NoK agreed in principal	
	Travel assistance must exclude cash reimbursements for any travel related expenses, 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.			
Category 1 graves (Graves that will not be directly impacted on)				
Plan for in situ management of graves	A Conservation Management Plan (CMP) must be drafted at the cost of Exxaro Thabametsi Coal	Affected NoK and landowners will be entitled to provide input into the CMP through consultation	NoK agreed in principal	
	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 grounds and graves			
Conservation of burial grounds and graves	Exxaro Thabametsi Coal must protect and conserve burial grounds and graves that will remain in situ in the project area	Exxaro Thabametsi Coal will ensure that the status quo of the burial grounds and graves are maintained throughout the life of the project;	NoK agreed in principal	



Remedial action	Remedial action principles / comments	Entitlement	NoK input (26 June 2014)	Action items/Response/Follow-up
		Exxaro Thabametsi Coal will fence burial grounds and graves to safeguard sites against possible direct, physical damage		
		Exxaro Thabametsi Coal will maintain sites through cleaning and periodic monitoring in lieu of unrestricted access by NoK		
Access to conserved burial grounds and graves	Exxaro Thabametsi Coal must acknowledge the right of NoK to access conserved burial grounds and graves to ensure sustainable use of the sites and safeguard their cultural significance	NoK will be entitled to access gravesites, within constraints that may be imposed by any health and safety policies, regulations and legislation.	NoK agreed in principal	
		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 Thabametsi Coal will allow NoK the right to use traditional beer for the purposes of offering libation to their deceased ancestors	NoK will be entitled to bring traditional beer onto the Thabametsi Coal Mine for the purposes of offering libation to deceased ancestors.	NoK agreed in principal	
		NoK will be required to declare any traditional beer and other alcohol on entering the Thabametsi Coal Mine for the purposes of visiting gravesites.		
		NoK will be entitled to access graves under safety and security escort arranged by Exxaro.		
		Exxaro will be entitled to advance notice of any grave visits		
	Exxaro Thabametsi Coal will have indemnity from any risk, injury, damage or other impact on NoK when visiting gravesites.	Exxaro Thabametsi Coal will be entitled to indemnify itself of any claims with regard to pre-existing health conditions that any NoK may experience that may result in loss, injury or death when accessing graves.		
		Exxaro Thabametsi Coal will be entitled to request NoK to sign informed indemnity before entering the Coal Mine property.		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (26 June 2014)	Action items/Response/Follow-up
Improvement to burial grounds and graves	Exxaro Thabametsi 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 agreed in principal	
		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 Thabametsi Coal must repair, restore and rehabilitate burial grounds and graves affected by project activities resulting from Exxaro Thabametsi Coal's development	Exxaro Thabametsi 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.	NoK agreed in principal	
Presentation of burial grounds and graves	Exxaro Thabametsi Coal must allow NoK presentation of / at the burial grounds and graves	NoK will be entitled to access their graves for the purposes of erecting new grave dressings	NoK agreed in principal	
		NoK will be responsible for all costs associated with erecting new grave dressings		
Performances at burial grounds and graves	Exxaro Thabametsi 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 agreed in principal	
		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	NoK agreed in principal	
Category 2 graves (Graves that will be directly impacted on)				
Relocation of graves	Exxaro Thabametsi Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Thabametsi Coal will implement a grave relocation process in accordance with applicable legislation	Israel Nkoati enquired whether Exxaro wants to relocate the graves	JN responded by stating that at this moment some graves will require immediate relocation and others may only need to be relocated over time. JN further stated that Exxaro would prefer to relocate all graves. JN also explained to NoK that any decisions made now must take into account future generations. JN stated that, in his personal opinion it is more beneficial to NoK to relocate their graves now when they have the opportunity.
		Exxaro Thabametsi Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
		Exxaro Thabametsi 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		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (26 June 2014)	Action items/Response/Follow-up
	Exxaro Thabametsi 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	NoK agreed in principal	
Re-establishment of graves	Exxaro Thabametsi 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. Exxaro Thabametsi Coal will cover costs associated with the procurement and registration of new grave plots	1. Israel Nkoati enquired when will grave relocation happen. 2. NoK agreed in principle with the following requirements 3. Fannie Serumula indicated that his deceased NoK must be relocated to Shongane 4. Helen Mokau indicated that her deceased NoK must be relocated to Marapong 5. Catherine Leola indicated that her deceased NoK must be relocated to Marapong 6. Relocation of NoK of Steve Tibanyane and Jacobus Matlou still unresolved 7. NoK of Maluleke family on Jackhalsvley still unresolved.	1. JN responded by stating that grave relocation could take place within the next three months, dependant on final agreement between Exxaro and NoK and timeframe to issue required permits. 2. to 7. JN recorded the NoK requirements to be presented to Exxaro.
	Exxaro Thabametsi Coal must consider alternative site locations for reburial of the contents of graves.	Exxaro Thabametsi Coal will provide a portion of their land to re-establish graves in the general area instead of relocating the remains to municipal cemeteries. Exxaro Thabametsi Coal will ensure that the new cemetery will be placed in an area that will be easily accessible from major routes. Exxaro Thabametsi Coal will ensure that the relocation cemetery has adequate facilities, including ablutions and a dedicated space to slaughter sacrificial animals. NoK will be entitled to access this relocation cemetery without restrictions.	NoK agreed in principal	



Remedial action	Remedial action principles / comments	Entitlement	NoK input (26 June 2014)	Action items/Response/Follow-up
		The relocation cemetery will be strictly reserved to accommodate deceased that may be exhumed and relocated - the burial of recently deceased persons will not be allowed.		
	Exxaro Thabametsi 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	
		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 dressings comprised only stone-packed cairns or were absent.		
		Exxaro Thabametsi Coal will repair or replace grave dressings damaged as a result of relocation		
		Exxaro Thabametsi Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing		
	Exxaro Thabametsi 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 agreed in principal	
	Exxaro Thabametsi 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	<ol style="list-style-type: none"> 1. Fannie Serumula stated that the ceremony must take place the weekend immediately preceding exhumation. 2. NoK reached consensus that ceremony should take place at the Mogol Club 3. NoK presented list of requirements as per attachment. 4. NoK reached consensus that the event will be catered instead of Exxaro procuring all the listed requirements. 5. The lists provided by the NoK must, however, be used to create catering menu. 6. The NoK required that representatives from 	<ol style="list-style-type: none"> 1. to 6: JN noted the requirements for inclusion into the final Agreement, adding that: <ol style="list-style-type: none"> i. The attached listed requirements will inform the menu; ii. NoK must give an indication of the number of people for catering; iii. The event is primarily meant for family and not a community event; iv. That no alcohol would be provided and therefore removed from the lists, with the exception of traditional beer; v. Traditional beer ingredients will be provided to Helen Mokau, residing in Marapong, who will
		Logistical arrangements and needs will be determined and agreed on in consultation with NoK		
		Exxaro Thabametsi Coal will cover expenses associated with logistical arrangements and physical needs of NoK in order to express their living heritage		



Remedial action	Remedial action principles / comments	Entitlement	NoK input (26 June 2014)	Action items/Response/Follow-up
			each family oversee the catering.	arrange the brewing.
Solatia	Exxaro Thabametsi Coal should acknowledge that grave relocation may result in perceptions of loss and inconvenience and loss experienced	Exxaro Thabametsi Coal will acknowledge the inconvenience and possible loss experienced by NoK as a financial token that will be agreed upon between NoK and Exxaro Thabametsi Coal	1. NoK indicated the following amounts as solatia: <ol style="list-style-type: none"> Helen Mokau – R 100 000 per grave Catherine Leola – R 200 000 per grave Fannie Serumula – R 100 000 per grave Israel Nkoati – R 100 000 per grave 	See 4.4 for detailed Comments and Responses with regard to solatia.
	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.	1. NoK agreed in principal. 2. NoK registered and signed affidavits as per attachment.	JN stated that Affidavits will be signed by Digby Wells Commissioner of Oaths, and that original copies will be provided to NoK at next meeting.
Category 3 graves (Graves that will be directly impacted on, without identified NoK)				
Relocation of graves	Exxaro Thabametsi Coal must cover the costs of exhuming, relocating and re-interring the contents of graves	Exxaro Thabametsi Coal will implement a grave relocation process in accordance with applicable legislation	NoK agreed in principal	
		Exxaro Thabametsi Coal will appoint a qualified and registered archaeologist to manage the grave relocation process		
		Exxaro Thabametsi 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		
Re-establishment of graves	Exxaro Thabametsi Coal must cover costs for the establishment of new graves	Exxaro Thabametsi Coal will cover costs associated with the procurement and registration of new grave plots	NoK agreed in principal	
	Exxaro Thabametsi Coal must cover costs for improvement and presentation of new grave sites after re-interment	Exxaro Thabametsi Coal will remove and re-erect existing commercial or artisan dressings, such as granite headstones, and re-erected at the new	NoK agreed in principal	

Remedial action	Remedial action principles / comments	Entitlement	NoK input (26 June 2014)	Action items/Response/Follow-up
		<p>gravesite, with the provision that cemetery regulations make allowance for such dressings.</p> <p>Exxaro Thabametsi 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 Thabametsi Coal will repair or replace grave dressings damaged as a result of relocation</p> <p>Exxaro Thabametsi Coal will replace grave dressings disallowed in new cemetery due to cemetery regulations with minimum acceptable dressing</p>		

4.4 Discussion regarding solatia

Comment	Response	Action Item
<p>JN reiterated that a solatium is a good will token.</p> <p>JN added that financial recompense for grave relocation is not a legal requirement.</p> <p>JN further added that it was recommended to Exxaro not to include solatia, but that Exxaro insisted on this to show their goodwill towards the NoK.</p> <p>JN stated that Exxaro will not be prepared or able to approve R 100 000.00 per grave.</p>		
<p>Ms Catherine Leola enquired why the NoK were requested to consider an amount.</p> <p>Ms Leola added that Exxaro cannot expect NoK to request a small amount, as they will not be taken seriously.</p>	<p>JN noted the comment, and responded that he requested the NoK to consider a solatium amount within reason, taking into account all the other expenses that Exxaro will incur.</p> <p>JN further stated that at the start of the consultation process, he suggested an amount of R 500.00 per grave.</p>	

	<p>JN further stated that Exxaro deemed this amount too little, but did not provide an amount that Exxaro would be willing to consider.</p>	
<p>Ms Leola stated that Exxaro is a large company and will profit from the Thabametsi Coal Mine, therefore Exxaro can afford to pay the solatia as indicated.</p>	<p>JN stated that this would amount in total to more than the current project, and would set an undesired precedent for any future relocation projects in the region.</p>	
<p>JN left the meeting to contact and consult with Exxaro</p>		
	<p>JN responded on behalf of Exxaro who requested that NoK consider a single solatium of R 100 000.00, taking into account all the other expenses.</p> <p>JN proceeded to illustrate this request through an example calculation where a R 100 000.00 amount was used. The cost of the ceremonial event and associated costs were subtracted. The remaining amount was divided by the number of graves (7) to produce a more realistic solatia amount.</p> <p>JN reiterated that solatia are not required under law, and should agreement on this matter not be reached between the NoK and Exxaro, this will be removed from the EF and subsequent Agreement.</p> <p>JN stated that should the issue regarding solatia not be resolved, all records of the consultation process will still be submitted to SAHRA, the DMR and other authorities.</p> <p>JN stated that the final decision with regard to issuing permits for grave relocation lies with these authorities.</p> <p>JN stated that the authorities will consider records of consultation and may decide to issue permits irrespective of the issue regarding solatia.</p> <p>JN stated that, in his personal opinion, NoK should not be paid any form of case compensation because of certain issues such as:</p> <ul style="list-style-type: none"> - NoK who receives the solatia may not be able to manage finances; - Any sums paid to NoK places them at risk within their communities; - As only the bona fide NoK will receive a solatium, it often leads to inter-family conflict; <p>JN further reminded the NoK that a solatium is not compensation.</p>	



The NoK in general requested that Exxaro provide an amount before the next meeting.	JN responded by stating that he will contact Exxaro in this regard.	Exxaro must provide an amount per grave for the purposes of the next meeting.
	JN left the meeting to contact Exxaro to obtain an amount.	
	JN responded on behalf of Exxaro that Exxaro could not provide an amount without an executive decision. JN responded that Exxaro will, however, provide an amount that will be communicated to the NoK via telephone prior to the next meeting.	
Mr Israel Nkoati requested that Exxaro attend the next meeting to respond to these issues.	JN noted the request.	Exxaro to commit to attending the next meeting.

4.5 NoK registration

- JN, with the help of Sophia Matlou explained the Affidavit;
- NoK completed and signed Affidavits as follows:

Deceased	Relation to	NoK	Relocated to
Mishack Tibanyane	Parents to	Helen Mokau	Marapong
Tabia Tibanyane	Parents to	Helen Mokau	Marapong
Klaas Tibanyane	Daughter of	Cathrine Leola	Marapong
Manana Nkoati	Younger sister to	Lettia Nkoati (Israel Nkoati, acting on behalf of Lettia Nkoati who cannot read or write)	Marapong
Stephina Seremula	Son to	Fanie Seremula	Shongane

4.6 Closing and next meeting

- Date of next, and final meeting was agreed on for Friday 11 July 2014;
- JN added that the next meeting would be the last meeting, so the Entitlement Framework and agreement would be signed at the next meeting;
- An SMS notification of the next meeting will be sent out when the next meeting is organised with details for the transport and a poster would be put up at the Digby Wells Lephale office;
- Qondile will personally call all the NoK to inform them of the next meeting; and
- JN once again thanked all those present for their time.



DIGBY WELLS ENVIRONMENTAL

ATTENDANCE REGISTER

THABAMETSI GRAVE RELOCATION INFORMATION MEETING

GRAVE RELOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE, LIMPOPO PROVINCE, SOUTH AFRICA

26 June 2014

DATE: 26-June 2014

VENUE: Mogol Club - Matimng Conference

PROJECT: EXX 564

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
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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 THABAMETSI COAL MINE

EXX0564



DIGBY WELLS
ENVIRONMENTAL

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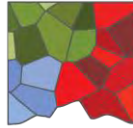
GRAVE RELOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE

EXX0564

DIGBY WELLS
ENVIRONMENTAL



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Ms	Sophie Mathew	Chief Secretary	P.O. Box 29 Steenbokpan 0733	Tel: Fax: E-mail: Signature: <i>S Mathew</i>
MRS	Kees Malebana		P.O. Box 499 Marepano 0556	Tel: Fax: E-mail: Signature:



DIGBY WELLS

ENVIRONMENTAL

Date: 22 May 2015

Time: 10h00

Venue: Mogol Club

Purpose of the meeting: Thabametsi Burial Grounds and Graves Consultation / Grave Relocation Process

Agenda items:

- Welcome by Councillor
- Attendance & Apologies – Exxaro
- Confirmation of Agenda – Digby Wells
- Project Background – Exxaro
- Approval of Previous Minutes of Meeting held 26 June 2014 – Digby Wells
- Summary of Consultation Process to Date – Digby Wells
- Exxaro Grave Relocation Policy – Exxaro
- Presentation of Entitlement Framework & Agreements – Digby Wells & Exxaro
- Resolution & Way Forward – NoK. Exxaro & Digby Wells
- General
- Vote of Thanks & Closure

Project Name: Thabametsi Grave Relocation
Project No: EXX 0564
Date: 22 May 2015

1 Present

NAME	DESIGNATION	COMPANY
Mrs Qondile Monareng	Public Participation Officer	Digby Wells Environmental
Mr Johan Nel	Grave Relocation Project manager	Digby Wells Environmental
Mrs Babsie Crane	Thabametsi Project Manager	Exxaro
Mr Selvan Subroyen	EOH Exxaro Legal Adviser	Exxaro
Ms Melba Geca	Stakeholder Engagement	Exxaro
Mr Simphiwe Ntozini	Exxaro Senior Specialist-Land Management	Exxaro
Advocate Flora Seshoka	Chief Seleka Lawyers Representative	LJ Kgomo Attorneys
Mr Eric Nembudani	Chief Seleka Lawyers Representative	LJ Kgomo Attorneys
Mr Fanie Serumula	Next of Kin	
Mrs Catherine Leola	Next of Kin	Ga-Seleka
Mrs Helena Mokau	Next of Kin	Marapong
Mrs Mapule Nkoati	Next of Kin Representative	Ga-Seleka
Cllr A Thulare	Ward 9 Councillor	Lephalale Local Municipality
Cllr F Magwai	Ward 3 Councillor, Steenbokpan	Lephalale Local Municipality
Cllr Mabula	Ward 1 Councillor, Marapong	Lephalale Local Municipality
Cllr Lesibana Monare	Ward 2 Councillor, Marapong	Lephalale Local Municipality
Cllr William Mohokwe	Ward 4 Councillor, Marapong	Lephalale Local Municipality
Cllr Ramakane Moatse	Ward 7 Councillor, Shongwane	Lephalale Local Municipality
Joel Ngobeni	Community Member	Marapong
Mr Thompson Nyandzani	Community Member	Marapong
Mr HL Mocheke	Representative of Kgosi Seleka	Ga-Seleka
Headman I S Mogotsi	Kgokwe Headman	Steenbokpan
Mrs Sophia Matlou	Secretary of Kgokwe Headman	Steenbokpan
Mrs Dipuo Moatshe	Community Member	Ga-Seleka

NAME	DESIGNATION	COMPANY
Mr Jeremia Kekae	Kgokwe	Steenbokpan
Ms Paulina Lefawane	Community Member	Ga-Seleka
Ms Josephine Leola	Community Member	Marapong
Ms Onica Tibanyane	Community Member	Marapong

2 Apologies

None recorded.

3 Approval of Previous Minutes and Matters Arising

Minutes of previous meeting were adopted by the Next of Kin who attended the 12 June Meeting.

4 Current Minutes and Action Items

4.1 Welcome and introduction

Meeting was chaired by Johan Nel (JN).

- JN welcomed everyone present and thanked the audience for their time to attend the meeting.
- Mr Mocheko open the meeting on behalf of Chief Seleka, by welcoming everybody
- JN introduced Digby Wells and Exxaro Team.
- Qondile Monareng (QM) requested audience to introduce themselves.
- Municipal Councillors raised issue that they were not invited from the beginning of the project.
- Babsie Crane (BC) presented the Thabametsi Project.

4.2 Purpose of the meeting

The purpose of the meeting was to:

- Summarise the consultation process to date;
- Present the Exxaro Grave Relocation Policy;
- Present the Framework Agreement; and
- Come to a final resolution and way forward.

Comments Raised

Name	Comment	Response	Action item
Mr Fanie Serumula, NoK	<ul style="list-style-type: none"> Stated that this is the fifth meeting, whatever was consulted previously should enable this meeting to be the final one. 		
Mrs Sophia Matlou	<ul style="list-style-type: none"> Stated that through previous consultations proposals were made to the NoK; Stated that there are specific customs that the NoK as Tswana people need to observe, such as consulting with traditional healers or prophets to communicate with the ancestors to inform them on what is going to happen; The deceased ancestors must be informed that they will be moved, this costs money to do and Exxaro must consider their cultural beliefs. 	<ul style="list-style-type: none"> Exxaro replied that they understand that there are different cultures involved; Exxaro will respect the customs and beliefs by assisting the NoK to complete their ceremonies by taking care of all the expenses; Exxaro is following legal procedures to relocate graves. 	
Mrs Catherine Leola, NoK	<ul style="list-style-type: none"> State that during consultation, compensation was raised; Stated that she feels it is unfair to us that we are 	<ul style="list-style-type: none"> Exxaro will not give cash as compensation 	

	<p>not compensated;</p> <ul style="list-style-type: none"> ■ Stated that it is unfair that Exxaro will exhume people and it think it is fine to do so; ■ Stated that her father died “in the mine”. 		
Mr Fanie Serumula, NoK	<ul style="list-style-type: none"> ■ Enquired about the list of requirements that was submitted. 		
Ms Josephine Leola, NoK	<ul style="list-style-type: none"> ■ Stated that the families discussed how much the ceremonies will cost, and it will result in a lot of money. ■ Enquired how much will Exxaro will be giving us for compensation. 	<ul style="list-style-type: none"> ■ Exxaro will meet with the community representatives and take them through the policy so everyone is on the same page; ■ Exxaro will not pay cash compensation, but will cover all the costs required to perform ceremonies. 	
Flora Seshoka, Legal Advisor to Seleka Traditional Authority; Municipal and Ward Councillors	<ul style="list-style-type: none"> ■ The Legal Advisors have not seen the policy before; ■ Requested copies of all documents to review and check against other policies in the country; ■ The Councillors concurred with Ms Seshoka’s request; 	<ul style="list-style-type: none"> ■ Exxaro agreed that it is a fair request Exxaro; ■ Legal Advisors and NoK will be given 14 days to study the policy. 	<ul style="list-style-type: none"> ■ Copies of Exxaro Policy and all other documents to be provided to Legal Advisors; ■ Legal Advisors to consult with NoK



	<ul style="list-style-type: none">■ Request was made to provide a chance for the Legal Advisors to speak to the families;■ Request was made to postpone the meeting for 14 days;■ The Legal Advisors will explain the policy to the families properly.		
Cllr A Thulare	<ul style="list-style-type: none">■ Stated that the Municipal Manager's office is always opened should Exxaro need clarification on issues.		

4.3 Closing and next meeting

- Cllr Ramakane Moatse closed the meeting
- It was agreed on for the next meeting a date will be communicated.
- A SMS notification of the next meeting will be sent out when the next meeting is organised.
- Johan once again thanked all those present for their time.



DIGBY WELLS ENVIRONMENTAL

ATTENDANCE REGISTER
NEXT of KIN MEETING
GRAVE RELOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE LEPHALALE LOCAL MUNICIPALITY,
LIMPOPO PROVINCE, SOUTH AFRICA







DATE: 22-May 2014 **VENUE:** Mogol Club





PROJECT: _____ **TIME:** _____

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

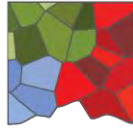
Directors: A Singh*, AR Wilke, LF Koeslag, PD Tanner (British)*, AJ Reynolds (Chairman) (British)*, J Leaver*, GE Truster (C.E.O)
*Non-Executive

TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
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M. V.	Eric Ntsheni	IS Kopano Attorneys	Box 872 Lephalale 0555	Tel: 0732693718 E-mail: <i>[Signature]</i> Signature: <i>[Signature]</i>
	FRANIE S. S. S.			Tel: 0721204994 Fax: <i>[Signature]</i> Signature: <i>[Signature]</i>
	Catherine Keeta	Seleka		Tel: MCELOLA Fax: 083 6679657 Signature: <i>[Signature]</i> E-mail: <i>[Signature]</i>
Mrs	Mapule Mkhatzi	Seleka		Tel: Mkhathi Mma Fax: 073 588 6105 Signature: <i>[Signature]</i>
M. V.	A Thulare	AAE	P.O. Box 712 Lephalale 0555	Tel: alicecre@ynacion.com Fax: <i>[Signature]</i> Signature: <i>[Signature]</i>

TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
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MR	William Justice	LLP	Maropeng Plot 4	Tel: 078 4389825 Fax: _____ E-mail: _____ Signature: 
MR	Ranokhe Mase	LLM	Stongwane 4 ward 7	Tel: 0762809269. Fax: _____ E-mail: llm@mmorere.co.za Signature: 
MR	Lesemua Mofasa	LLM	Witrek 02	Tel: _____ Fax: _____ E-mail: _____ Signature: 
MR	Makala Gosty	LLM	Ward 01	Tel: 073 289472. Fax: _____ E-mail: _____ Signature: _____
	JOEL Ngobeni	Ngobeni LLM	MARAPONG	Tel: 0837257224 Fax: 0147635306 E-mail: joel@ngeni.co.za Signature: 
	Hompson NYADZANI	PO Box 514 Kaphalale OSSS	Marabong	Tel: _____ Fax: _____ E-mail: nyadzan@oss.co.za Signature: 

TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
Mr	K K MONTENZO	SELEKA	BOX 6337 ONVERBURCHT 0532	Tel: 072162 42 65. Fax: 086537 2361. E-mail: kemp101944@bivand.com Signature: 
Ms	T S MATHOU	Secretary Kopuue	P.O.Box 89 Steenkolkpa- 0533	Tel: Fax: E-mail: Signature: 
Mr.	Mogoki JS	Kopuue head man.	P.O.Box 89 Steenkolkpa- 0533	Tel: .TSKuoqosi Fax: E-mail: Signature:
Ms	Dipuo Moutse	Seleka	Box 2014 Seleka 0509	Tel: Fax: E-mail: Signature: 
Mr	Pereunia Lofae	KgoKwe	P.O BOX 29 Steenkolkpa 0533	Tel: 0797182366 Fax: E-mail: telaeipernia@qunada Signature: 
1	Peilian MOKAU	MARDOS-9		Tel: Fax: E-mail: Signature:

TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS	
				Tel:	
	Paulina Jekwane	Ga-Seiera	P.O Box 4879	Tel: 0722362647	
	Leovic Josephine	Marapeng	P.O Box 4879	Fax:	
	Lucia Thabane	Marapeng	P.O Box 4879	E-mail:	
	Ue F. Mgweni	Ward 03		Signature:	
		Stemboopen		Tel:	
				Fax:	
				E-mail:	
				Signature:	
				Tel:	
				Fax:	
				E-mail:	
				Signature:	



DIGBY WELLS

ENVIRONMENTAL

Date: 10 July 2015
Time: 10h00
Venue: Marapong Public Library

Thabametsi Grave Relocation Consultation

Agenda items:

- Welcome and Condolences to Mrs Helen Mokau's family (Digby Wells and Exxaro)
- Attendance and Apologies (Digby Wells)
- Confirmation of Agenda (Digby Wells)
- Minutes of Previous Meeting (Digby Wells)
- Summary of Legal Framework (Digby Wells, legal input from Exxaro)
- Summary of Process to Date (Digby Wells)
- Purpose of Meeting (Digby Wells and Exxaro)
- Way Forward Regarding NoK Agreements (Exxaro)
- Summary of Agreement Framework (Digby Wells and Exxaro)

Project Name: Thabametsi Grave Relocation

Project No: EXX 0564

Date: 10 July 2015

1 Present

NAME	DESIGNATION	COMPANY
Mrs Qondile Monareng	Public Participation Officer	Digby Wells Environmental
Mr Johan Nel	Grave Relocation Project manager	Digby Wells Environmental
Mrs Babsie Crane	Thabametsi Project Manager	Exxaro
Mr Selvan Subroyen	EOH Exxaro Legal Adviser	Exxaro
Ms Melba Geca	Stakeholder Engagement	Exxaro
Mr Simphiwe Ntozini	Exxaro Senior Specialist-Land Management	Exxaro
Ms Filomaine Swanepoel	Environmental Manager	Exxaro
Mr Abel Sakhau	Manager Environment and Climate change	Exxaro
Advocate Flora Seshoka	Chief Seleka Lawyers Representative	LJ Kgomo Attorneys
Mr Fanie Serumula	Next of Kin	Shongwane
Mrs Catherine Leola	Next of Kin	Ga-Seleka
Mrs Emmy Mashabane	Next of Kin - Rep of late Helen Mokau	Marapong
Mrs Mapule Maria Nkoati	Next of Kin Representative	Ga-Seleka

NAME	DESIGNATION	COMPANY
Mr Israel Nkoati		
Ms Paulina Lefawane	Community Member	Ga-Seleka
Ms Onica Tibanyane	Community Member	Marapong
Mrs M J Tibanyane	Next of Kin - Rep of Tibanyane family	
Mr J Mogotsi	Rep of Headman I S Mogotsi	Steenbokpan
Cllr Frans Magwai	Ward 3 Councillor, Steenbokpan	Lephalale Local Municipality
Cllr Bertha Koadi	Ward 2 Councillor, Marapong	Lephalale Local Municipality
Ms Altinah	Community	Marapong
Ms Francinah Nkosi - Manamela	Community	Marapong
Ms Rosinah Monyeki	Community Member	Marapong
Ms Josephine Leola	Community Member	Marapong
Ms Norah Mashabane	Community Member	Marapong
Mr John Baloyi	Community Member	Marapong

2 Apologies

Mr H L Mocheke - Kgosi Seleka Rep

Mrs Sophia Matlou – Headman IS Mogotsi’s Secretary

3 Approval of Previous Minutes and Matters Arising

Minutes of previous meeting were adopted and approved by the following Next of Kin

- Mr Fanie Serumula
- Mrs M J Tibanyane

- Mrs Emmy Mashabane
- Mrs Maria Nkoati
- Mrs Catherine Leola
- Ms Josephine Leola

4 Current Minutes and Action Items

4.1 Welcome and introduction

Meeting was chaired by Johan Nel (JN).

- JN welcomed everyone present and thanked the audience for their time to attend the meeting.
- Cllr Frans Magwai opened the meeting, by welcoming everybody
- Mr J Mogotsi opened the meeting with a word of prayer
- JN introduced Digby Wells and Exxaro Team.
- Qondile Monareng (QM) requested audience to introduce themselves.

4.2 Purpose of the meeting

The purpose of the meeting was to:

- Summarise the consultation process to date;
- Present the Exxaro Grave Relocation Policy;
- Present the Framework Agreement; and
- Come to a final resolution and way forward.

4.3 Comments Raised

Name	Comment	Response
Mr J Mogotsi	<ul style="list-style-type: none"> ■ The issue of graves that are more than 60 years situated outside a cemetery administered by Municipality it is not accepted, what happens to the graves were falling under Chiefs before. 	Exxaro has engaged with Chief Seleka on this matter
	<ul style="list-style-type: none"> ■ It is good that Exxaro is exhuming the graves because as we speak it is not easy to access the graves where they are situated. 	



	<ul style="list-style-type: none"> ■ During the process of the re-burial I request that no independent caters should be involved, let the families prepare everything themselves 	
Mr Fanie Serumula, NoK	<ul style="list-style-type: none"> ■ I am concerned that we are...all over the show, Exxaro must just tell us what they are prepared to do. The process must come to an end. 	
	<ul style="list-style-type: none"> ■ We need timelines that when will the process of meeting families individually commence 	Families will be phoned end of July 2015 to agree on dates in August 2015
Cllr Bertha Koadi, Ward Cllr	<ul style="list-style-type: none"> ■ That after meeting of 10 July 2015 , Cllrs need to go and speak to the Mayor and arrange a public meeting where every community member will be invited 	<ul style="list-style-type: none"> ■ Exxaro has engaged with the Local Municipality at the Bosberaad
Mrs Catherine Leola, NoK	<ul style="list-style-type: none"> ■ Exxaro is now changing their statement in regards to compensating people. I have gone and put myself in debts with the hope that Exxaro will pay me so I can pay my debts. The mine will make millions in the area but cannot give us even a little compensation. 	
	<ul style="list-style-type: none"> ■ Families never asked for money, Exxaro asked NoK to come up with an amount. ■ We need to sign off and agree so the process can come to an end 	<ul style="list-style-type: none"> ■ If we agree collectively NoK will be consulted individually to confirm requirements and concerned
	<ul style="list-style-type: none"> ■ We request that Exxaro do something the children of the affected families because the old people are passing on every day, liaise with family on what they will do for the children when parents are no more. 	<ul style="list-style-type: none"> ■ SLP is the guidance on what need to be done. The children also need to go to school so that when time comes they can be trainable.



Mrs M J Tibanyane	<ul style="list-style-type: none"> ■ Exxaro realised that the people who are representing the deceased are not educated so they are taking them for granted, If Exxaro is not giving cash let the graves stay where they are. 	Exxaro has never done a grave relocation process and gave people cash as compensation.
	<ul style="list-style-type: none"> ■ When the process starts who will represent grave of Mr Steve Tibanyane's father? 	Mr Tibanyane was consulted he attended the first meeting, and we followed up with him, but at the end he was abusive over the phone. He was invited in all the meetings a letter was personally delivered to him and he refused to accept the letter
Mr Israel Nkoati - NoK rep	<ul style="list-style-type: none"> ■ How will the mine pay for the farm if they do not have cash to compensate the NoK. Exxaro has been sending Digby Wells to meet with NoK because they are hiding something we now know about today 	<ul style="list-style-type: none"> ■ Exxaro is not a Specialist in grave processes, hence they have hired the people who are good at doing the work
Mrs Maria Nkoati - NoK rep	<ul style="list-style-type: none"> ■ We request that we do our ceremonies at our respective homes 	<ul style="list-style-type: none"> ■ When Exxaro visit the families the needs will be discussed to individually
Flora Seshoka, Legal Advisor to Seleka Traditional Authority; Municipal and Ward Councillors	<ul style="list-style-type: none"> ■ We agree that the graves are moved, but we need the mine to be clear is prepared to do for the NoK 	Exxaro has a SLP in Place which Chief Seleka requested a copy
	<ul style="list-style-type: none"> ■ As Attorneys we have gone through the laws and there is nowhere where the law say cash as compensation is required. As the people were promised cash Exxaro and Digby Wells should apologise 	Exxaro apologises that the issue of money raised was a mistake. Nowhere else Exxaro pays cash to NoK.

4.4 Closing and next meeting

- Cllr Bertha Koadi closed the meeting in prayer.
- It was agreed that the next meetings between Exxaro and the individual families to sign the relevant documents will be communicated end of July 2015.
- Johan once again thanked all those present for their time.



DIGBY WELLS ENVIRONMENTAL

ATTENDANCE REGISTER NEXT of KIN MEETING

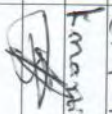
GRAVE RELOCATION PROCESS FOR THE PROPOSED THABAMETSI COAL MINE LEPHALALE LOCAL MUNICIPALITY,
LIMPOPO PROVINCE, SOUTH AFRICA

DATE: 10-July 2014 VENUE: Marapong Public Library

PROJECT: Thabametsi Grave Relocation TIME: 10:00 - 13:00

Digby Wells and Associates (South Africa) (Pty) Ltd (Subsidiary of Digby Wells & Associates (Pty) Ltd). Co. Reg. No. 2010/008577/07. 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: DJ Otto, GB Berlinger, LF Koelsing, 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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M J	Tibanyane		0835 103093	Tel/Cell: Signature: E-mail: Fax: Signature: Tel/Cell: Fax: E-mail: Signature:	078 2390115
	Emmy Mtsinabane		072890608	Tel/Cell: Signature: E-mail: Fax: Signature: Tel/Cell: Fax: E-mail: Signature:	Phoa
M.O	Onica Tibanyane		Merapony EXT 1 Moswe se 981 0556	Tel/Cell: Signature: E-mail: Fax: Signature: Tel/Cell: Fax: E-mail: Signature:	07212019914
	Catistine Jeola		P.O Box 4879 Enkelbuit 0556	Tel/Cell: Signature: E-mail: Fax: Signature: Tel/Cell: Fax: E-mail: Signature:	07223626471
	Paulina Mefawano			Tel/Cell: Signature: E-mail: Fax: Signature:	

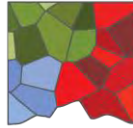


TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS	
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	Esral Nkoki		11	Tel/Cell: 0836679657 Fax: E-mail: Signature:	
	Fanie Senumera		P.O Box 1825 LePhalala. 0885	Tel/Cell: Fax: E-mail: Signature:	
	Jan Moko		P.O. Box 50 T.B.Z 0380	Tel/Cell: Fax: E-mail: Signature:	
	SELVAN SEPORAN	GGTA		Tel/Cell: 082927248 Fax: E-mail: Signature:	
	Robbie Crane	EXXans		Tel/Cell: 0834171057 Fax: E-mail: Signature:	



TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
Mr	Frene Mogwai	Exxaro Human Care	PO Box 1598 LEPHALE 0535	Tel/Cell: 079338547 / 0780065220 Fax: — E-mail: F.mogwai1979@gmail.com Signature:
Mr	Simphiwe Ntziwa	Exxaro Pretoria	Exxaro Head-office Pretoria	Tel/Cell: 083 662 1104 Fax: — E-mail: Simphiwe.Ntziwa@exxaro.co.za Signature:
Ms	Florence Swuspod	Exxaro	Box 178 Lephalale 0555	Tel/Cell: 083 609 6177 Fax: — E-mail: Florence.Swuspod@exxaro.co.za Signature:
Mr	Abel Salkau	Exxaro	Pretoria West Sax HA	Tel/Cell: 083 289 3256 Fax: — E-mail: abel.salkau@exxaro.co.za Signature:
Mrs	Melba Vera	Exxaro	11	Tel/Cell: melba.vera@exxaro.co.za Fax: — E-mail: — Signature:
Mrs	Betha Keadi	Exxaro	Paprika Sheds Tlokoeng	Tel/Cell: 079 633 1183 Fax: — E-mail: — Signature: —

TITLE	NAME AND SURNAME	ORGANISATION	POSTAL ADDRESS	CONTACT DETAILS
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MS	Althea Resus	ward 02	PAPRIKA STARKS MARAPONG	Tel/Cell: 072 8779972 Fax: E-mail: Signature:
MS	FRANCINA NKOSI MANAMELA	WARD 02 COMMUNITY MEMBER	CAPTAIN TILULARA PARK MARAPONG	E-mail: francin@emlynkosi@gmail.com Signature: 
	MONYETA FROSINAH	WARD 2	MARAPONG	E-mail: 0790503602 Signature: Tel/Cell: Fax:
	JOHN BALEGI	WARD 2	PAPRIKA STARKS MARAPONG	E-mail: Signature: 0608233576 Tel/Cell: Fax:
	HELEN MASHEBANE	WARD 2	MARAPONG	E-mail: Signature: 0737548177 Tel/Cell: Fax: E-mail: Signature:



DIGBY WELLS

ENVIRONMENTAL

Project Name: Exxaro Coal Thabametsi Project GRP
Project No: EXX 0564
Date: 17 November 2015

1 Present

Name	Designation	Company / affiliation
Melba Geca (MG)	Stakeholder engagement manager	Exxaro
Selvan Subroyen (SS)	Exxaro legal advisor	EOH
Johan Nel (JN)	Project manager	Digby Wells
Adv. Flora Seshoka (FS)	Seleka Traditional Authority legal advisor	L J Kgomo Attorneys
Tele Maphoto (TM)	Head of Programmes: Restitution	Department of Rural Development and Land Reform
Adv. Kgositoi Sedupane (KS)	Commissioner	CRL
Steven Tibanyane (ST)	NoK	Grave on Vaalpensloop
Peter Tibanyane (PT)	NoK (brother to S Tibanyane)	
Joe Ngobeni (JNg)	Member of Tibanyane, Maluleke, Ngobeni Trust	
David Maluleke (DM)	NoK	Graves on Jackalsvley
Linah Sebete (LS)	Relative	Unknown

2 Apologies

None recorded.

3 Purpose of meeting

Mr Steven Tibanyane has requested Exxaro to arrange a meeting with the CRL to discuss the Thabametsi grave relocation process.

4 Minutes of meeting

- MG opened the meeting and welcomed everyone present, and requested all to introduce themselves.
- MG stated the purpose of this meeting:
 - ST requested a meeting with the CRL; and
 - Exxaro and the CRL met on 16 October 2015, where the Thabametsi Grave Relocation Process (GRP) was explained.
- KS provided CRL overview:
 - KS requested TM to attend this meeting to explain the land claims process to the NoK; and
 - Explain that part of this meeting is to see what challenges are being experienced.
- MG provided an overview of the GRP to date:
 - Exxaro bought the farms Vaalpensloop, Jackalsvley and Van der Waltspan for the Thabametsi Project;
 - Graves were identified during the environmental assessments;
 - Impact assessments indicated that graves will be adversely affected by the Thabametsi Project and will need to be relocated;
 - Exxaro commenced with the consultation process that to date has been ongoing for almost two years;
 - Only families who have not agreed to grave relocation are Maluleke, Matlou and Tibanyane; and
 - Exxaro will proceed with permit application, but wants to reach consensus with all NoK before allowing the law to take its course.
- SS indicated that he has been involved in all Exxaro GRPs, including two in Mpumalanga and that:
 - Exxaro is committed to following the letter of the law; and



- Exxaro is satisfied that it has to date more than complied with all legal requirements.
- MG stated that Exxaro is aware of land claims on its properties, including a claim lodged by the Seleka Traditional Authority, However, the land claims process falls under the mandate of the Department of Rural Development and Land Reform and is separate from the GRP;
- SS confirmed that the grave relocation and land claims processes are separate, but that the GRP in fact strengthens a land claim as it provides official records of all graves on properties;
- ST asked when Exxaro started visiting Vaalpensloop and provided a history of his association with Vaalpensloop that included:
 - ST lived on Vaalpensloop since 1985;
 - The previous land owner, Louis Rossel, evicted ST in 1995;
 - ST has since lived in Marapong, but checked periodically on his 'property' and graves;
 - Louis Rossel demolished his 'property' in 2012;
 - ST moved to Vaalpensloop in 2013 to ensure the safety of his grave; and
 - ST received a letter from Exxaro in 2013 stating that he is not allowed to live on farm, and the sheriff removed all his possessions.
- KS stated that as current land owners, Exxaro does not want anyone to reside on the farm;
- KS further enquired from ST:
 - Why ST does not want grave to be relocated;
 - Whether it is due to the land claim or for traditional reasons; and
 - KS stated that the graves will be directly affected by the mine development.
- ST responded that:
 - Vaalpensloop is his land as he was born there;
 - Graves cannot be relocated because he wants to go back and farm there; and
 - If graves are relocated, the land claim will be affected.
- DM stated that he disagreed with the GRP, but that:
 - If graves must be relocated, they must be moved to another part of the farm, where the graves can be fenced and be accessible; and

- His ancestors only know that area (Jackalsvley).
- JNg stated that he doesn't know where all his graves are as he last visited them in 1961;
- LS stated that only black graves are being relocated;
- SS responded that any grave – irrespective of the deceased or the descendants being white or black – will be relocated if it is to be affected;
- ST stated that he is only interested in the land claim, and will not discuss the GRP;
- MG responded that the two processes are separate, and that a permit application will be submitted to SAHRA to relocate the graves;
- DM responded that what is being communicated is that graves will be relocated “like it or not”;
- SS responded that:
 - Exxaro will only act in law;
 - Exxaro can apply for the relocation permits; and
 - The final decision rests with SAHRA and the Government.
- MG requested TM to present the Department of Rural Development and Land Reform's case;
- TM stated that:
 - Dealing with graves is an emotional issue, and consultation needs to take into account the emotional journey whilst acting in law: ideally, agreements should be reached between all parties;
 - According to the Department of Rural Development and Land Reform, to lodge a land claim the claimants must have been forcibly removed;
 - Claimants must have been land owners or labour tenants; and
 - If the claimants have moved by themselves, they will not be eligible.
- KS requested that meeting be adjourned to allow families to enter into private discussion with the KS and TM.

5 Closure

The meeting was adjourned with the intention that KS and TM undertake a site visit. Afterwards, no consensus on who should attend the site was reached among the NoK, and no site visit took place.



Appendix C: Signed agreements

GENERAL AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd

(hereinafter referred to as "Exxaro")

And

LEOLA MATHOGE CATHEMPE

Identity number: 570321 0621 081

(hereinafter referred to as "Next-of-Kin")

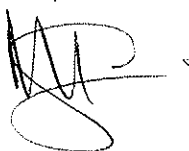
1 DEFINITIONS

Unless the context otherwise indicates –

- 1.1 "**Exxaro**" means Exxaro Coal (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with its registered address at Exxaro Corporate Offices, corner Roger Dyason & Voortrekker Roads, Pretoria, Gauteng.
- 1.2 The "**Consultant**" means Digby Wells and Associates (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
- 1.3 The "**NoK**" means Next-of-Kin which is Leola Mathoge Cathepe, with identity number 540321 0621 081 bona fide NoK of _____ ("the Deceased") as attested to in the Affidavit signed on _____ and attached hereto marked Annexure "A".
- 1.4 The "**Deceased**" means _____
- 1.5 The "**Thabametsi Burial Grounds and Graves Consultation Report**" means the final report that will be submitted to the South African Heritage Resources Agency as record of consultation.
- 1.6 The "**Conservation Management Plan**" means the Agreement between Exxaro and NoK with regard to in situ conservation and management of graves that will not be relocated.
- 1.7 The "**Grave Relocation Plan**" means the Agreement between Exxaro and NoK with regard to the exhumation, relocation and reburial of the contents of graves.

2 BACKGROUND OF AGREEMENT

- 2.1 The core principles of this Agreement are based on the consultation process, informed by the legal framework outlined in the document titled Thabametsi Burial Grounds and Graves Consultation Report. NoK participated in the decision-making process with regard to a



M-C

Conservation Management Plan and Grave Relocation Plan in the event that graves remain preserved in situ, or that their deceased relatives are relocated in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

3 AGREED PRINCIPLES WITH REGARD TO THE CONSERVATION MANAGEMENT PLAN

- 3.1 Management of in situ conserved gravesites shall be a joint responsibility between Exxaro and NoK.
- 3.2 The primary onus is on Exxaro both as landowner and developer to ensure in situ conserved grave sites are protected and any changes to the conservation status communicated to the NoK.
- 3.3 The Conservation Management Plan shall be included into all operational plans, procedures and programmes established by Exxaro and should be reviewed every five years.
- 3.4 All identified NoK shall be afforded the opportunity to provide input into consequent revisions of the Conservation Management Plan through consultation with regard to on-going conservation, presentation and improvement of burial grounds and graves in the following manner:
 - 3.4.1 identify NoK will be informed of any proposed revisions to the Conservation Management Plan;
 - 3.4.2 copies of the Conservation Management Plan will be made available to the NoK on request; and
 - 3.4.3 NoK will be afforded a 30 day review period to provide input into the revised Conservation Management Plan.
- 3.5 Exxaro shall protect and conserve burial grounds and graves that shall remain in situ in the project area.
- 3.6 Exxaro shall be responsible to maintain the status quo of gravesites that are to be conserved in situ by means of:
 - 3.6.1 fencing of gravesites;
 - 3.6.2 proper recording and mapping of gravesites;
 - 3.6.3 cleaning gravesites in lieu of unrestricted access by NoK; and
 - 3.6.4 monitoring the conservation status of gravesites.
- 3.7 Exxaro shall allow NoK access to conserved burial grounds and graves to ensure sustainable use of the sites and safeguard their cultural significance including the rights to:
 - 3.7.1 repair, restore and rehabilitate gravesites this is necessary due to natural processes of age and decay, at the costs of the NoK.
 - 3.7.2 improve gravesites by maintaining existing, and erecting new, grave dressings, at the costs of the NoK; and
 - 3.7.3 perform activities related to their living heritage associated with gravesites, at the costs of the NoK.
- 3.8 Exxaro shall grant NoK access to gravesites provided that:
 - 3.8.1 NoK arrange access with the Mine in writing at least two weeks prior to intended visits;

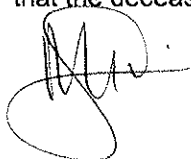


- 3.8.2 NoK inform Exxaro of the number of people who shall be visiting the gravesites;
- 3.8.3 NoK conform to all Exxaro health and safety procedures with regard to visitor access to operational mine property; and
- 3.8.4 NoK declare the intent of the visit that may include:
 - 3.8.4.1 site access required to perform ceremonies that may include the use of traditional beer at the gravesite;
 - 3.8.4.2 the NoK will not bring into the Mine any other alcohol, other than traditional beer if required;
 - 3.8.4.3 site access required to perform ceremonies that may include the slaughtering of live animals at the gravesite; and
 - 3.8.4.4 site access required to erect new grave dressings at the gravesite.
- 3.9 Exxaro shall transport NoK from the main visitor's gate and return them to the gate in an approved mine transport vehicle.
- 3.10 Exxaro reserves the right to request informed indemnity from all NoK who shall be visiting gravesites from injury or death that may result from pre-existing health complications that any NoK may experience.
- 3.11 NoK shall be required to provide informed indemnity for every site visit.
- 3.12 The indemnity shall, however, not extend to any loss, injury, death or other impact on NoK that may result from any actions related to Exxaro's operations.
- 3.13 NoK shall be responsible to notify Exxaro of any changes to the conservation status of gravesites due to repairs, restoration, rehabilitation or erecting of new grave dressings, to allow Exxaro to update their monitoring conservation.
- 3.14 Exxaro shall inform NoK of any changes to burial grounds and graves because of project activities, or changes in ownership.
- 3.15 Exxaro shall be liable for all costs required to repair, replace, rehabilitate or relocate graves damaged because of project activities.

4 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to principles of grave relocation.

- 4.1 Exxaro has provided NoK with the right to participate in the decision-making process with regard to graves that shall be exhumed, relocated and reburied.
- 4.2 Exxaro shall pay all costs associated with grave relocation including:
 - 4.2.1 appointing a qualified and registered archaeologist to manage the grave relocation process; and
 - 4.2.2 cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of the archaeologist.
- 4.3 Exxaro shall pay all costs required to re-establish graves at places of reburial including:
 - 4.3.1 removing, relocating and re-erecting formal, granite grave dressings;
 - 4.3.2 replacing informal grave dressings with standard granite headstones and ensure that the deceased's details are accurately recorded on such;



M.C

- 4.3.3 Exxaro shall ensure that all grave dressings record the original place or burial and the date on which relocation took place; and
- 4.3.4 Exxaro shall also cover the costs to repair or replace grave dressings damaged because of relocation with similar dressings; and
- 4.3.5 Exxaro shall ensure that new gravesites are registered in the names of the bona fide NoK.
- 4.4 NoK shall be responsible for costs of improvement and presentation of new gravesites after re-establishment.
- 4.5 NoK shall have the right to stipulate where their deceased relatives shall be reburied, within reason and subject to approval by Exxaro, and relevant legal frameworks, provided that such stipulations are submitted to Exxaro during the course of the consultation process and prior to Exxaro submitting all required permit applications.
- 4.6 Exxaro shall pay all costs associated with the procurement and registration of new grave plots.
- 4.7 Exxaro shall acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves.
- 4.8 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:
 - 4.8.1 costs to procure livestock required for traditional customary sacrificial purposes; and
 - 4.8.2 foodstuff required during the traditional customary ceremony.
- 4.9 Exxaro shall not pay NoK cash to compensate for any living heritage.
- 4.10 Exxaro may, in its own discretion and at any time prior to the relocation of the graves, notify the NoK if the proposed Thabametsi Project is delayed or cancelled for whatever reason in which event Exxaro may terminate this agreement by giving 30 (thirty) days' written notice to the NoK of such termination.

I, LEOLA Mathogo Cathwire

hereby agree to the principles contained in this Agreement with regard to the grave of the late

Tibanyane Kioab Kulu

in my capacity as

Daughter



Signed at Ga Seleka

on 14 August 2015.

AS WITNESSES:

Mc Leza

Jahon Nel

Next-of-Kin

Name: Jahon Nel

Name: Leza M.C.

Title: Mrs.

Signed at Ga Seleka

on 14 August 2015.

For and on behalf of Exxaro Coal (Pty) Ltd in its capacity as the Developer, who warrant that s/he is duly authorised.

AS WITNESSES:

Melba Geca

Jahon Nel

Name: Melba Geca

Name: Jahon Nel

Title: Stakeholder Engagement Manager

Signed at Ga Seleka

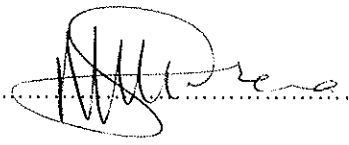
on 14 August 2015.

For and on behalf of AS WITNESSES:

in its / her / his capacity as the landowner,
who warrant that s/he is duly authorised.



.....



.....

Name: Johan Nel

Name: Mella Geera


Title: Stakholder Engagement Manager

ANNEXURE "A" PREFERRED REBURIAL SITES

I, Leola Marhoge Cathrine

 _____ (identity number) 570321 0621 081 living in
Gr - Sebele Tlo 3023 in my capacity as the bona fide next of kin of
Tibanyane Klaas Klube request that my deceased relative be
 reburied at the following cemeteries, provided that sufficient grave plots are available.

Name of deceased	Grave number	Preferred place of reburial
KLAAS KHUSA TIBANYANE		MARAPONG

M.C 

Signed at Gar - Sealed No 30203 on this day
16 of August in the
year 2015.

Leora Motnaga Catherine M-C Leora
Next of Kin Name and Surname Signature

Melba Geira [Signature]
For Exxaro Name and Surname Signature

Johan Wel [Signature]
For Digby Wells Name and Surname Signature

NEXT-OF-KIN AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd

(hereinafter referred to as "Exxaro")

And

LEOLA MATHAGA CATURNE

Identity Number: 570321 0421 081

(hereinafter referred to as "Next-of-Kin")

1 DEFINITIONS

Unless the context otherwise indicates –

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- 1.2 The "Consultant" means Digby Wells and Associates (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
- 1.3 The "NoK" means Next-of-Kin which is LEOLA MATHAGA CATURNE, with identity number 570321 0421 081 bona fide NoK of _____ ("the Deceased") as attested to in Affidavit signed on _____ attached hereto as Annexure "A".
- 1.4 The "Deceased" means _____.
- 1.5 The "General Agreement" means the Agreement between the NoK and Exxaro based on the Entitlement Framework and Belfast Burial Grounds and Graves Consultation Report.
- 1.6 The "Conservation Management Plan" means the Agreement between Exxaro and NoK with regard to in situ conservation and management of graves that will not be relocated.

M.C

2 BACKGROUND OF AGREEMENT

The identified bona fide NoK and Exxaro hereby agree to the contents of the *General Agreement* derived from consultation between the NoK and Exxaro as conducted by the Consultant in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

3 IDENTIFICATION OF NEXT-OF-KIN

- 3.1 The NoK hereby confirms that Exxaro has given him or her the right to be consulted with regard to the future of the remains of the Deceased and that the consultation process:
- 3.1.1 provided him or her with all relevant information that was explained;
 - 3.1.2 informed him or her of his or her rights and responsibilities with regard to the future of the Deceased grave;
 - 3.1.3 enabled him or her to provide inputs and make decisions freely and without any undue influence by Exxaro or the Consultant or any other party; and
 - 3.1.4 was fair and transparent.

4 AGREEMENT WITH REGARD TO CONSERVATION MANAGEMENT PLAN

The parties hereby agree to the principles of the Conservation Management Plan.

5 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to the principles set out in clause 6 below regarding the grave relocation.

6 GRAVE RELOCATION

- 6.1 Exxaro will pay all costs associated with the exhumation, relocation and reburial of the Deceased as per the General Agreement.
- 6.2 The remains of the Deceased will be exhumed and placed into a new standard coffin as requested by the NoK and approved by Exxaro.
- 6.3 The remains of the Deceased will be reburied at _____ ("the Reburial Site").
- 6.4 Exxaro will remove, relocate and erect a new headstone at the Reburial Site.
- 6.5 The headstone or grave marker will be a manufactured granite stone with the following specifications:
- 6.5.1 measure _____ millimeters wide X _____ millimeters high X _____ millimeters; or
 - 6.5.2 measure _____ millimeter wide X _____ millimeters high X _____ millimeters thick at the base; or
 - 6.5.3 the nearest equivalent available at such time.



M.C.

- 6.6 The inscription will read as per the instructions by the NoK contained in Annexure "B" of this Agreement and shall include:
- 6.6.1 the name of Deceased
 - 6.6.2 date of birth
 - 6.6.3 date of death
 - 6.6.4 a personalised message
 - 6.6.5 relocated from _____ on _____

7 EXPRESSION OF LIVING HERITAGE

- 7.1 Exxaro will allow traditional customary rituals to be performed at the gravesite, if required, provided that:
- 7.1.1 the ceremony will occur on a date agreed on between the NoK and Exxaro;
 - 7.1.2 due to health and safety concerns attendance of this on-site ritual will be restricted to a number of people agreed on between the NoK and Exxaro; and
 - 7.1.3 Exxaro will arrange access to the gravesite and provide transport if required by the NoK who will be performing the ceremony.
- 7.2 A customary ceremonial event ("the Event") will be held at _____.
- 7.3 The Event will be held on the _____ immediately preceding commencement of exhumation.
- 7.4 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:
- 7.4.1 procurement of the listed requirements agreed between the NoK and Exxaro as per Annexure "C" of this Agreement;
 - 7.4.2 purchasing live sacrificial animals as agreed between the NoK and Exxaro as per Annexure "C" of this Agreement.
- 7.5 Exxaro will not supply any alcoholic beverages at the Event with the exception of traditional beer required to perform certain ceremonial activities associated with the living heritage of the NoK.
- 7.6 Exxaro agrees to arrange transport to and from the Event if necessary.



8 CONSENT

I, Leola Mathias Cathine
identity number 640321 6621 081

hereby request and provide full, prior and informed consent for the exhumation, relocation and reburial of the late

Therese Kees Kunt

in my capacity as

Daughter

Signed at San Pedro

on 14 August 2015.

AS WITNESSES:

M.C. Hoek

Next-of-Kin

Name: Johan Nel

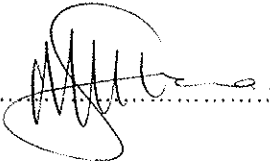
Name: Leola Mathias

Title: Mrs

Signed at San Pedro

on 14 August 2015.

For and on behalf of Exxaro Coal (Pty) Ltd in **AS WITNESSES:**
its capacity as the Developer, who warrant
that s/he is duly authorised.


.....

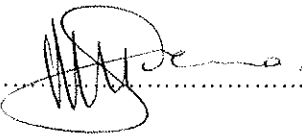
Name: Mella Geera.....

Title: Stakeholder Engagement Manager.....

Signed at on 2015.


For and on behalf of **AS WITNESSES:**

.....
in its / her / his capacity as the landowner,
who warrant that s/he is duly authorised.



.....

Name: Mella Geera.....

Title: Stakeholder Engagement Manager.....


.....

Name: Johan Nel.....


.....

Name: Johan Nel.....

LENGWALO LA BOHLATSE
DILO TŠE DI NYAKEGAGO TŠA BAMELOKO

Nna, Catherine MATHAGA LEOLA

Wa GA-SELEKA. 30203

Ke mo go ikana goba go dumela gore bohlatse bjalo ka moloko wa mohu bo ke bo fang ke nnete.

Ke nna *bona fide* wa leloko la mohu Klaas Khube Tibanyane.

Yo a ithobaletšego mo Vanpenstrop.

Ka 1960-04-09

Tswalano yaka le bahu ke ye e latelago (kenya le leswao):

1. Molekane yoa phelago

X

2. Ngwana o mogolo

3. Batswadi

4. O mogolo wa (Kgaetšedi goba buti)

5. Ba Meloko ba kgauswi ba babagolo,
efa maina:

MC LEOLA

Catherine (M) Leola

Tshaeno

Ngwala Leina le Sefane

Saenne lego ikana pele gaka

Mo Mogosi Nephatale

Ka June Letsatsi 26 Ka ngwaga wa 2014.


Tseba gore o amogela le go kwesisa se se lego mo bohlatšeng bjo bo ngwadilwego mo.


Masetrata / Tokaya kgotso / Moeniši (phumula ge e segona) 26 June 2014

SUZETTE HARTZER
COMMISSIONER OF OATHS
SECTION 9, FERN ISLE BUILDING
359 PRETORIA AVENUE, RANDBURG
TEL: 011 789-9495

Sekgoba sefe se se beilwego _____

Gaeba kgetho ebile gona, eswaretse lefelo lefe: _____



M-C

ANNEXURE "B:" INSCRIPTION ON NEW HEADSTONE

B1	NAME OF DECEASED	
B2	DATE OF BIRTH	
B3	DATE OF DEATH	
B4	PERSONALISED MESSAGE	



M-C

Leola family (1x grave) *Require Services of Traditional Healer and Reverend.*

Item No.	Item Description	Quantity requested
.1.01	Cow - Live, to be slaughtered at Maripang.	1 cow
.1.02	Goat/sheep <i>Ewe, white with arbor red and black head</i>	1 goat
.2.01	Baking powder	3 packets x 500g.
.2.02	Beans <i>Baked. Green Butter</i>	24 packets Tins,
.2.03	Chakalaka - Mild	24 tins
.2.04	Chicken spice <i>BBQ Portuguese Spice</i>	4 packets <i>125mg x 2 125mg x 2</i>
.2.05	Chutney	2 bottles x 1.5kg.
.2.06	Coffee - Frisco - Mico	2 x 750 g tins
.2.07	Cooking oil	3 x 5 l bottles
.2.08	Flour	2 bags x 12.5kg.
.2.09	Full Cream long life milk	2 x 6 pack
.2.10	King Korn	12.5 kg x 2
.2.11	King Korn	
.2.12	Klim powder milk <i>Nespray 700g x 1</i>	
.2.13	Koo Beans	
.2.14	Mabele	2 x 25 kg
.2.15	Macaroni <i>1 x 5kg.</i>	
.2.16	Maize meal	
.2.17	Maize meal	
.2.18	Maize meal	

M.A.C.

.2.19	Margarine - RAMA	24 blocks x 500g.
.2.20	Mayonnaise - Nk 1.5kg x 2.	
.2.21	Minestrone soup Pa	
.2.22	Nola mayonnaise	
.2.23	Rajah Mild Spice	2 packets
.2.24	Rice - 3 x 10kg.	
.2.25	Tea, Five Roses	2 x 500 g boxes
.2.26	Tea, Joko	
.2.27	Tea, Rooibos 11 o'clock	2 boxes
.2.28	Salt	2 packets x 1kg
.2.29	Soup Brown Onion Minestrone Chicken, baby	10 x 2 packets x 125g.
.2.30	Sugar, brown	2 x 10 kg
.2.31	Sugar, white -	2 x 12.5 kg
.2.32	Tomato Sauce all cold - 750g x 6	
.2.33	Tomato Sauce	
.2.34	Vinegar	2 bottles x 3l
.2.35	Yeast - Instant	8 packets
.3.01	Beetroot	3 bags
.3.02	Butternut 3 bags	
.3.03	Cabbage	12 heads
.3.04	Carrots	10 bags 3x 5kg.
.3.05	Cucumber 10 each	
.3.06	Green peppers	2 bags

[Handwritten signature]

M.C

.3.07	Lettuce	6 head
.3.08	Onions	2 bags x 5 kg
.3.09	Potatoes	3 bags x 7.5 kg
.3.10	Pumpkin	2 bags
.3.11	Sweet potatoes	2 bags x 5 kg.
.3.12	Tomatoes 2x crates	
.4.01	Chicken Drumsticks 2x 5kg Wings 3x 5kg	12 packs
.5.01	Coke	5 cases
.5.02	Fanta Pine 1x Grape 2x	3 cases
.5.03	Juice Minute Maid Breakfast 2x cases	
.5.04	Sprite	3 cases
.5.05	Fab Water 500ml 10x 24 pack	
.5.06	Lemon Twist	
.6.01	Disposable Plates	
.6.02	Fire wood	1x load fire wood
.6.03	Take aways (assume polystyrene containers)	200

- Green ep Tort 1PKT (Big)
- Tuna Tins 500g Tins x 2
- Eggs x 60
- Coconut 1kg x 4
- Dry mixed Quinoa 1kg x 4
- Bicarbonate of Soda 1PKT (Big)

M.C

Catering
~~Ishimoto~~ Leala

Maize meal 2 50kg

Mabele (Segaron) 2 20kg

Flour 2

White sugar 2 12.5kg

Brown sugar 2 10kg

Cooking oil 5L x 3

Baking powder 2

yeast 8

Margarine 24

Salt 2

Soap 10x2

Chicken spice 4

Rajah mild spice 2

Tea

Five Aces 1x2 500g

Coffee 2 150g

Roobas tea 2

Full cream milk

Vinegar 2

vegetables

pumpkin 2 bags

Beek root 3 bags

Carrots 10 bags

Cabbage 12

Potatoes 3 bags

Onions 2 bags

Green pepper 2 bags

Sweet potatoes 2 bags

Lettuce 6

King Corn 12.5 kg 1x2.

Beans 24 pack

Chokolata 24 pack

Chukney 2

Soft Drinks

Coke 5 case

Fanta 3 Case

Sprite 3 Case

Alcohol

Mansa 4 Case

Coke like 4 case

Black label 4 case

Hunters Gold 4 case

Savana 4 case

Cow and Goat ●

Chicken 12 packs

Fire woods

Takeaways

People who will be leave

Family - 50

Children - 30 + 50

old age / dependent old age - 30 char



AMENDED CONSENT FOR EXHUMATION AND REBURIAL

Herewith I, Catherine Leola (identity number) 5703210421081 the bona fide next-of-kin of the late KLAAS TIBANYANE

consent to the exhumation of the above deceased person/s and the reburial of the mortal remains at:

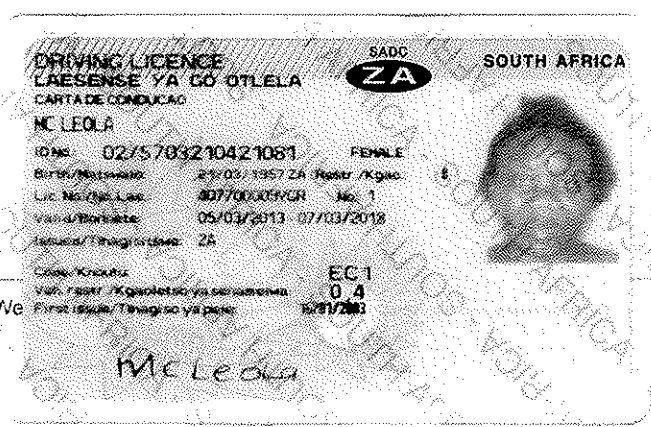
- Onverwacht cemetery [X] Thabo Mbeki cemetery Steenbok cemetery

Signed by CATHERINE LEOLA name and surname

on this day 5 of MAY 2016.

NoK signature *MC LEOLA

Witnessed by Johan Nel name and surname [Signature] signature



GENERAL AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd

(hereinafter referred to as "Exxaro")

And

Mokgaeji Emmie Masabane

Identity number: 541114 0367 081

(hereinafter referred to as "Next-of-Kin")

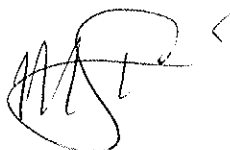
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- 1.3 The "NoK" means Next-of-Kin which is Emmie Masabane, with identity number 541114 0367 081 bona fide NoK of as per affidavit ("the Deceased") as attested to in the Affidavit signed on 14 August 2014 and attached hereto marked Annexure "A".
- 1.4 The "Deceased" means As per affidavit
- 1.5 The "Thabametsi Burial Grounds and Graves Consultation Report" means the final report that will be submitted to the South African Heritage Resources Agency as record of consultation.
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- 1.7 The "Grave Relocation Plan" means the Agreement between Exxaro and NoK with regard to the exhumation, relocation and reburial of the contents of graves.

2 BACKGROUND OF AGREEMENT

- 2.1 The core principles of this Agreement are based on the consultation process, informed by the legal framework outlined in the document titled Thabametsi Burial Grounds and Graves Consultation Report. NoK participated in the decision-making process with regard to a



Conservation Management Plan and Grave Relocation Plan in the event that graves remain preserved in situ, or that their deceased relatives are relocated in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

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- 3.1 Management of in situ conserved gravesites shall be a joint responsibility between Exxaro and NoK.
- 3.2 The primary onus is on Exxaro both as landowner and developer to ensure in situ conserved grave sites are protected and any changes to the conservation status communicated to the NoK.
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 - 3.7.2 improve gravesites by maintaining existing, and erecting new, grave dressings, at the costs of the NoK; and
 - 3.7.3 perform activities related to their living heritage associated with gravesites, at the costs of the NoK.
- 3.8 Exxaro shall grant NoK access to gravesites provided that:
 - 3.8.1 NoK arrange access with the Mine in writing at least two weeks prior to intended visits;

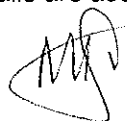


- 3.8.2 NoK inform Exxaro of the number of people who shall be visiting the gravesites;
- 3.8.3 NoK conform to all Exxaro health and safety procedures with regard to visitor access to operational mine property; and
- 3.8.4 NoK declare the intent of the visit that may include:
 - 3.8.4.1 site access required to perform ceremonies that may include the use of traditional beer at the gravesite;
 - 3.8.4.2 the NoK will not bring into the Mine any other alcohol, other than traditional beer if required;
 - 3.8.4.3 site access required to perform ceremonies that may include the slaughtering of live animals at the gravesite; and
 - 3.8.4.4 site access required to erect new grave dressings at the gravesite.
- 3.9 Exxaro shall transport NoK from the main visitor's gate and return them to the gate in an approved mine transport vehicle.
- 3.10 Exxaro reserves the right to request informed indemnity from all NoK who shall be visiting gravesites from injury or death that may result from pre-existing health complications that any NoK may experience.
- 3.11 NoK shall be required to provide informed indemnity for every site visit.
- 3.12 The indemnity shall, however, not extend to any loss, injury, death or other impact on NoK that may result from any actions related to Exxaro's operations.
- 3.13 NoK shall be responsible to notify Exxaro of any changes to the conservation status of gravesites due to repairs, restoration, rehabilitation or erecting of new grave dressings, to allow Exxaro to update their monitoring conservation.
- 3.14 Exxaro shall inform NoK of any changes to burial grounds and graves because of project activities, or changes in ownership.
- 3.15 Exxaro shall be liable for all costs required to repair, replace, rehabilitate or relocate graves damaged because of project activities.

4 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to principles of grave relocation.

- 4.1 Exxaro has provided NoK with the right to participate in the decision-making process with regard to graves that shall be exhumed, relocated and reburied.
- 4.2 Exxaro shall pay all costs associated with grave relocation including:
 - 4.2.1 appointing a qualified and registered archaeologist to manage the grave relocation process; and
 - 4.2.2 cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of the archaeologist.
- 4.3 Exxaro shall pay all costs required to re-establish graves at places of reburial including:
 - 4.3.1 removing, relocating and re-erecting formal, granite grave dressings;
 - 4.3.2 replacing informal grave dressings with standard granite headstones and ensure that the deceased's details are accurately recorded on such;



- 4.3.3 Exxaro shall ensure that all grave dressings record the original place or burial and the date on which relocation took place; and
- 4.3.4 Exxaro shall also cover the costs to repair or replace grave dressings damaged because of relocation with similar dressings; and
- 4.3.5 Exxaro shall ensure that new gravesites are registered in the names of the bona fide NoK.
- 4.4 NoK shall be responsible for costs of improvement and presentation of new gravesites after re-establishment.
- 4.5 NoK shall have the right to stipulate where their deceased relatives shall be reburied, within reason and subject to approval by Exxaro, and relevant legal frameworks, provided that such stipulations are submitted to Exxaro during the course of the consultation process and prior to Exxaro submitting all required permit applications.
- 4.6 Exxaro shall pay all costs associated with the procurement and registration of new grave plots.
- 4.7 Exxaro shall acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves.
- 4.8 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:
- 4.8.1 costs to procure livestock required for traditional customary sacrificial purposes; and
- 4.8.2 foodstuff required during the traditional customary ceremony.
- 4.9 Exxaro shall not pay NoK cash to compensate for any living heritage.
- 4.10 Exxaro may, in its own discretion and at any time prior to the relocation of the graves, notify the NoK if the proposed Thabametsi Project is delayed or cancelled for whatever reason in which event Exxaro may terminate this agreement by giving 30 (thirty) days' written notice to the NoK of such termination.

1. Mokgaetjie Emmie Mashabane

hereby agree to the principles contained in this Agreement with regard to the grave of the late

Mheroane Tsinyane & Misoack Lesilama

in my capacity as

Grand-daughter



Signed at Marapong

on 14 August 2015.

AS WITNESSES:

Emmie



Next-of-Kin

Name: Johan Nel

Name: Matsoetji Emmie Mashabane

Title: Mrs.

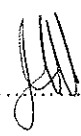
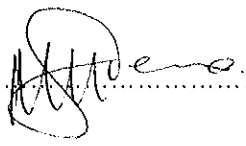
Signed at

on

2015.

For and on behalf of Exxaro Coal (Pty) Ltd in its capacity as the Developer, who warrant that s/he is duly authorised.

AS WITNESSES:



Name: Johan Nel

Name: Melba Greca

Title: Stakeholder Engagement Manager

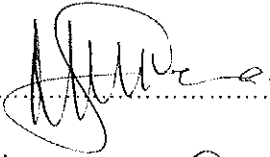
Signed at Marapong

on 14 August

2015.

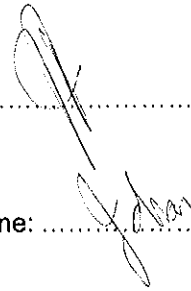
For and on behalf of AS WITNESSES:

_____ in its / her / his capacity as the landowner,
who warrant that s/he is duly authorised.

.....


Name: Melba Gere.....

Title: Stakeholder Engagement Manager.....

.....

Name:
.....

ANNEXURE "A" PREFERRED REBURIAL SITES

I, Mokgaetji Emnie Mashabane
 (identity number) 541114 0367 081 living in
Marapong in my capacity as the bona fide next of kin of
as per attached affidavit request that my deceased relative be
 reburied at the following cemeteries, provided that sufficient grave plots are available.

Name of deceased	Grave number	Preferred place of reburial
Mferoane Tibogae		Marapong
Mishack Lesibana Tibogae		Marapong

(Handwritten signature)

Signed at Marapong on this day
14 of August in the
year 2015.

X EMMIE MASHABANE

Next of Kin Name and Surname

Emmie

Signature

Mella Geca

For Exxaro Name and Surname

Mella Geca

Signature

Digby Wells

For Digby Wells Name and Surname

Digby Wells

Signature

NEXT-OF-KIN AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd

(hereinafter referred to as "Exxaro")

And

MOKGAEISI EMMIE MASHABANE

Identity Number: 54 11 14 0367 081

(hereinafter referred to as "Next-of-Kin")

1 DEFINITIONS

Unless the context otherwise indicates –

- 1.1 "Exxaro" means Exxaro Coal (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with its registered address at Exxaro Corporate Offices, corner Roger Dyason & Voortrekker Roads, Pretoria, Gauteng.
- 1.2 The "Consultant" means Digby Wells and Associates (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
- 1.3 The "NoK" means Next-of-Kin which is EMMIE MASHABANE, with identity number 5411140367081 bona fide NoK of AS PER AFFIDAVIT ("the Deceased") as attested to in Affidavit signed on 14 August 2014 attached hereto as Annexure "A".
- 1.4 The "Deceased" means AS PER AFFIDAVIT.
- 1.5 The "General Agreement" means the Agreement between the NoK and Exxaro based on the Entitlement Framework and Belfast Burial Grounds and Graves Consultation Report.
- 1.6 The "Conservation Management Plan" means the Agreement between Exxaro and NoK with regard to in situ conservation and management of graves that will not be relocated.



2 BACKGROUND OF AGREEMENT

The identified bona fide NoK and Exxaro hereby agree to the contents of the *General Agreement* derived from consultation between the NoK and Exxaro as conducted by the Consultant in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

3 IDENTIFICATION OF NEXT-OF-KIN

- 3.1 The NoK hereby confirms that Exxaro has given him or her the right to be consulted with regard to the future of the remains of the Deceased and that the consultation process:
- 3.1.1 provided him or her with all relevant information that was explained;
 - 3.1.2 informed him or her of his or her rights and responsibilities with regard to the future of the Deceased grave;
 - 3.1.3 enabled him or her to provide inputs and make decisions freely and without any undue influence by Exxaro or the Consultant or any other party; and
 - 3.1.4 was fair and transparent.

4 AGREEMENT WITH REGARD TO CONSERVATION MANAGEMENT PLAN

The parties hereby agree to the principles of the Conservation Management Plan.

5 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to the principles set out in clause 6 below regarding the grave relocation.

6 GRAVE RELOCATION

- 6.1 Exxaro will pay all costs associated with the exhumation, relocation and reburial of the Deceased as per the General Agreement.
- 6.2 The remains of the Deceased will be exhumed and placed into a new standard coffin as requested by the NoK and approved by Exxaro.
- 6.3 The remains of the Deceased will be reburied at MARAPONG ("the Reburial Site").
- 6.4 Exxaro will remove, relocate and erect a new headstone at the Reburial Site.
- 6.5 The headstone or grave marker will be a manufactured granite stone with the following specifications:
- 6.5.1 measure TBC millimeters wide X TBC millimeters high X TBC millimeters; or
 - 6.5.2 measure _____ millimeter wide X _____ millimeters high X _____ millimeters thick at the base; or
 - 6.5.3 the nearest equivalent available at such time.



6.6 The inscription will read as per the instructions by the NoK contained in Annexure "B" of this Agreement and shall include:

6.6.1 the name of Deceased

6.6.2 date of birth

6.6.3 date of death

6.6.4 a personalised message

6.6.5 relocated from VAALPENSLOOP on TISC

7 EXPRESSION OF LIVING HERITAGE

7.1 Exxaro will allow traditional customary rituals to be performed at the gravesite, if required, provided that:

7.1.1 the ceremony will occur on a date agreed on between the NoK and Exxaro;

7.1.2 due to health and safety concerns attendance of this on-site ritual will be restricted to a number of people agreed on between the NoK and Exxaro; and

7.1.3 Exxaro will arrange access to the gravesite and provide transport if required by the NoK who will be performing the ceremony.

7.2 A customary ceremonial event ("the Event") will be held at MOGOL CLUBS.

7.3 The Event will be held on the TISC immediately preceding commencement of exhumation.

7.4 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:

7.4.1 procurement of the listed requirements agreed between the NoK and Exxaro as per Annexure "C" of this Agreement;

7.4.2 purchasing live sacrificial animals as agreed between the NoK and Exxaro as per Annexure "C" of this Agreement.

7.5 Exxaro will not supply any alcoholic beverages at the Event with the exception of traditional beer required to perform certain ceremonial activities associated with the living heritage of the NoK.

7.6 Exxaro agrees to arrange transport to and from the Event if necessary.



8 CONSENT

I, EMMIE MASHABANE

identity number 54114 0367 081

hereby request and provide full, prior and informed consent for the exhumation, relocation and reburial of the late

MISHACK TSHIDI LESIBANA TIBANYANE AND MFEROANE TIBANYANE

in my capacity as

GRAND DAUGHTER

Signed at MARAPONG

on 14 Aug 2015.

AS WITNESSES:

EMMIE.....

[Signature].....

Next-of-Kin

Name: Johan.....

Name: EMMIE MASHABANE.....

Title: MRS......

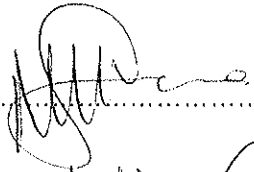
Signed at MARAPONG


on 14 Aug 2015.

[Signature]

For and on behalf of Exxaro Coal (Pty) Ltd in its capacity as the Developer, who warrant that s/he is duly authorised.

AS WITNESSES:


.....
Name: Melba Geca


.....
Name: Johan Nel

Title: Stakeholder Engagement Manager

Signed at

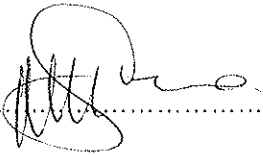
on

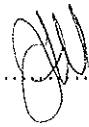
2015.

For and on behalf of

AS WITNESSES:

in its / her / his capacity as the landowner, who warrant that s/he is duly authorised.


.....
Name: Melba Geca


.....
Name: Johan Nel

Title: Stakeholder Engagement Manager

ANNEXURE "A" NEXT OF KIN AFFIDAVIT

I, INSERT FULL NAMES AND SURNAME
EMMIE MASHABANE

(identity number) INSERT IDENTITY NUMBER
541114 0367 08 1

of INSERT PLACE OF RESIDENCE
MARABONG

do hereby make oath and say / affirm that within is a true and complete statement of my relationship to the deceased, and I make this statement conscientiously, believing the same to be true.

I am the *bona fide* next of kin of the late

INSERT FULL NAMES AND SURNAME
MFEROANE TIBANYANE AND MISHACK TIBANYANE

who died at INSERT PLACE
VANALPENSLOOP

in the year INSERT YEAR on the INSERT DAY of INSERT MONTH
1980 1990 1980

My degree of relationship to the deceased is (mark as applicable):

- | | | | |
|------------------------------------|-------------------------------------|---|--------------------------|
| 1 Surviving spouse / partner | <input type="checkbox"/> | 2 Eldest adult child | <input type="checkbox"/> |
| 3 Parent | <input type="checkbox"/> | 4 Eldest sibling (brother / sister) | <input type="checkbox"/> |
| 5. Closest adult relative, namely: | <input checked="" type="checkbox"/> | <u>INSERT RELATIONSHIP</u>
<u>GRAND DAUGHTER</u> | |

I also confirm that the death certificates and identify documents of the deceased named above:

- | | |
|--|-------------------------------------|
| Are copies of the original documents. | <input type="checkbox"/> |
| Have been lost and cannot be recovered. | <input checked="" type="checkbox"/> |
| Were never issued as the deceased died at a time and / or circumstances when these documents were not issued and /or required. | <input type="checkbox"/> |

EMMIE MASHABANE Emmie
 Print Name and Surname Signature

[Handwritten mark]

Signed and sworn to / affirmed before
me at _____ INSERT PLACE

on this _____ day _____ of _____ in the _____ year _____

The deponent has acknowledged that he /she knows and understands the contents of this affidavit and adheres to it.

Magistrate / Justice of the Peace / Commissioner of Oaths (delete if not applicable)

Area for which appointed:

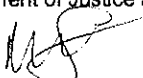
INSERT AREA

If appointed is held *ex officio*, state office held:

INSERT OFFICE

Official Stamp

BONA FIDE NEXT OF KIN TO ATTACH CERTIFIED COPY OF IDENTITY DOCUMENTS



**LENGWALO LA BOHLATSE
DILO TŠE DI NYAKEGAGO TŠA BAMELOKO**

Nna, Mokau Moyaabo Eleanor
Wa Marapong Ext. 2 house no 597

Ke mo go ikana goba go dumela gore bohlatse bjalo ka moloko wa mohu bo ke bo fang ke nnete.

Ke nna *bona fide* wa leloko la mohu Tibanyane MFeroane
Thabisa

Yo a ithobaletšego mo Vaalpensloop

Ka 1990

Tswalano yaka le bahu ke ye e latelago (kenya le leswao):

1. Molekane yoa phelago

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

2. Ngwana o mogolo

<input checked="" type="checkbox"/>
<input type="checkbox"/>

3. Batswadi

4. O mogolo wa (Kgaetšedi goba buti)

5. Ba Meloko ba kgauswi ba babagolo,
efa maina:

Eel na

Moyaabo Mokau

Tshaeno

Ngwala Leina le Sefane

Saenne lego ikana pele gaka

Mo Mogol-club Lephelale

Ka 06 Letsatsi 27 Ka ngwaga wa
2014.

Tseba gore o amogela le go kwešisa se se lego mo bohlatšeng bjo bo ngwadilwego mo.

Masetrata / Tokaya kgotso / Moeniši (phumula ge e segona)

Sekgoba sefe se se beilwego _____

Gaeba kgetho ebile gona, eswaretse lefelo lefe: _____

**LENGWALO LA BOHLATSE
DILO TŠE DI NYAKEGAGO TŠA BAMELOKO**

Nna, Mokau Motalabo Eleanor

Wa Marapong Extg house no*1597

Ke mo go ikana goba go dumela gore bohlatse bjalo ka moloko wa mohu bo ke bo fang ke nnete.

Ke nna *bona fide* wa leloko la mohu Mishack Tšhiti Lesibana
Pibanyana

Yo a ithobaletšego mo Vaalpensloop

Ka ngwaga wa (1980) 1980-12-04

Tswalano yaka le bahu ke ye e latelago (kenya le leswao):

1. Molekane yoa phelago

2. Ngwana o mogolo

3. Batswadi

4. O mogolo wa (Kgaetšedi goba buti)

5. Ba Meloko ba kgauswi ba babagolo,
efa maina:

Elema

Mokau Eleanor

Tshaeno

Ngwala Leina le Sefane

Saenne lego ikana pele gaka

Mo Mogol-club Kephatala

Ka June-2014 Letsatsi 26 Ka ngwaga wa
2014.

Tseba gore o amogela le go kwešisa se se lego mo bohlatšeng bjo bo ngwadilwego mo.

Masetrata / Tokaya kgotso / Moeniši (phumula ge e segona)

Sekgoba sefe se se beilwego _____

Gaeba kgetho ebile gona, eswaretse lefelo lefe: _____

ANNEXURE "B:" INSCRIPTION ON NEW HEADSTONE

B1	NAME OF DECEASED	
B2	DATE OF BIRTH	
B3	DATE OF DEATH	
B4	PERSONALISED MESSAGE	



Mokau Family (2x graves) *Traditional services & Reverend services required.*

Item No.	Item Description	Quantity
.1.01	Cow	1 cow 2.
.1.02	Goat / sheep	1 sheep 2.
.2.01	Baking powder	250g 4kg
.2.02	Beans <i>green baked BUTTER</i>	2 x 24 tins
.2.03	Chakalaka	12 tins 2x 24 tins
.2.04	Chicken spice	No qty given 2 packs boxes.
.2.05	Chutney	No qty given 1,5 x 2 kg
.2.06	Coffee	No qty given 2x 1 kg
.2.07	Cooking oil	5 liters x 2
.2.08	Flour	3x 12.5 kg
.2.09	Full Cream long life milk	4 x 6 pack
.2.10	King Korn	12.5 kg 50 kg
.2.11	King Korn	
.2.12	<i>Nelspray</i> Kim powder milk	1 kg
.2.13	Koo Beans	3 packs
.2.14	Mabele	25kg 50 kg
.2.15	Macaroni	
.2.16	Maize meal	80 kg
.2.17	Maize meal	
.2.18	Maize meal	

.2.19	Margarine <i>Rama</i>	<i>24 x 500g</i> No qty given
.2.20	Mayonnaise	5 liters x 2
.2.21	Minestrone soup	
.2.22	Nola mayonnaise	
.2.23	Rajah Mild Spice <i>12.5 x 2.</i>	No qty given <i>250g</i>
.2.24	Rice <i>12.5 x 2</i>	
.2.25	Tea, Five Roses <i>1 box</i>	No qty given
.2.26	Tea, Joko <i>1 box</i>	No qty given
.2.27	Tea, Rooibos <i>x 2 box</i>	No qty given
.2.28	Salt	1 kg <i>10 x 500g</i>
.2.29	Soup	No qty given <i>20</i> 10 x 500g
.2.30	Sugar, brown	10 kg
.2.31	Sugar, white	12.5 kg x 2
.2.32	Tomato Sauce	5 liters <i>6 packs x 2</i>
.2.33	Tomato Sauce	
.2.34	Vinegar <i>white</i>	No qty given <i>3^L x 2</i>
.2.35	Yeast	No qty given <i>4 x 3</i>
.3.01	Beetroot	No qty given <i>4 bags</i>
.3.02	Butternut <i>4 bags</i>	
.3.03	Cabbage	10 head
.3.04	Carrots	2 bags x 2 = 4
.3.05	Cucumber	No qty given <i>8</i>
.3.06	Green peppers & red & yellow	No qty given <i>9 bags</i>

.3.07	Lettuce	No qty given 10
.3.08	Onions	2 bags
.3.09	Potatoes	2 bags
.3.10	Pumpkin	2 bags
.3.11	Sweet potatoes	2 bags
.3.12	Tomatoes	2 boxes
.4.01	Chicken X2 wings X3 Thighs	25kg 12 packs
.5.01	Coke	3 cases
.5.02	Fanta	3 cases
.5.03	Juice	2 x 5 liter
.5.04	Sprite	3 cases
.5.05	Fab Water	5 cases
.5.06	Lemon Twist	3 cases
.6.01	Disposable Plates / Take away	No qty given 200 ^{spoons}
.6.02	Fire wood	
.6.03	Take aways (assume polystyrene containers)	

eggs = 6x2

Plastic plates = 200

Sparkletts cream soda = 3 cases

Southern Spice x 3 packs

Hellen

Inckau

Its for two people Korene and Mishack

Maize Meal 80kg
Mabele (Beyavuna) 25kg
White Sugar 12.5kg
Brown Sugar 10kg
Flour x2 12.5kg
Cooking Oil 5l
Rice 12.5kg
King Corn 12.5kg
Juice x2 5l

* Soft Drinks

Fanta 3 case
Coke 3 case
Tab 3 case
Sprite 3 case
Mangonise 5l
Tomato Sauce 5l
Vinegar

Soup

Salt 1kg

Rajah mild spice

Chicken spice

* Tea

Five Roses

Juicy Tea

Rooibos Tea

Coffee

Fresh Milk (Full Cream) 6pk (x2)

Baking Powder 250g

Yeast

Margarine

Chutney
sweet Potatoes x2 bags

Hellen mekau.

* Vegetables

Cabbage 10 (case)

Onions bag x2

Potatoes bag x2

Beetroot bag

Pumpkin bag x2

Carrots

Tomatoes x2 box

lettuce

Cucumber

Koo Beans x3 packs

Chickalita 12 packs

Green Pepper

Chicken 12 pack

Cow and Sheep

FIRE WOODS

* Alcohol

Mtombati 50L

Hansa 3 case

Castle lite 3 case

Black-label 3 case

Hunters Gold 3 case

Savanna 2 case

Forma pack. (Plate)

^{Solania}
DONATION: I will be grateful for providing
~~100,000~~ ~~100,000~~ R100,000 for my mother and ~~100,000~~
for my father. R100,000

The number of the people who
can attended the ceremony 200



AMENDED CONSENT FOR EXHUMATION AND REBURIAL

Herewith I, Mokgaetsi Emmie Mashabane

(identity number) 5711140367081

the bona fide next-of-kin of the late Mesback Tibanyane, Thabitha

Tibanyane and Klaas Tibanyane

consent to the exhumation of the above deceased person/s and the reburial of the mortal remains at:

■ Onverwacht cemetery

■ Thabo Mbeki cemetery

■ Steenbok cemetery

Signed by EMMIE MASHABANE

name and surname

on this day 25 of May 2016.

NoK signature EMMIE

Witnessed by Qondile Millicent Monareng

name and surname

[Signature]
signature

name and surname

signature

Conditions.

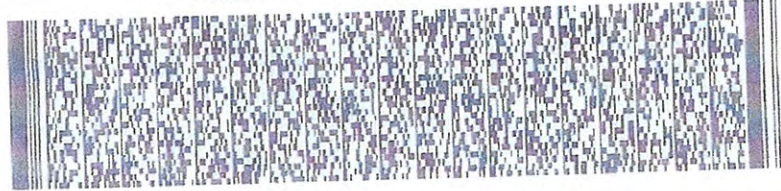
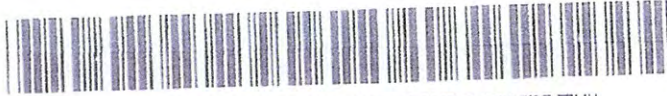
This card has been issued by the Department of Home Affairs in terms of the Identification Act, Act 68 of 1997

If found please return to the Department of Home Affairs For enquiry or verification purposes contact 0800 60 11 90

Date of Issue
18 NOV 2015



100782000



REPUBLIC OF SOUTH AFRICA
NATIONAL IDENTITY CARD

Surname:
MASHABANE
Names:
MOKGAETJI EMMIE
Sex:
F
Nationality:
RSA
Identity Number:
5411140367081
Date of Birth:
14 NOV 1954
Country of Birth:
RSA
Status:
CITIZEN



Signature:

Emmie



GENERAL AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd
(hereinafter referred to as "Exxaro")

And

ISRAEL NKOATI

Identity number: 4803255510086

(hereinafter referred to as "Next-of-Kin")


1 DEFINITIONS

Unless the context otherwise indicates –

- 1.1 "**Exxaro**" means Exxaro Coal (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with its registered address at Exxaro Corporate Offices, corner Roger Dyason & Voortrekker Roads, Pretoria, Gauteng.
- 1.2 The "**Consultant**" means Digby Wells and Associates (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
- 1.3 The "**NoK**" means Next-of-Kin which is FELTIA NKOATI, with identity number _____ bona fide NoK of Mawarana Matlou ("the Deceased") as attested to in the Affidavit signed on 26 June 2014 and attached hereto marked Annexure "A".
- 1.4 The "**Deceased**" means SISTER OF FELTIA NKOATI
- 1.5 The "**Thabametsi Burial Grounds and Graves Consultation Report**" means the final report that will be submitted to the South African Heritage Resources Agency as record of consultation.
- 1.6 The "**Conservation Management Plan**" means the Agreement between Exxaro and NoK with regard to in situ conservation and management of graves that will not be relocated.
- 1.7 The "**Grave Relocation Plan**" means the Agreement between Exxaro and NoK with regard to the exhumation, relocation and reburial of the contents of graves.

2 BACKGROUND OF AGREEMENT


- 2.1 The core principles of this Agreement are based on the consultation process, informed by the legal framework outlined in the document titled Thabametsi Burial Grounds and Graves Consultation Report. NoK participated in the decision-making process with regard to a

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Conservation Management Plan and Grave Relocation Plan in the event that graves remain preserved in situ, or that their deceased relatives are relocated in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

3 AGREED PRINCIPLES WITH REGARD TO THE CONSERVATION MANAGEMENT PLAN

- 3.1 Management of in situ conserved gravesites shall be a joint responsibility between Exxaro and NoK.
- 3.2 The primary onus is on Exxaro both as landowner and developer to ensure in situ conserved grave sites are protected and any changes to the conservation status communicated to the NoK.
- 3.3 The Conservation Management Plan shall be included into all operational plans, procedures and programmes established by Exxaro and should be reviewed every five years.
- 3.4 All identified NoK shall be afforded the opportunity to provide input into consequent revisions of the Conservation Management Plan through consultation with regard to on-going conservation, presentation and improvement of burial grounds and graves in the following manner:
 - 3.4.1 identify NoK will be informed of any proposed revisions to the Conservation Management Plan;
 - 3.4.2 copies of the Conservation Management Plan will be made available to the NoK on request; and
 - 3.4.3 NoK will be afforded a 30 day review period to provide input into the revised Conservation Management Plan.
- 3.5 Exxaro shall protect and conserve burial grounds and graves that shall remain in situ in the project area.
- 3.6 Exxaro shall be responsible to maintain the status quo of gravesites that are to be conserved in situ by means of:
 - 3.6.1 fencing of gravesites;
 - 3.6.2 proper recording and mapping of gravesites;
 - 3.6.3 cleaning gravesites in lieu of unrestricted access by NoK; and
 - 3.6.4 monitoring the conservation status of gravesites.
- 3.7 Exxaro shall allow NoK access to conserved burial grounds and graves to ensure sustainable use of the sites and safeguard their cultural significance including the rights to:
 - 3.7.1 repair, restore and rehabilitate gravesites this is necessary due to natural processes of age and decay, at the costs of the NoK.
 - 3.7.2 improve gravesites by maintaining existing, and erecting new, grave dressings, at the costs of the NoK; and
 - 3.7.3 perform activities related to their living heritage associated with gravesites, at the costs of the NoK.
- 3.8 Exxaro shall grant NoK access to gravesites provided that:
 - 3.8.1 NoK arrange access with the Mine in writing at least two weeks prior to intended visits;

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- 3.8.2 NoK inform Exxaro of the number of people who shall be visiting the gravesites;
- 3.8.3 NoK conform to all Exxaro health and safety procedures with regard to visitor access to operational mine property; and
- 3.8.4 NoK declare the intent of the visit that may include:
 - 3.8.4.1 site access required to perform ceremonies that may include the use of traditional beer at the gravesite;
 - 3.8.4.2 the NoK will not bring into the Mine any other alcohol, other than traditional beer if required;
 - 3.8.4.3 site access required to perform ceremonies that may include the slaughtering of live animals at the gravesite; and
 - 3.8.4.4 site access required to erect new grave dressings at the gravesite.
- 3.9 Exxaro shall transport NoK from the main visitor's gate and return them to the gate in an approved mine transport vehicle.
- 3.10 Exxaro reserves the right to request informed indemnity from all NoK who shall be visiting gravesites from injury or death that may result from pre-existing health complications that any NoK may experience.
- 3.11 NoK shall be required to provide informed indemnity for every site visit.
- 3.12 The indemnity shall, however, not extend to any loss, injury, death or other impact on NoK that may result from any actions related to Exxaro's operations.
- 3.13 NoK shall be responsible to notify Exxaro of any changes to the conservation status of gravesites due to repairs, restoration, rehabilitation or erecting of new grave dressings, to allow Exxaro to update their monitoring conservation.
- 3.14 Exxaro shall inform NoK of any changes to burial grounds and graves because of project activities, or changes in ownership.
- 3.15 Exxaro shall be liable for all costs required to repair, replace, rehabilitate or relocate graves damaged because of project activities.

4 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to principles of grave relocation.

- 4.1 Exxaro has provided NoK with the right to participate in the decision-making process with regard to graves that shall be exhumed, relocated and reburied.
- 4.2 Exxaro shall pay all costs associated with grave relocation including:
 - 4.2.1 appointing a qualified and registered archaeologist to manage the grave relocation process; and
 - 4.2.2 cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of the archaeologist.
- 4.3 Exxaro shall pay all costs required to re-establish graves at places of reburial including:
 - 4.3.1 removing, relocating and re-erecting formal, granite grave dressings;
 - 4.3.2 replacing informal grave dressings with standard granite headstones and ensure that the deceased's details are accurately recorded on such;

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- 4.3.3 Exxaro shall ensure that all grave dressings record the original place or burial and the date on which relocation took place; and
- 4.3.4 Exxaro shall also cover the costs to repair or replace grave dressings damaged because of relocation with similar dressings; and
- 4.3.5 Exxaro shall ensure that new gravesites are registered in the names of the bona fide NoK.
- 4.4 NoK shall be responsible for costs of improvement and presentation of new gravesites after re-establishment.
- 4.5 NoK shall have the right to stipulate where their deceased relatives shall be reburied, within reason and subject to approval by Exxaro, and relevant legal frameworks, provided that such stipulations are submitted to Exxaro during the course of the consultation process and prior to Exxaro submitting all required permit applications.
- 4.6 Exxaro shall pay all costs associated with the procurement and registration of new grave plots.
- 4.7 Exxaro shall acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves.
- 4.8 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:
 - 4.8.1 costs to procure livestock required for traditional customary sacrificial purposes; and
 - 4.8.2 foodstuff required during the traditional customary ceremony.
- 4.9 Exxaro shall not pay NoK cash to compensate for any living heritage.
- 4.10 Exxaro may, in its own discretion and at any time prior to the relocation of the graves, notify the NoK if the proposed Thabametsi Project is delayed or cancelled for whatever reason in which event Exxaro may terminate this agreement by giving 30 (thirty) days' written notice to the NoK of such termination.

I, ISRAEL NKOATI

hereby agree to the principles contained in this Agreement with regard to the grave of the late

MANNANA MATLOU

in my capacity as

GUARDIAN OF FELITIA NKOATI

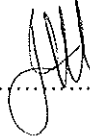
 Nkoati mm

Signed at GA-SELKA

on 13 August 2015.

AS WITNESSES:

x Nkoati m.m.....



Next-of-Kin

Name: Johan Nel.....

Name: MASHA NKOATI pp. ISRAEL NKOATI

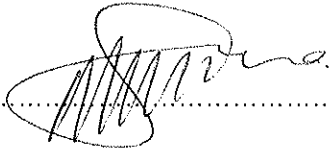
Title: MRS.....

Signed at GA-Seleka

on 13 August 2015.

For and on behalf of Exxaro Coal (Pty) Ltd in its capacity as the Developer, who warrant that s/he is duly authorised.

AS WITNESSES:



Name: ~~Melba Geca~~ Johan Nel

Name: Melba Geca.....

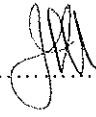
Title: Stakeholder Engagement Manager

Signed at GA-Seleka

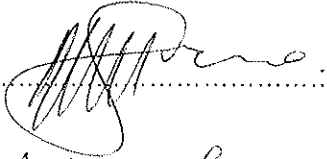
on 13 Aug 2015 2015.

For and on behalf of AS WITNESSES:

in its / her / his capacity as the landowner,
who warrant that s/he is duly authorised.



Name: Jahar Nel



Name: Melba Gele

Title: Stakeholder Engagement Manager

NKoaT, mm

ANNEXURE "A" PREFERRED REBURIAL SITES

I,

ISRAEL NKOATI

(identity number) 4803255510086 living in

GA-SELEKA in my capacity as the bona fide next of kin of

MANNANA MATLOU request that my deceased relative be

reburied at the following cemeteries, provided that sufficient grave plots are available.

Name of deceased	Grave number	Preferred place of reburial
MANNANA MATLOU		MARAPONG CEMETERY

 Nkoati mm

Signed at GA-Selera on this day
13 of AUGUST in the
year 2015.

ISRAEL NKOATI
Next of Kin Name and Surname

x NKOATI mm
Signature pp. ISRAEL NKOATI

Melba Geca
For Exxaro Name and Surname

[Signature]
Signature

[Signature]
For Digby Wells Name and Surname

[Signature]
Signature

NEXT-OF-KIN AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd
(hereinafter referred to as "Exxaro")

And

ISRAEL NKOATI


Identity Number: 480325 551 0086

(hereinafter referred to as "Next-of-Kin")

1 DEFINITIONS

Unless the context otherwise indicates –

- 1.1 "Exxaro" means Exxaro Coal (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with its registered address at Exxaro Corporate Offices, corner Roger Dyason & Voortrekker Roads, Pretoria, Gauteng.
- 1.2 The "Consultant" means Digby Wells and Associates (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
- 1.3 The "NoK" means Next-of-Kin which is FELITIA NKOATI, with identity number _____ bona fide NoK of MANNA MATLOU ("the Deceased") as attested to in Affidavit signed on 26 June 2018 attached hereto as Annexure "A".
- 1.4 The "Deceased" means MANNA MATLOU - SISTER OF FELITIA NKOATI.
- 1.5 The "General Agreement" means the Agreement between the NoK and Exxaro based on the Entitlement Framework and Belfast Burial Grounds and Graves Consultation Report.
- 1.6 The "Conservation Management Plan" means the Agreement between Exxaro and NoK with regard to in situ conservation and management of graves that will not be relocated.

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2 BACKGROUND OF AGREEMENT

The identified bona fide NoK and Exxaro hereby agree to the contents of the *General Agreement* derived from consultation between the NoK and Exxaro as conducted by the Consultant in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

3 IDENTIFICATION OF NEXT-OF-KIN

- 3.1 The NoK hereby confirms that Exxaro has given him or her the right to be consulted with regard to the future of the remains of the Deceased and that the consultation process:
- 3.1.1 provided him or her with all relevant information that was explained;
 - 3.1.2 informed him or her of his or her rights and responsibilities with regard to the future of the Deceased grave;
 - 3.1.3 enabled him or her to provide inputs and make decisions freely and without any undue influence by Exxaro or the Consultant or any other party; and
 - 3.1.4 was fair and transparent.

4 AGREEMENT WITH REGARD TO CONSERVATION MANAGEMENT PLAN

The parties hereby agree to the principles of the Conservation Management Plan.

5 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to the principles set out in clause 6 below regarding the grave relocation.

6 GRAVE RELOCATION

- 6.1 Exxaro will pay all costs associated with the exhumation, relocation and reburial of the Deceased as per the General Agreement.
- 6.2 The remains of the Deceased will be exhumed and placed into a new standard coffin as requested by the NoK and approved by Exxaro.
- 6.3 The remains of the Deceased will be reburied at MARAPONG CEMETERY ("the Reburial Site").
- 6.4 Exxaro will remove, relocate and erect a new headstone at the Reburial Site.
- 6.5 The headstone or grave marker will be a manufactured granite stone with the following specifications:
- 6.5.1 measure 400 millimeters wide X 500 millimeters high X 100 millimeters; or
 - 6.5.2 measure / millimeter wide X / millimeters high X / millimeters thick at the base; or
 - 6.5.3 the nearest equivalent available at such time.

 Nkoati mm

- 6.6 The inscription will read as per the instructions by the NoK contained in Annexure "B" of this Agreement and shall include:
- 6.6.1 the name of Deceased
 - 6.6.2 date of birth
 - 6.6.3 date of death
 - 6.6.4 a personalised message
 - 6.6.5 relocated from VAALPENSLOOP on TBC

7 EXPRESSION OF LIVING HERITAGE

- 7.1 Exxaro will allow traditional customary rituals to be performed at the gravesite, if required, provided that:
- 7.1.1 the ceremony will occur on a date agreed on between the NoK and Exxaro;
 - 7.1.2 due to health and safety concerns attendance of this on-site ritual will be restricted to a number of people agreed on between the NoK and Exxaro; and
 - 7.1.3 Exxaro will arrange access to the gravesite and provide transport if required by the NoK who will be performing the ceremony.
- 7.2 A customary ceremonial event ("the Event") will be held at Mogale Club.
- 7.3 The Event will be held on the TBC immediately preceding commencement of exhumation.
- 7.4 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:
- 7.4.1 procurement of the listed requirements agreed between the NoK and Exxaro as per Annexure "C" of this Agreement;
 - 7.4.2 purchasing live sacrificial animals as agreed between the NoK and Exxaro as per Annexure "C" of this Agreement.
- 7.5 Exxaro will not supply any alcoholic beverages at the Event with the exception of traditional beer required to perform certain ceremonial activities associated with the living heritage of the NoK.
- 7.6 Exxaro agrees to arrange transport to and from the Event if necessary.

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8 CONSENT

I, ISRAEL NKOATI
identity number 480325 551 0086

hereby request and provide full, prior and informed consent for the exhumation, relocation and reburial of the late

MANNANA MATLOU

in my capacity as

LEGAL GUARDIAN OF FELITIA NKOATI

Signed at GA-SELEKA on 13 August 2015.

AS WITNESSES:

x NKOATI MM

[Signature]

Next-of-Kin

Name: Johan Nel


Name: MARIA NKOATI pp. ISRAEL NKOATI

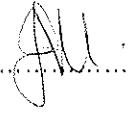
Title: MRS.

Signed at GA-SELEKA on 13 Aug 2015.

For and on behalf of Exxaro Coal (Pty) Ltd in its capacity as the Developer, who warrant that s/he is duly authorised.

AS WITNESSES:


.....
Melba Geca


.....

Name: Johan Nel

Name: Melba Geca

Title: Stakeholder Engagement Manager

Signed at

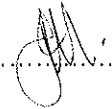
on

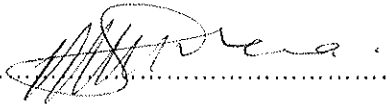
2015.

For and on behalf of

AS WITNESSES:

in its / her / his capacity as the landowner, who warrant that s/he is duly authorised.


.....


.....

Name: Johan Nel

Name: Melba Geca

Title: Stakeholder Engagement Manager

Nkroati MM

LENGWALO LA BOHLATSE
DILO TŠE DI NYAKEGAGO TŠA BAMELOKO

Nna, ISRAEL NKOATI

Wa GA-SELEKA 0609

Ke mo go ikana goba go dumela gore bohlatse bjalo ka moloko wa mohu bo ke bo fang ke nnete.

Ke nna *bona fide* wa leloko la mohu MMANNANA MATLOU

Yo a ithobaletšego mo VAALPENSLOOP

Ka _____

Tswalano yaka le bahu ke ye e latelago (kenya le leswao):

1. Molekane yoa phelago

2. Ngwana o mogolo

3. Batswadi

4. O mogolo wa (Kgaetšedi goba buti)

5. Ba Meloko ba kgauswi ba babagolo,
efa maina:

AUNT'S CHILD

ISRAEL

ISRAEL

Tshaeno

Ngwala Leina le Sefane

Saenne lego ikana pele gaka

Mo LEPHALALE

Ka 26 Letsatsi JUNE Ka ngwaga wa 2014.

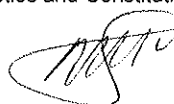
Tseba gore o amogela le go kwešisa se se lego mo bohlatšeng bjo bo ngwadilwego mo.

~~Masetrata / Tokaya kgotso / Moeniši (phumula ge e segona)~~  26 June 2014

SUZETTE HARTZER
COMMISSIONER OF OATHS
SECTION 9, FERN ISLE BUILDING
359 PRETORIA AVENUE, RANDBURG
TEL: 011 789-9495

Sekgoba sefe se se beilwego _____

Gaeba kgetho ebile gona, eswaretse lefelo lefe: _____

 NKOATI MM

ANNEXURE "B:" INSCRIPTION ON NEW HEADSTONE

B1	NAME OF DECEASED	
B2	DATE OF BIRTH	
B3	DATE OF DEATH	
B4	PERSONALISED MESSAGE	

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Nkoati Family (1x grave)

SERVICES OF TRADITIONAL HEALER REQUIRED

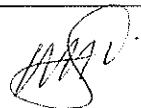
Item No.	Item Description	Quantity requested
.1.01	Cow	1
.1.02	Goat sheep White	1
.2.01	Baking powder	500 g
.2.02	Beans	18 packets
.2.03	Chakalaka	24 tins
.2.04	Chicken spice	500 g.
.2.05	Chutney	4 bottles
.2.06	Coffee	500 g
.2.07	Cooking oil	No qty given
.2.08	Flour	2 x 12.5 kg
.2.09	Full Cream long life milk	6 pack
.2.10	King Korn	No qty given - 10kg x 2
.2.11	King Korn	
.2.12	Klim powder milk	2 x 500 g
.2.13	Koo Beans	
.2.14	Mabele	3 x 10 k
.2.15	Macaroni	12.5 kg
.2.16	Maize meal	80 kg
.2.17	Maize meal	
.2.18	Maize meal	

 Nkoati mm

.2.19	Margarine	12 blocks
.2.20	Mayonnaise	
.2.21	Minestrone soup	500 g
.2.22	Nola mayonnaise	12
.2.23	Rajah Mild Spice	
.2.24	Rice	10 kg
.2.25	Tea, Five Roses	500 g
.2.26	Tea, Joko	
.2.27	Tea, Rooibos	
.2.28	Salt	500 g
.2.29	Soup - Mixed pack	500g.
.2.30	Sugar, brown	12.5 kg x 2
.2.31	Sugar, white	12.5 kg x 2
.2.32	Tomato Sauce	12 x bottles
.2.33	Tomato Sauce	
.2.34	Vinegar	
.2.35	Yeast	500 g
.3.01	Beetroot	5 bags
.3.02	Butternut	2 bags
.3.03	Cabbage	5 heads
.3.04	Carrots	2 bags
.3.05	Cucumber	
.3.06	Green peppers	2 bags

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.3.07	Lettuce	5 heads
.3.08	Onions	2 bags
.3.09	Potatoes	2 bags
.3.10	Pumpkin	
.3.11	Sweet potatoes	
.3.12	Tomatoes	No qty given 2 crates
.4.01	Chicken	12
.5.01	Coke	48 tins
.5.02	Fanta	48 tins
.5.03	Juice	
.5.04	Sprite	48 tins
.5.05	Tab	48 tins
.5.06	Lemon Twist	48 tins
.6.01	Disposable Plates	
.6.02	Fire wood	1x load (long base bakkie).
.6.03	Take aways (assume polystyrene containers)	No qty given 2 x 75 packs.

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disa isa gaya masal clop

1 80 kg maize meal

2 10 kg x 3 mabere

3 Brown sugar 12.5 kg

4 white sugar 12.5 kg

5 Dried roses 500 g

6 coffee 500 g

6 block of milk clove k b

7 Klim x 2 soap

8 Rice 10 kg

9 Butter nut 2 bag

10 Potatoes 2 bag

11 cabbage 5

12 Bok choy, 5 bags

13 Carrots, 2

14 green pepper x 2

15 onions x 2

16 Mowar 12.5 x 2

17 Baking powder 500 g

18 margarine x 12

19 ease x 500 g

20 Mola x 12

21 cucumber 4

22 Tomato 105 grade

23 Tomato some x 12

24 Soy bean x 12

bul 1 Bread 4

25 minstrane x 500 g

26 Beans x 18

27 margarine 12.5

28 Salt 500

29 King Kong

30 Soda (202) ✓

31 Coca Cola (202) mark

32 Juice 424

Drinks

Coca Cola = 48

Sprite = 48

Fruit Juice = 68

Tea = 48

Lemon Juice 98

Alcohol

Cashe like ~~58.5~~ case

Hansa 5 case

black 5 case

Hankas gold 5 case

Spin off spin 5 case

Tenly water

~~100,000~~ 100,000 100,000

AMENDED CONSENT FOR EXHUMATION AND REBURIAL

Herewith I, ISRAEL NKOATI
 (identity number) 48 03 25 5510086
 the bona fide next-of-kin of the late MANANA NKOATI

consent to the exhumation of the above deceased person/s and the reburial of the mortal remains at:

- Onverwacht cemetery
- Thabo Mbeki cemetery
- Steenbok cemetery

Signed by ISRAEL NKOATI
name and surname

on this day 5 of MAY 2016.

NoK signature x ISRAEL

Witnessed by Johan Nel [Signature]
name and surname *signature*

_____ *name and surname* *signature*



GENERAL AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd

(hereinafter referred to as "Exxaro")

And

Samoi Fannie Serumula

Identity number: 5210205671 084

(hereinafter referred to as "Next-of-Kin")

1 DEFINITIONS

Unless the context otherwise indicates –

- 1.1 "Exxaro" means Exxaro Coal (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with its registered address at Exxaro Corporate Offices, corner Roger Dyason & Voortrekker Roads, Pretoria, Gauteng.
- 1.2 The "Consultant" means Digby Wells and Associates (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
- 1.3 The "NoK" means Next-of-Kin which is Samoi Fannie Serumula, with identity number 5210205671 084 bona fide NoK of Stephina Serumula ("the Deceased") as attested to in the Affidavit signed on 14 August 2015 and attached hereto marked Annexure "A".
- 1.4 The "Deceased" means Stephina Serumula
- 1.5 The "Thabametsi Burial Grounds and Graves Consultation Report" means the final report that will be submitted to the South African Heritage Resources Agency as record of consultation.
- 1.6 The "Conservation Management Plan" means the Agreement between Exxaro and NoK with regard to in situ conservation and management of graves that will not be relocated.
- 1.7 The "Grave Relocation Plan" means the Agreement between Exxaro and NoK with regard to the exhumation, relocation and reburial of the contents of graves.

2 BACKGROUND OF AGREEMENT

- 2.1 The core principles of this Agreement are based on the consultation process, informed by the legal framework outlined in the document titled Thabametsi Burial Grounds and Graves Consultation Report. NoK participated in the decision-making process with regard to a



Conservation Management Plan and Grave Relocation Plan in the event that graves remain preserved in situ, or that their deceased relatives are relocated in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

3 AGREED PRINCIPLES WITH REGARD TO THE CONSERVATION MANAGEMENT PLAN

- 3.1 Management of in situ conserved gravesites shall be a joint responsibility between Exxaro and NoK.
- 3.2 The primary onus is on Exxaro both as landowner and developer to ensure in situ conserved grave sites are protected and any changes to the conservation status communicated to the NoK.
- 3.3 The Conservation Management Plan shall be included into all operational plans, procedures and programmes established by Exxaro and should be reviewed every five years.
- 3.4 All identified NoK shall be afforded the opportunity to provide input into consequent revisions of the Conservation Management Plan through consultation with regard to on-going conservation, presentation and improvement of burial grounds and graves in the following manner:
 - 3.4.1 identify NoK will be informed of any proposed revisions to the Conservation Management Plan;
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 - 3.4.3 NoK will be afforded a 30 day review period to provide input into the revised Conservation Management Plan.
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- 3.6 Exxaro shall be responsible to maintain the status quo of gravesites that are to be conserved in situ by means of:
 - 3.6.1 fencing of gravesites;
 - 3.6.2 proper recording and mapping of gravesites;
 - 3.6.3 cleaning gravesites in lieu of unrestricted access by NoK; and
 - 3.6.4 monitoring the conservation status of gravesites.
- 3.7 Exxaro shall allow NoK access to conserved burial grounds and graves to ensure sustainable use of the sites and safeguard their cultural significance including the rights to:
 - 3.7.1 repair, restore and rehabilitate gravesites this is necessary due to natural processes of age and decay, at the costs of the NoK.
 - 3.7.2 improve gravesites by maintaining existing, and erecting new, grave dressings, at the costs of the NoK; and
 - 3.7.3 perform activities related to their living heritage associated with gravesites, at the costs of the NoK.
- 3.8 Exxaro shall grant NoK access to gravesites provided that:
 - 3.8.1 NoK arrange access with the Mine in writing at least two weeks prior to intended visits;



- 3.8.2 NoK inform Exxaro of the number of people who shall be visiting the gravesites;
- 3.8.3 NoK conform to all Exxaro health and safety procedures with regard to visitor access to operational mine property; and
- 3.8.4 NoK declare the intent of the visit that may include:
 - 3.8.4.1 site access required to perform ceremonies that may include the use of traditional beer at the gravesite;
 - 3.8.4.2 the NoK will not bring into the Mine any other alcohol, other than traditional beer if required;
 - 3.8.4.3 site access required to perform ceremonies that may include the slaughtering of live animals at the gravesite; and
 - 3.8.4.4 site access required to erect new grave dressings at the gravesite.
- 3.9 Exxaro shall transport NoK from the main visitor's gate and return them to the gate in an approved mine transport vehicle.
- 3.10 Exxaro reserves the right to request informed indemnity from all NoK who shall be visiting gravesites from injury or death that may result from pre-existing health complications that any NoK may experience.
- 3.11 NoK shall be required to provide informed indemnity for every site visit.
- 3.12 The indemnity shall, however, not extend to any loss, injury, death or other impact on NoK that may result from any actions related to Exxaro's operations.
- 3.13 NoK shall be responsible to notify Exxaro of any changes to the conservation status of gravesites due to repairs, restoration, rehabilitation or erecting of new grave dressings, to allow Exxaro to update their monitoring conservation.
- 3.14 Exxaro shall inform NoK of any changes to burial grounds and graves because of project activities, or changes in ownership.
- 3.15 Exxaro shall be liable for all costs required to repair, replace, rehabilitate or relocate graves damaged because of project activities.

4 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to principles of grave relocation.

- 4.1 Exxaro has provided NoK with the right to participate in the decision-making process with regard to graves that shall be exhumed, relocated and reburied.
- 4.2 Exxaro shall pay all costs associated with grave relocation including:
 - 4.2.1 appointing a qualified and registered archaeologist to manage the grave relocation process; and
 - 4.2.2 cover the cost to engage a registered funeral undertaker to exhume, transport and re-inter the contents of graves under supervision of the archaeologist.
- 4.3 Exxaro shall pay all costs required to re-establish graves at places of reburial including:
 - 4.3.1 removing, relocating and re-erecting formal, granite grave dressings;
 - 4.3.2 replacing informal grave dressings with standard granite headstones and ensure that the deceased's details are accurately recorded on such;



- 4.3.3 Exxaro shall ensure that all grave dressings record the original place or burial and the date on which relocation took place; and
- 4.3.4 Exxaro shall also cover the costs to repair or replace grave dressings damaged because of relocation with similar dressings; and
- 4.3.5 Exxaro shall ensure that new gravesites are registered in the names of the bona fide NoK.
- 4.4 NoK shall be responsible for costs of improvement and presentation of new gravesites after re-establishment.
- 4.5 NoK shall have the right to stipulate where their deceased relatives shall be reburied, within reason and subject to approval by Exxaro, and relevant legal frameworks, provided that such stipulations are submitted to Exxaro during the course of the consultation process and prior to Exxaro submitting all required permit applications.
- 4.6 Exxaro shall pay all costs associated with the procurement and registration of new grave plots.
- 4.7 Exxaro shall acknowledge the right of NoK to express their living heritage in respect of burial grounds and graves.
- 4.8 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:
 - 4.8.1 costs to procure livestock required for traditional customary sacrificial purposes; and
 - 4.8.2 foodstuff required during the traditional customary ceremony.
- 4.9 Exxaro shall not pay NoK cash to compensate for any living heritage.
- 4.10 Exxaro may, in its own discretion and at any time prior to the relocation of the graves, notify the NoK if the proposed Thabametsi Project is delayed or cancelled for whatever reason in which event Exxaro may terminate this agreement by giving 30 (thirty) days' written notice to the NoK of such termination.

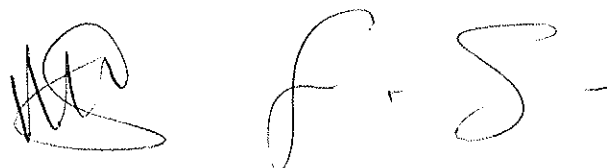
I, Isamai Fannie Serumula

hereby agree to the principles contained in this Agreement with regard to the grave of the late

Stephina Serumula

in my capacity as

Son

Two handwritten signatures are present at the bottom of the page. The first signature is a stylized, cursive mark that appears to be 'HS'. The second signature is a more legible cursive signature that appears to be 'F. S.'.

Signed at Shongoane 3

on 14 August

2015.

AS WITNESSES:

Fannie Sesumula



Next-of-Kin

Name:

Johan Nel

Name: Isamai Fannie Sesumula

Title:

Mr.

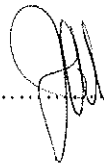
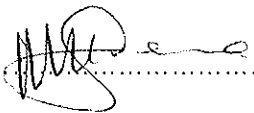
Signed at

on

2015.

For and on behalf of Exxaro Coal (Pty) Ltd in its capacity as the Developer, who warrant that s/he is duly authorised.

AS WITNESSES:



Name:

Johan Nel

Name:

Melba Geera

Title:

Stakeholder Engagement Manager

Signed at

Shongoane 3


on

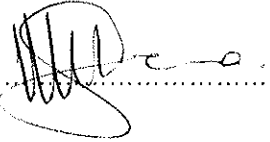
14 August

2015.

For and on behalf of AS WITNESSES:

in its / her / his capacity as the landowner,
who warrant that s/he is duly authorised.


.....


.....

Name: John Del.

Name: Melba Greca

Title: Stakeholder Engagement Manager

ANNEXURE "A" PREFERRED REBURIAL SITES

I, Kamali Fannie Serumula

(identity number) 5210205671084 living in

Shoggoane 3 in my capacity as the bona fide next of kin of Stephina Serumula request that my deceased relative be reburied at the following cemeteries, provided that sufficient grave plots are available.

Name of deceased	Grave number	Preferred place of reburial
<u>Stephina Serumula</u>		<u>Shoggoane 3</u>

MS F S

Signed at Shongorez on this day
14 August of August in the
year 2015.

X franie serumaka

Next of Kin Name and Surname

Signature

Melba Greer

For Exxaro Name and Surname

[Signature]
Signature

For Digby Wells Name and Surname

Signature

[Signature] F. S

NEXT-OF-KIN AGREEMENT

entered into between

Exxaro Coal (Pty) Ltd

(hereinafter referred to as "Exxaro")

And

FANNIE SCRUMULA

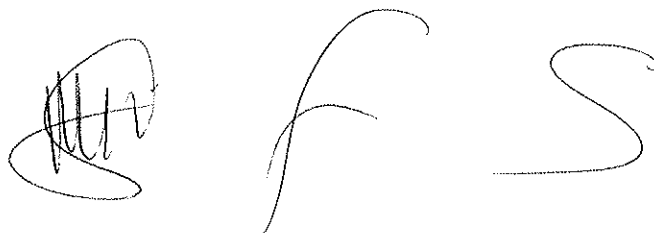
Identity Number: 521020 5671 084

(hereinafter referred to as "Next-of-Kin")

1 DEFINITIONS

Unless the context otherwise indicates –

- 1.1 "Exxaro" means Exxaro Coal (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa with its registered address at Exxaro Corporate Offices, corner Roger Dyason & Voortrekker Roads, Pretoria, Gauteng.
- 1.2 The "Consultant" means Digby Wells and Associates (Pty) Ltd, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa.
- 1.3 The "NoK" means Next-of-Kin which is FANNIE SCRUMULA, with identity number 5210205671 084 bona fide NoK of STEPHINA SCRUMULA ("the Deceased") as attested to in Affidavit signed on 26 June 2014 attached hereto as Annexure "A".
- 1.4 The "Deceased" means STEPHINA SCRUMULA.
- 1.5 The "General Agreement" means the Agreement between the NoK and Exxaro based on the Entitlement Framework and Belfast Burial Grounds and Graves Consultation Report.
- 1.6 The "Conservation Management Plan" means the Agreement between Exxaro and NoK with regard to in situ conservation and management of graves that will not be relocated.



2 BACKGROUND OF AGREEMENT

The identified bona fide NoK and Exxaro hereby agree to the contents of the *General Agreement* derived from consultation between the NoK and Exxaro as conducted by the Consultant in accordance with section 36(5)(b) the National Heritage Resources Act, No. 25 of 1999 and Regulations 34 and 40.

3 IDENTIFICATION OF NEXT-OF-KIN

- 3.1 The NoK hereby confirms that Exxaro has given him or her the right to be consulted with regard to the future of the remains of the Deceased and that the consultation process:
- 3.1.1 provided him or her with all relevant information that was explained;
 - 3.1.2 informed him or her of his or her rights and responsibilities with regard to the future of the Deceased grave;
 - 3.1.3 enabled him or her to provide inputs and make decisions freely and without any undue influence by Exxaro or the Consultant or any other party; and
 - 3.1.4 was fair and transparent.

4 AGREEMENT WITH REGARD TO CONSERVATION MANAGEMENT PLAN

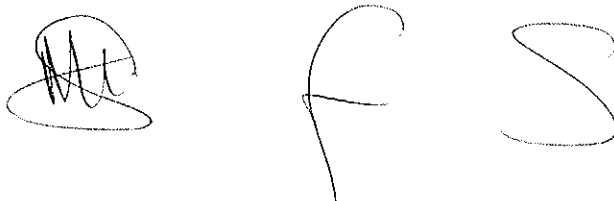
The parties hereby agree to the principles of the Conservation Management Plan.

5 AGREEMENT WITH REGARD TO GRAVE RELOCATION

The parties hereby agree to the principles set out in clause 6 below regarding the grave relocation.

6 GRAVE RELOCATION

- 6.1 Exxaro will pay all costs associated with the exhumation, relocation and reburial of the Deceased as per the General Agreement.
- 6.2 The remains of the Deceased will be exhumed and placed into a new standard coffin as requested by the NoK and approved by Exxaro.
- 6.3 The remains of the Deceased will be reburied at Shongwane 5 ("the Reburial Site").
- 6.4 Exxaro will remove, relocate and erect a new headstone at the Reburial Site.
- 6.5 The headstone or grave marker will be a manufactured granite stone with the following specifications:
- 6.5.1 measure T&C millimeters wide X T&C millimeters high X T&C millimeters; or
 - 6.5.2 measure _____ millimeter wide X _____ millimeters high X _____ millimeters thick at the base; or
 - 6.5.3 the nearest equivalent available at such time.



6.6 The inscription will read as per the instructions by the NoK contained in Annexure "B" of this Agreement and shall include:

6.6.1 the name of Deceased

6.6.2 date of birth

6.6.3 date of death

6.6.4 a personalised message

6.6.5 relocated from Vaalpenskoop on TBC

7 EXPRESSION OF LIVING HERITAGE

7.1 Exxaro will allow traditional customary rituals to be performed at the gravesite, if required, provided that:

7.1.1 the ceremony will occur on a date agreed on between the NoK and Exxaro;

7.1.2 due to health and safety concerns attendance of this on-site ritual will be restricted to a number of people agreed on between the NoK and Exxaro; and

7.1.3 Exxaro will arrange access to the gravesite and provide transport if required by the NoK who will be performing the ceremony.

7.2 A customary ceremonial event ("the Event") will be held at Shonkowane 3.

7.3 The Event will be held on the TBC immediately preceding commencement of exhumation.

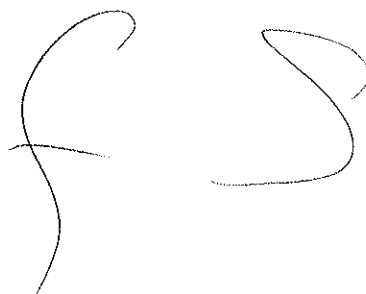
7.4 Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include:

7.4.1 procurement of the listed requirements agreed between the NoK and Exxaro as per Annexure "C" of this Agreement;

7.4.2 purchasing live sacrificial animals as agreed between the NoK and Exxaro as per Annexure "C" of this Agreement.

7.5 Exxaro will not supply any alcoholic beverages at the Event with the exception of traditional beer required to perform certain ceremonial activities associated with the living heritage of the NoK.

7.6 Exxaro agrees to arrange transport to and from the Event if necessary.



8 CONSENT

I, FANNIE SERUMULA
identity number 52 1020 5671 08 4

hereby request and provide full, prior and informed consent for the exhumation, relocation and reburial of the late

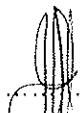
STEPHINA SERUMULA

in my capacity as

SON

Signed at SHONGOANE on 14 Aug 2015.

AS WITNESSES:

FANNIE SERUMULA 

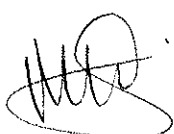
Next-of-Kin

Name: Johan Nel

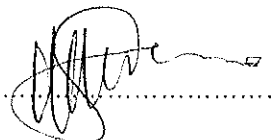
Name: FANNIE SERUMULA


Title: Mr

Signed at SHONGOANE on 14 Aug 2015.

 F S

For and on behalf of Exxaro Coal (Pty) Ltd in **AS WITNESSES:**
its capacity as the Developer, who warrant
that s/he is duly authorised.


.....
Name: Mella Geca.....

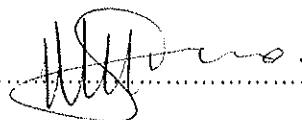

.....
Name: Johan Nel.....


Title: Stakeholder Engagement Manager

Signed at SHONGOANE on 14 Aug 2015.

For and on behalf of **AS WITNESSES:**

in its / her / his capacity as the landowner,
who warrant that s/he is duly authorised.


.....
Name: Mella Geca.....


.....
Name: Johan Nel.....

Title: Stakeholder Engagement Manager

**LENGWALO LA BOHLATSE
DILO TŠE DI NYAKEGAGO TŠA BAMELOKO**

Nna, ISAMAI FANNIE SERUMULA

Wa 30013 SHONGANE 2

Ke mo go ikana goba go dumela gore bohlatse bjalo ka moloko wa mohu bo ke bo fang ke nnete.

Ke nna *bona fide* wa leloko la mohu STEPHINA SERUMULA

Yo a ithobaletšego mo RAMOGOPA

Ka 1984-09-26

Tswalano yaka le bahu ke ye e latelago (kenya le leswao):

- | | | | |
|---|--------------------------|--------------------------------------|-------------------------------------|
| 1. Molekane yoa phelago | <input type="checkbox"/> | 2. Ngwana o mogolo | <input checked="" type="checkbox"/> |
| 3. Batswadi | <input type="checkbox"/> | 4. O mogolo wa (Kgaetšedi goba buti) | <input type="checkbox"/> |
| 5. Ba Meloko ba kgauswi ba babagolo, efa maina: | <input type="checkbox"/> | | |

* Fannie Serumula

* FANNIE Serumula

Tshaeno

Ngwala Leina le Sefane

Saenne lego ikana pele gaka

Mo mogolo LePhatlele

Ka June Letsatsi 26 Ka ngwaga wa 2014.

Tseba gore o amogela le go kwesisa se se lego mo bohlatšeng bjo bo ngwadilwego mo.

[Signature]
Masetrata / Tokaya kgotso / Moeniši (phumula ge e segona) 26 June 2014

SUZETTE HARTZER
COMMISSIONER OF OATHS
SECTION 9, FERN ISLE BUILDING
359 PRETORIA AVENUE, RANDBURG
TEL: 011 789-9495

Sekgoba sefe se se beilwego _____

Gaeba kgetho ebile gona, eswaretse lefelo lefe: _____

ANNEXURE "B:" INSCRIPTION ON NEW HEADSTONE

B1	NAME OF DECEASED	
B2	DATE OF BIRTH	
B3	DATE OF DEATH	
B4	PERSONALISED MESSAGE	



Serumula Family (1x grave)

Require Services of Traditional Healer.

Item No.	Item Description	Quantity requested
.1.01	Cow	1 cow
.1.02	Goat / sheep <i>RAM - white with red head.</i>	1 goat
.2.01	Baking powder	2 packets
.2.02	Beans, baked beans	24 packets tins,
.2.03	Chakalaka	24 tins
.2.04	Chicken spice	2 packets
.2.05	Chutney	2 bottles
.2.06	Coffee, Koffiehuis & Ricoffee	2 x 750 g tins
.2.07	Cooking oil	2 x 5 l bottles
.2.08	Flour	2 x 12.5 kg bags
.2.09	Full Cream long life milk	1 x 6 pack
.2.10	King Korn	12.5 kg - 50 kg
.2.11	King Korn	
.2.12	Klim powder milk <i>Nespray 2 kg,</i>	
.2.13	Koo Beans	
.2.14	Mabele	25 kg
.2.15	Macaroni	
.2.16	Maize meal	105 kg 80 kg.
.2.17	Maize meal	
.2.18	Maize meal	

MS/FS

.2.19	Margarine	24 blocks 500g.
.2.20	Mayonnaise 1,5 kg	
.2.21	Minestrone soup 4 x packets	
.2.22	Mayonnaise	
.2.23	Rajah Mild Spice	2 packets
.2.24	Rice	
.2.25	Tea, Five Roses	2 x 500 g boxes
.2.26	Tea, Joko	
.2.27	Tea, Rooibos	2 boxes
.2.28	Salt	2 packets
.2.29	Soup	10 x 2 packets
.2.30	Sugar, brown	10 kg
.2.31	Sugar, white	10 kg x 2
.2.32	Tomato Sauce 6 x 750 ml	
.2.33	Tomato Sauce	
.2.34	Vinegar	2 bottles
.2.35	Yeast, instant	8 packets
.3.01	Beetroot	10 bags 4 x 5 kg.
.3.02	Butternut 2 x bags	
.3.03	Cabbage	4 heads.
.3.04	Carrots	10 bags
.3.05	Cucumber	
.3.06	Green peppers 1 mixed	2 bags




.3.07	Lettuce	6 head
.3.08	Onions	2 bags
.3.09	Potatoes	2 8 bags x 7.5 kg
.3.10	Pumpkin	2 bags
.3.11	Sweet potatoes	2 bags
.3.12	Tomatoes 1 X Crate	
.4.01	Chicken Thighs x 2 Wings x 2	12 packs 4 x 5 kg
.5.01	Coke	2 cases
.5.02	Fanta	2 cases
.5.03	Juice	
.5.04	Sprite Zevo	2 cases
.5.05	F&B Water 500 ml x 4 x 24 packs	
.5.06	Lemon Twist	
.6.01	Disposable Plates	
.6.02	Fire wood	1X Load wood,
.6.03	Take aways (assume polystyrene containers)	2x 125 packs.

F S

FAN Sotumua. Seave.

Maize Meal 80kg + 25kg

Mabele Seqarona 25kg

Flour 2 12,5

White Sugar 10kg x 2

Brown Sugar 10kg

Cooking oil 5L 1x2

Baking powder 2.

Yeast 8

Margarine 24

Salt 2.

Soup 10x2.

Chicken Spice 4 pack

Rajan milder spice 2.

Tea

Five roses 1x2 500g

Coffee 2 750g

Rooibos tea 2.

Full Cream Milk 16 pack

Vinegar 2.

Vegetable

Pumpkin 2 bags

Beetroot 10 bags

Carrots 10 bags

Cabbage 12.

Potatoes 3 bags

Sweet Potatoes 2 bags

Onions 2 bags

Green Pepper 2 bags

Lettuce 6.

King Corn 12, SK9

Beans 24 pack.

Chickadee 24 pack

Chickeny 2.

Soft drinks

Coke 2 case

Fanta 2 case

Sprite 2 case

Alcohol

Hansa 3 case

Castle Vite 3 case

Black label 2 case

Hunters core 2 case

Savana 2 case

Cow and Goat

Chicken 12 packs

Fire Wood.

Takeaways.

Family

So.

Church - 30 + 60

Salaries - R10000000) Hundred thousand

FAN Serumula. Seave.

Maize Meal 80kg + 25kg

Mabele Seqarona 25kg

Flour 2 12,5

White Sugar 10kg x 2

Brown Sugar 10kg

Cooking oil 5L 1x2

Baking powder 2.

Yeast 8

Margarine 24

Salt 2.

Soup 10x2.

Chicken Spice 4 pack

Rajan milder spice 2.

Tea.

Five roses 1x2 500g

Coffee 2 750g

Rooibos tea 2.

Fun Cream Meik 6 pack

Vinegar 2.

Vegetable

Pumpkin 2 bags

Beet-pot 10 bags

Carrots 10 bags

Cabbage 12.

Potatoes 3 bags

Sweet Potatoes 2 bags

Onions 2 bags

Green Pepper 2 bags

Lettuce 6.

King Corn 12,5kg

Beans 24 pack.

Chakalaka 24 pack

Chutney 2.

Soft drinks

Coke 2 case

Fanta 2 case

Sprite 2 case

Alcohol

Hansa 3 case

Castle lite 3 case

Black label 2 case

Hunters cold 2 case

Savana 2 case

Cow and Goat

Chickens 12 packs

Fire wood.

Takeaways.

To whom it may concern:

Exxaro Thabametsi Coal Mine Grave Relocation Project

Exxaro Coal (Pty) Ltd is the legal landowner of certain farms on which the Thabametsi Coal Mine will be developed. Graves are located on two of the Exxaro owned farms, namely Vaalpensloop 313 LQ and Van Der Waltspan 310 LQ.

Exxaro Coal (Pty) Ltd has identified and consulted next-of-kin of the deceased buried in these graves. Agreement has been reached with the next-of-kin to mitigate through a grave relocation process, any adverse risks to the graves and associated families that may manifest during the development of the Thabametsi Coal Mine. Exxaro Coal (Pty) Ltd is currently in the process of applying for all relevant permits to exhume and relocate the affected graves.

This letter therefore serves:

1. To confirm that Exxaro Coal (Pty) Ltd is the legal landowner of the affected properties; and
2. As written approval that the graves are exhumed and relocated from Exxaro Coal (Pty) Ltd's properties once all necessary permits and approvals are issued by the responsible authorities, including:
 - a. The South African Heritage Resources Agency (SAHRA) Burial Grounds and Graves (BGG) unit;
 - b. The Lephalale Local Municipality; and
 - c. The Limpopo Provincial Department of Health.

We trust this letter will meet your approval.





Appendix D: Grave register

Grave number	Deceased name	Farm / property	Next of kin	Relationship to deceased	Agreement and consent provided	Place of residence	Identity number	Contact number	Number of graves
S.36-002/1	Matlou, Smith	RE of Vaalpensloop 3131 LQ	Matlou, Jacob	Closest living relative	Not at time of submission	Maropong	Not provided	0784433246	1
S.36-002/2	Matlou, Anna / Mmannana		Nkoati, Lettia / Israel	Cousin	Yes	Ga-Seleka	4803255510086	0836679657 / 0721200110	1
S.36-002/3	Tibanyane, Klaas		Leola, Catherine Mathaga	Spouse	Yes	Ga-Seleka	5703210421081	0721204994	1
S.36-002/4	Tibanyane, Mishack Tshidi Lesisana		Mashabane, Makgaetsi Emmie	Grandchild	Yes	Maropong	5411140367081 5411140367081	0837257224 0837257224	2
S.36-002/7	Tibanyane, Mferoane								
S.36-002/5	Serumula, Stephina		Serumula, Isamai Fanie	Child	Yes	Shongoane 3	5210205671084	0732693718	1
S.36-002/6	Tibanyane, Lotta		Tibanyane, Steven	Son	Not at time of submission	Maropong	Not provided	0781862347	1
S.36-018	Maluleke	Jackalsvley 309 LQ	Maluleke, Tloki	Closest living relative	Not at time of submission	Maropong	Not provided	0713624248	9
S.36-019									
S.36-015	Gwane, Semenson	Leeuwdrift 312 LQ	Unknown						1
S.36-016	Komo, Frans	Van der Waltspan 310 LQ	Unknown						1
S.36-017	Pretorius, Jacobus Johannes	Jackalsvley 309 LQ	Unknown						1
Total number of graves									19



Report:

Assessment of possible graves by means of Ground Penetrating Radar (GPR) at Thabametsi Coal Mine GRP EXX 0564. Farm Jackalsvley 309, Limpopo Province.

Prepared by: Coen Nienaber

Enterprises University of Pretoria (Pty) Ltd – Research Solutions

Prepared for: Mr Johan Nel

Unit Manager: Heritage Resources Management

Digby Wells Environmental

Cell: (072) 288 5496

Digby Wells House

Tel: (011) 789 9495

Turnberry Office Park

Fax: (011) 789 9498

48 Grosvenor Road

E-mail: johan.nel@digbywells.com

Bryanston, 2191

Date: 20 June 2016

Revision no.: 0

Shifting knowledge to insight



Reference

Nienaber, W.C. 2016. Assessment of possible graves by means of Ground Penetrating Radar (GPR) at Thabametsi Coal Mine GRP EXX 0564. Farm Jackalsvley 309, Limpopo Province. Unpublished Report: Enterprises University of Pretoria.

Executive Summary

- At the request of Digby Wells Environmental an assessment of selected localities at Thabametsi Coal Mine was conducted by means of Ground Penetrating Radar (GPR) to ascertain whether any graves are present at the indicated locations, as was claimed by members of the local community.
- The sites in question were located at:
 - Site Maluleke (MAL) 1 - S23° 39' 36.0" E27° 27' 44.4"
 - Site Maluleke (MAL) 2 - S23° 39' 32.0" E27° 27' 40.8"on the Farm Jackalsvley 309, Limpopo Province.
- No radar anomalies consistent with the presence of graves were observed in the investigated areas.

Bio-Archaeological Analysis and Archaeological Geophysics Unit

Coen Nienaber

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1. Brief

At the request of Digby Wells Environmental an assessment of selected localities at Thabametsi Coal Mine was conducted by means of Ground Penetrating Radar (GPR) to ascertain whether any graves are present at the indicated locations, as was claimed by members of the local community.

2. Introduction

Ground Penetrating Radar (GPR) provides the highest real-time imagery resolution of all land- based geophysical search tools (Schultz, 2012) and has become an established technique in the field of forensic geoscience. In recent years, several studies, focusing on the application of GPR for detecting graves, have emerged; for example Doolittle and Bellantoni (2010); Fiedler, *et. al.* (2009); Hansen, *et. al.* (2014); Molina, *et. al.* (2015); Novo, *et. al.* (2011); Pringle, *et. al.* (2008); Schultz (2008) and Schultz and Martin (2012). These studies generally fall into one of two categories, those aimed at detecting and/or monitoring unmarked cemetery graves and those aimed at detecting and/or monitoring clandestine graves. GPR is regarded as the best non-intrusive search method for grave detection (Doolittle and Bellantoni, 2010; Schultz and Martin, 2012).

In this instance members of the local community indicated locations said to contain graves. Each of these localities were surveyed and individually assessed for sub surface radar anomalies that could indicate the possible presence of graves.

3. Location

The sites in question were located at:

- Site Maluleke (MAL) 1 - S23° 39' 36.0" E27° 27' 44.4"
- Site Maluleke (MAL) 2 - S23° 39' 32.0" E27° 27' 40.8"

on the Farm Jackalsvley 309, Limpopo Province (Figure 2).

4. Legal compliance

Since the survey was not conducted at sites where there were any confirmed heritage resources present a SAHRA permit was not a legal requirement to conduct the investigation. The assessment was designed and conducted to confirm or disprove claims that graves were present in specific localities. Until such time as the presence of a heritage resource is not proven or confirmed the locality does not comprise a heritage site and is not subject to the requirements of the NHRA (Act 25 of 1999).



Figure 2. Locality maps showing the location of the GPR assessments (as indicated by the blue flag on the bottom figure).

5. Survey methods and equipment

a. Using GPR to find and assess graves

For forensic and archaeological geophysical searches all the components of the GPR unit are mounted on a cart. The only interchangeable component is the antenna. The type of antenna that is used is usually dependent on the investigator's preference of vertical resolution over depth of investigation or *vice versa* and also the soil type. High frequency antennae (800 or 900 MHz) have a reduced depth of investigation but have an increased vertical resolution. This result in an increment in the number of anomalies observed on the reflection profile and makes it difficult to distinguish between a small forensic target and false reflections from roots, trash, stumps, etc. on the reflection profile or radargraph. The desired target may not be clearly discerned from the clutter produced by these reflection features. Low-frequency antennae (250 MHz) allow for an increased depth of investigation and a reduced vertical resolution and produces less clutter, thus the target will be discerned more easily on the reflection profile. Antennae of 500 or 400 MHz are more popularly used as they are mid-frequency antennae which provide an adequate compromise between vertical resolution and depth of investigation. Antenna choice is also influenced by soil type as the depth of penetration of the electromagnetic (EM) wave is reduced by certain soil types. High percentage clay soils decrease the penetration of radar waves and also dissipate the radar signal (Schultz and Martin, 2012).

The EM waves that are propagated by the GPR antenna are emitted in a conical pattern and spread out while descending from the antenna into the subsurface matrix being investigated (Schultz, 2012; Dojack, 2012). The subsurface conditions and the frequency of the energy being transmitted into the ground determine the dimensions of the conical pattern. Narrow cones of transmission are produced by high-frequency energy magnitudes, but the energy of the electromagnetic waves is not limited to the centre frequency of the antenna that is being used. GPR dispenses energy in a broad band with a two-octave bandwidth. This basically means that a range of frequencies between one-half and two times the centre frequency will be emitted. These electromagnetic waves display different behaviours such as reflection, diffraction, scattering and focusing, dissipation, dispersion and attenuation as they move through the matrix where they interact with buried materials. The returning (reflected) waves reflect off the boundaries of these buried materials and ascend back to the surface where it is detected by the GPR antenna and recorded. Refraction of an electromagnetic wave occurs when it is reflected by subsurface discontinuities and a change in velocity occurs at the interface. This causes a change in direction of the electromagnetic waves through the ground. Generally, the diffraction refers to a spread of waves as they pass through narrow openings. In GPR applications diffraction relates to the phenomenon that produces point source hyperbolas. The hyperbolic image that is produced from a point source is due to the conical pattern of GPR energy which radiates with depth. Scattering of electromagnetic waves is due to the surfaces sloping away from the antenna such as on convex up surfaces, in deep narrow features, and in near vertical features. Conversely, the focusing of electromagnetic waves is when the waves are reflected off surfaces sloping towards the antenna or within shallow wide concave up features. At greater depths, the electromagnetic waves become increasingly dispersed due to the electrical conductivity of subsurface material until such a point that they are fully dissipated, thus there will be no electromagnetic energy that will reflect back to the surface. The rate at which dissipation occurs is

relative to the frequency of wave transmission and the properties of the subsurface materials the electromagnetic waves encounter (Dojack, 2012).

GPR allows for real-time imagery to be generated. This makes initial in-field assessments possible (Dupras, et. al., 2012; Schultz, 2012; Doolittle and Bellatoni, 2010). The size, depth and position of the target of interest can be determined. GPR can be used for grave detection under concrete and tarred surfaces and is able to penetrate freshwater, ice comprised of freshwater and snow. The absence of anomalies in an area can exclude areas of non-interest and this will aid in improving the efficiency of search efforts. Such results also provide conclusive findings when verifying the existence of graves reported at a locality. Three-dimensional GPR data reconstructions or models can be used to determine the context, spatial arrangement of the object and also stratigraphy of an area interest (Schultz, 2012; Hansen, et. al., 2014). However, the GPR equipment require level terrain to operate on (Dupras, et. al., 2012; Schultz, 2012; Doolittle and Bellatoni, 2010; Shultz and Martin, 2012; Dojack, 2012). There must also be sufficient contrast between the grave (or target) and the soil (or matrix) in order for successful grave detection to occur (Dupras, 2012) and the visibility of targets can be inhibited due to clutter that is caused by buried debris, rocks and roots (Schultz, 2012). This will result is an increased amount of noise being observed on the GPR profile and can lead to misinterpretation of anomalies (Schutz and Martin, 2012). The radar waves of GPR become very rapidly attenuated in soil types that are clay-rich and saline (Dojack, 2012).

The GPR unit is operated by the investigator while walking at a slow pace. The antenna's receiving unit gathers the reflected data as a series of discrete waves that are produced by the radar transmission process. The GPR results or observations comprises of the reflected electromagnetic wave traces that are generated along the transect or gridline. A GPR profile is a two-dimensional or cross-section image of the subsurface area that displays time or depth along the vertical axis and length of the transect along the horizontal axis. The determination of depth of a subsurface object is obtained by using two methods, namely: the relative dielectric permittivity value of the soil being surveyed and the reflected-wave method. The relative dielectric value of a material is deduced by how much radar energy will be transmitted at a particular depth through that material. The limitation of this method is that soil properties may not be homogenous across a survey. This will result in obtaining only an estimate depth value across the site. The reflected-wave is regarded as the most accurate method to determine depth. This method involves the analyses of reflections at known depths on the GPR profile that allow for the calculation of average-velocity waves.

The GPR profile does not display an actual image of a buried body or skeleton when a grave has been detected. A reflection, which appears as a series of hyperbolic curves, that is the result of a buried feature are observed instead and this is commonly known as an anomaly. The buried feature is situated at the apex of the anomaly and the series of the hyperbolae can extend deeper than the detected buried feature. It is an essential skill that an operator recognizes an anomaly or the series of hyperbolae curves when conducting in-field assessments (Schultz, 2012). The information that is obtained from a GPR survey can be processed by means of various processing software that filter out unprocessed profiles termed noise or multiples (Schultz, 2012; Conyers, 2006). This will increase the resolution of the GPR profile and the chances of observing buried subsurface materials that were obscured by the noise (Schultz, 2012).

b. Equipment specification

A GSSI Utility Scan DF GPR unit with the following specifications was used:

Controller															
System	Panasonic Toughpad ® FZ-G1														
Data Storage Internal Memory	128 GB SSD														
Display	Enhanced 10.1" WUXGA 1920x1200 with LED backlighting														
Processor	Intel® Core i5-2557M vPro														
Ports	USB 3.0, Ethernet and Serial														
Batteries	Li-Ion battery pack (10.8 V typical 9300 mAh)														
Operating Temperature	-28°C to 60°C (-20°F to 140°F)														
Weight	2.7 kg (6 lbs)														
Environmental	IP65														
Drop Spec	MIL-STD-810G														
GSSI System Software															
Scan Rate	150 scans/sec at 512 samples/scan														
Scan Intervals	50 or 100 scans/meter (15 or 30 scans/foot)														
Output Data Resolution	32-bit														
Operating Mode	Survey Wheel														
Depth Ranges	<table border="1"> <thead> <tr> <th colspan="2">Metric</th> </tr> <tr> <th>High Frequency</th> <th>Low Frequency</th> </tr> </thead> <tbody> <tr> <td>0.50 m</td> <td>1 m</td> </tr> <tr> <td>0.75 m</td> <td>2 m</td> </tr> <tr> <td>1 m</td> <td>3 m</td> </tr> <tr> <td>2 m</td> <td>4 m</td> </tr> <tr> <td>3 m</td> <td>5 m</td> </tr> </tbody> </table>	Metric		High Frequency	Low Frequency	0.50 m	1 m	0.75 m	2 m	1 m	3 m	2 m	4 m	3 m	5 m
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12 in	3 ft										
18 in	6 ft										
3 ft	9 ft										
6 ft	12 ft										
9 ft	15 ft										
System Speed	up to 600 kHz, 200 kHz in North America										
Data Collection Speed	up to 10 km/h (6.25 mph)										
Gain	Manual or automatic, 1-8 gain points (-42 to + 126 dB)										
Real-time Filters	Stacking, Background Removal										
Advanced Real-time Filter	Signal floor tracking										
Display Mode	Linescan Mode: high frequency data only or low frequency data only displayed Dual Mode: high and low frequency data displayed in split screen view Blend Mode: high and low frequency data combined in single view										
Data Format	RADAN® (.dzt)										
Diagnostic	GPS status and battery										
Digital Dual Frequency Smart Antenna											
Number of Hardware Channels	2 (two)										
Frequencies	300 and 800 MHz										
Typical Range	4 m / 12 ft										
Maximum Range	7 m / 21 ft										
Connectors	Digital control, power, survey wheel, marker, serial RS232, accessory connector										
GPS	Data stored internally										
Operating Temperature	-10°C to 50°C (14°F to 122°F)										
Weight	5 kg (12 lbs)										
Dimensions	33.5 x 31 x 15 cm (13.2 x 12.2 x 5.9 in)										
Environmental	IP65										
Cart											
Model 655	4-wheel, compact survey cart Internal, integrated survey wheel encoder Removable, 12-inch wheels Compact, weather resistant design Antenna centerline to front of cart: 38.2 cm (15 in)										

Dimensions: 61.7 x 100 x 102.4 cm (24.3 x 39.4 x 40.3 inches) Total System Weight: 29 kg (66 lbs)

<http://www.geophysical.com/utilityscandf.htm> (Accessed 2015/11/02)

c. Survey MAL1

Site Maluleke (MAL) 1 was located at S23° 39' 36.0" E27° 27' 44.4" (GPS) and comprised a survey grid of 7 m north and 12 m east of the datum at the above coordinate.

The indicated site was a level area at the southern foot of a tree with some surface indications of possible structures. Remnants of fencing were also visible in the vicinity (Figure 3).



Figure 3. Survey area MAL1.

Radar parameters and processing for this survey was as follows:

PLAYBACK FILE INFO		
FILE NAME	FILE 001	
COMMENTS		
RADAR PARAMETERS	POSITIONING	PROCESSING HISTORY
Created 5/6/2016 6:26 AM	Scan Step 100 scans/m	HF Range Gain (dB) -2 52 52
Samples/Scan 512		Vert IIR High Pass 100 MHz
Scan Rate 150 Hz		Vert IIR Low Pass 1500 MHz
Dielectric 8.0		Horz IIR Stacking TC = 3
Antenna HF-800MHz	GRID PARAMETERS	LF Range Gain (dB) 5 35 49
Time Range 20.95 nS	X Y	Vert IIR High Pass 100 MHz
Position Offset -12.6 nS	Start 0 0	Vert IIR Low Pass 1500 MHz
Antenna LF-300MHz	End 12 7	Horz IIR Stacking TC = 3
Time Range 41.9 nS	Space 1 1	
Position Offset -11.61 nS		

d. Survey MAL2

Site Maluleke (MAL) 2 was located at S23° 39' 32.0" E27° 27' 40.8" (GPS) and comprised of a survey grid of 3 m north and 12 m east of the datum at the above coordinate, divided into 3 survey blocks of 3 m by 4m each, designated no 1- 3 from east to west.

The designated site was an extensively disturbed area at the southern foot of a tree with surface indications of animal burrows (Figure 4).



Figure 4. Survey area MAL2.

i. MAL2 Block 1

Radar parameters and processing for this survey was as follows:

PLAYBACK FILE INFO		
FILE NAME	FILE 001	
COMMENTS		
RADAR PARAMETERS	POSITIONING	PROCESSING HISTORY
Created 5/6/2016 7:51 AM	Scan Step 100 scans/m	HF Range Gain (dB) -2 48 53
Samples/Scan 512		Vert IIR High Pass 100 MHz
Scan Rate 150 Hz		Vert IIR Low Pass 1500 MHz
Dielectric 8.0		Horz IIR Stacking TC = 3
Antenna HF-800MHz	GRID PARAMETERS	LF Range Gain (dB) 6 60 64
Time Range 20.95 nS	X Y	Vert IIR High Pass 100 MHz
Position Offset -12.6 nS	Start 0 0	Vert IIR Low Pass 1500 MHz
Antenna LF-300MHz	End 4 3	Horz IIR Stacking TC = 3
Time Range 41.9 nS	Space 1 1	
Position Offset -11.61 nS		

ii. MAL2 Block 2

Radar parameters and processing for this survey was as follows:

PLAYBACK FILE INFO		
FILE NAME	FILE 001	
COMMENTS		
RADAR PARAMETERS	POSITIONING	PROCESSING HISTORY
Created 5/6/2016 7:51 AM	Scan Step 100 scans/m	HF Range Gain (dB) -2 48 53
Samples/Scan 512		Vert IIR High Pass 100 MHz
Scan Rate 150 Hz		Vert IIR Low Pass 1500 MHz
Dielectric 8.0		Horz IIR Stacking TC = 3
Antenna HF-800MHz	GRID PARAMETERS	LF Range Gain (dB) 6 60 64
Time Range 20.95 nS	X Y	Vert IIR High Pass 100 MHz
Position Offset -12.6 nS	Start 0 0	Vert IIR Low Pass 1500 MHz
Antenna LF-300MHz	End 4 3	Horz IIR Stacking TC = 3
Time Range 41.9 nS	Space 1 1	
Position Offset -11.61 nS		

iii. MAL2 Block 3

Radar parameters and processing for this survey was as follows:

PLAYBACK FILE INFO		
FILE NAME	FILE 001	
COMMENTS		
RADAR PARAMETERS	POSITIONING	PROCESSING HISTORY
Created 5/6/2016 8:25 AM	Scan Step 100 scans/m	HF Range Gain (dB) -2 51 51
Samples/Scan 512		Vert IIR High Pass 100 MHz
Scan Rate 150 Hz		Vert IIR Low Pass 1500 MHz
Dielectric 8.0		Horz IIR Stacking TC = 3
Antenna HF-800MHz	GRID PARAMETERS	LF Range Gain (dB) 7 59 64
Time Range 20.95 nS	X Y	Vert IIR High Pass 100 MHz
Position Offset -12.6 nS	Start 0 0	Vert IIR Low Pass 1500 MHz
Antenna LF-300MHz	End 4 3	Horz IIR Stacking TC = 3
Time Range 41.9 nS	Space 1 1	
Position Offset -11.61 nS		

e. Data processing and visualization

2D and 3D analyses were performed on the various GPR data sets. For the initial 2D analyses REFLEXW software (by Sandmeier Scientific Software) was used for some datasets. Time-zero corrections were applied to the data, followed by additional standard processing steps, including dewow filtering and automatic gain control (AGC). Where data was processed in real time the steps are included with the visualizations presented in this report.

Some profiles were also imported into Sensors & Software's *GFP_Edit* software where the geometry of the 3D grid surveys were edited and the input files for the depth slice module *Ekko Mapper* was generated where this was necessary to enhance the results. Additional processing steps applied during depth slice generation included amplitude equalisation gain, velocity-based migration,

envelope filtering and background subtraction where applicable. In most cases the on-board real time processing was deemed sufficient and is included in this report as such.

The visualizations presented in this report are with the equipment firmware, by means of screen capture, unless indicated differently.

6. Results

a. Site MAL1

3D visualization of the processed data shows no anomalies consistent with graves in the indicated survey area (Figure 5) while profile radargraphs for the area clearly shows that are no disturbances of subsurface layers (Figure 6).

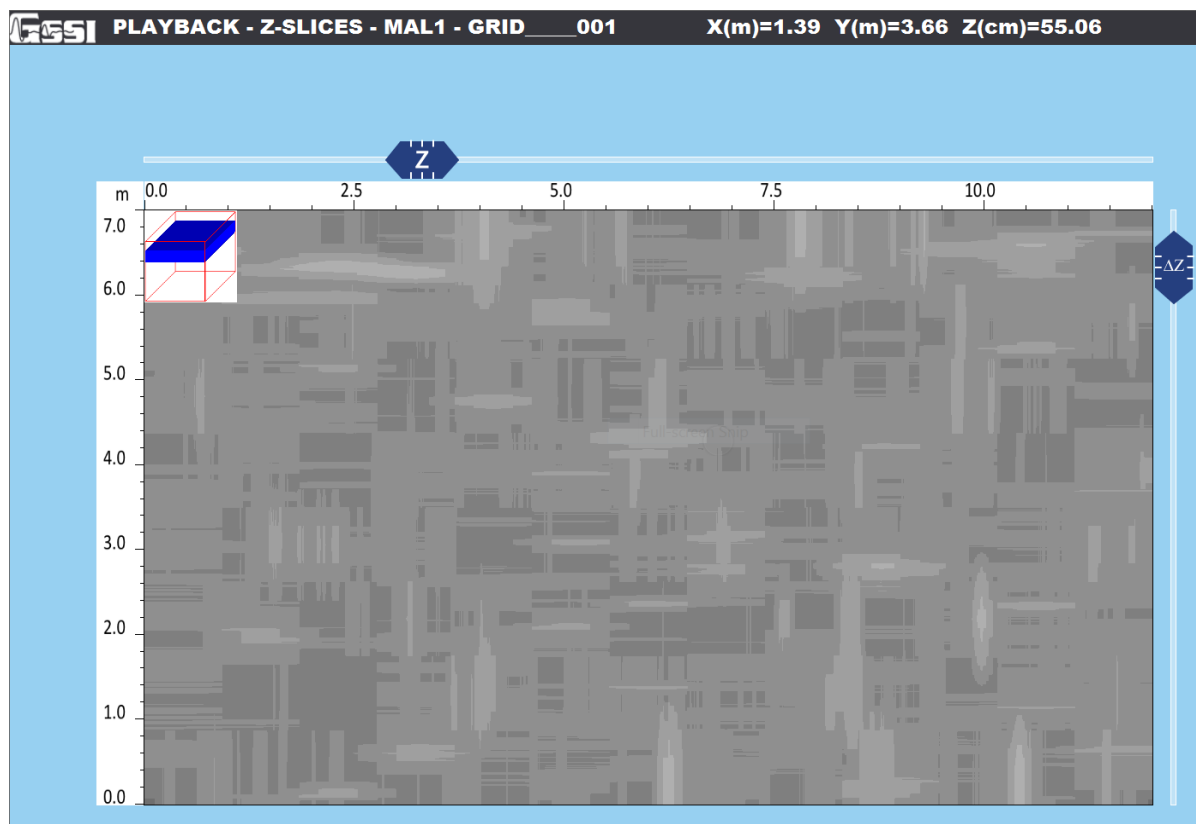


Figure 5. 3D reconstruction for MAL1.

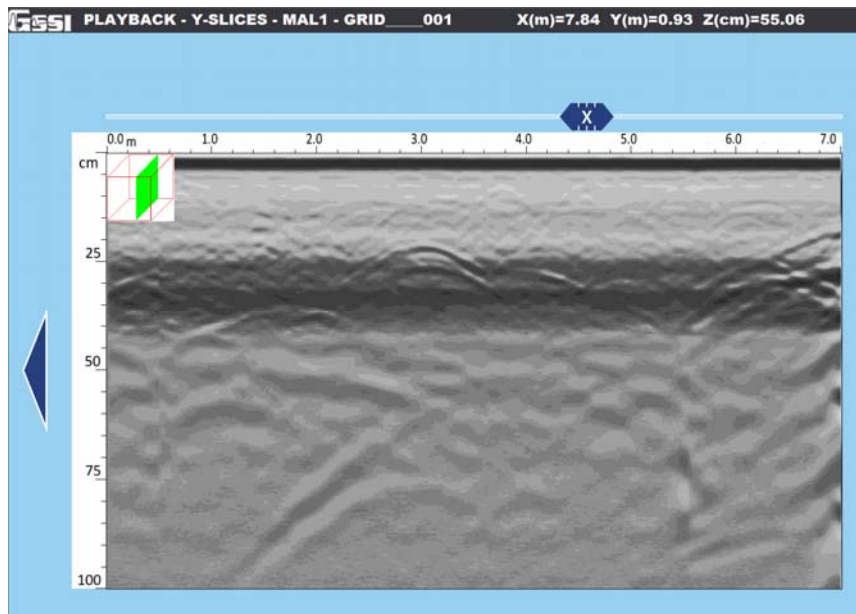


Figure 6. Profile radargraph for MAL1.

a. Site MAL2

i. Site MAL2 Block 1

3D visualization of the processed data shows no anomalies consistent with graves in the indicated survey area (Figure 7) while profile radargraphs for the area shows various disturbances of subsurface layers (Figure 8). None of these are consistent in size, shape and depth with what is normally expected for graves, but most probably represent the sub-surface aspect of the animal burrows visible on the surface at this location.

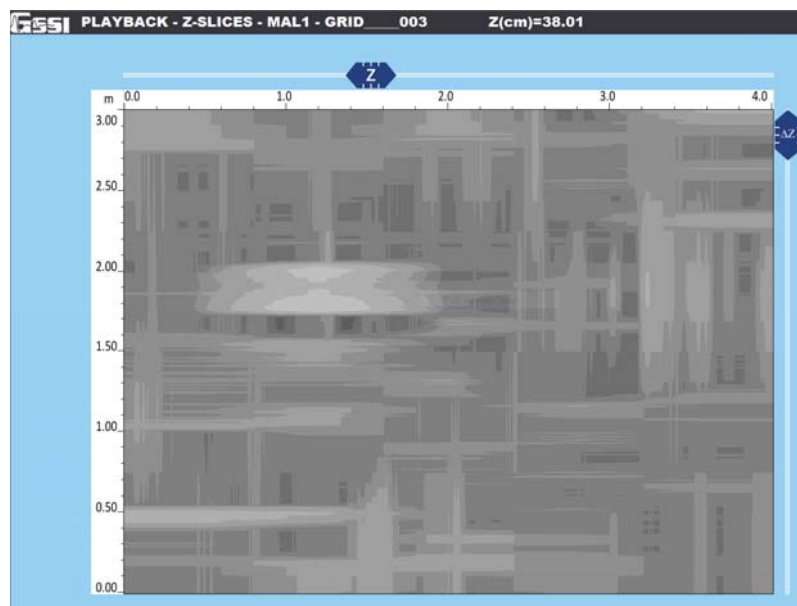


Figure 7. 3D reconstruction for MAL2 Block 1.

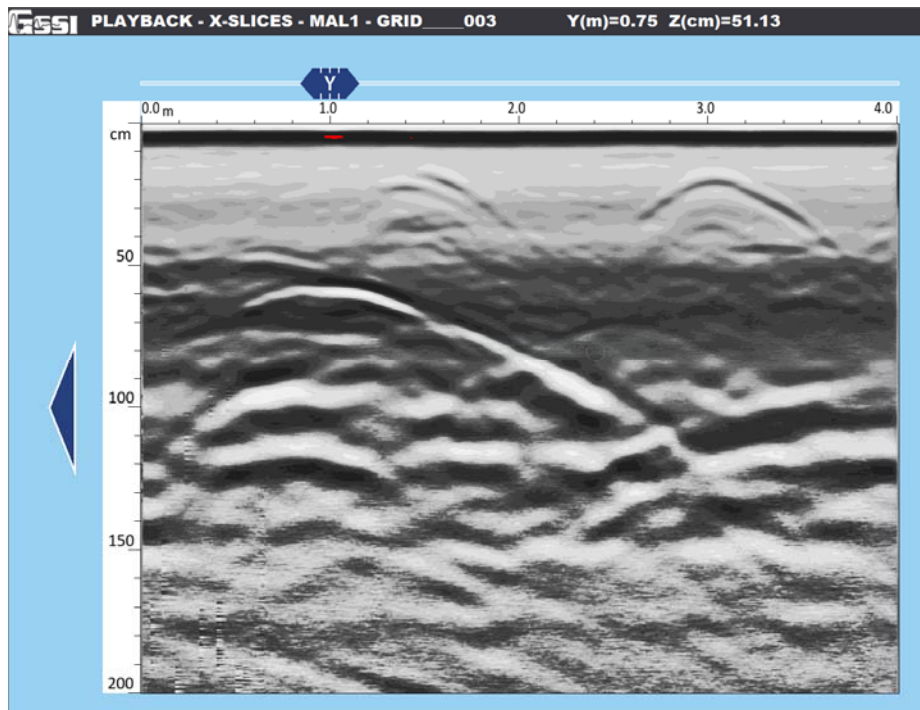


Figure 8. Profile radargraph for MAL2 Block 1.

ii. Site MAL2 Block 2

3D visualization of the processed data shows no anomalies consistent with graves in the indicated survey area (Figure 9) while profile radargraphs for the area shows various disturbances of subsurface layers (Figure 10). None of these are consistent in size, shape and depth with what is normally expected for graves, but most probably represent the sub-surface aspect of the animal burrows visible on the surface at this location.

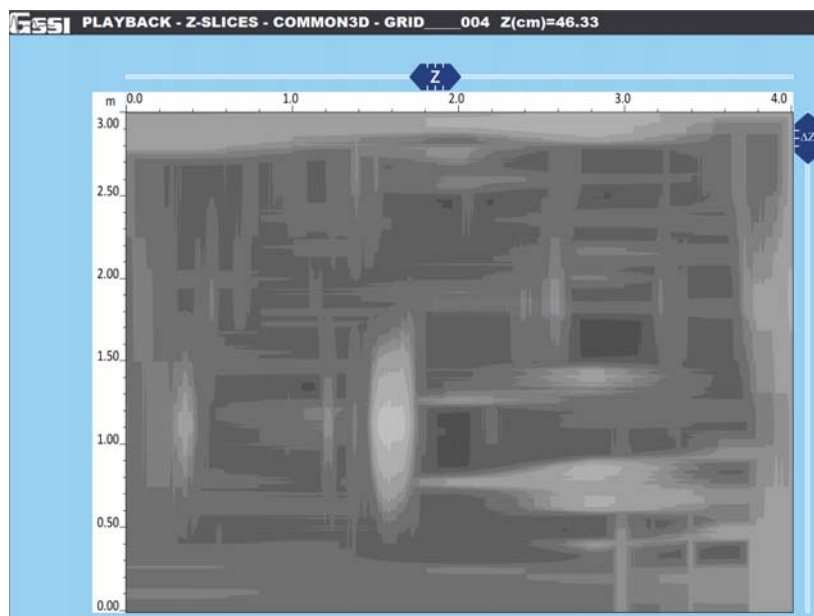


Figure 9. 3D reconstruction for MAL2 Block 2.

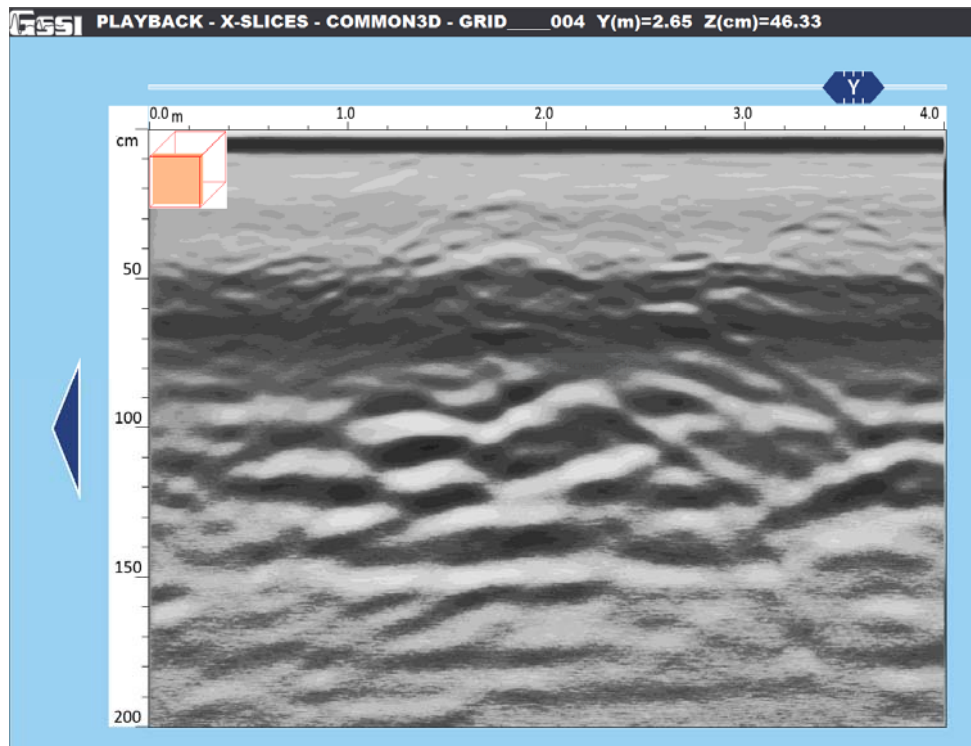


Figure 10. Profile radargraph for MAL2 Block 2.

i. Site MAL2 Block 3

3D visualization of the processed data shows no anomalies consistent with graves in the indicated survey area (Figure 11) while profile radargraphs for the area shows various disturbances of subsurface layers (Figure 12). None of these are consistent in size, shape and depth with what is normally expected for graves, but most probably represent the sub-surface aspect of the animal burrows visible on the surface at this location.

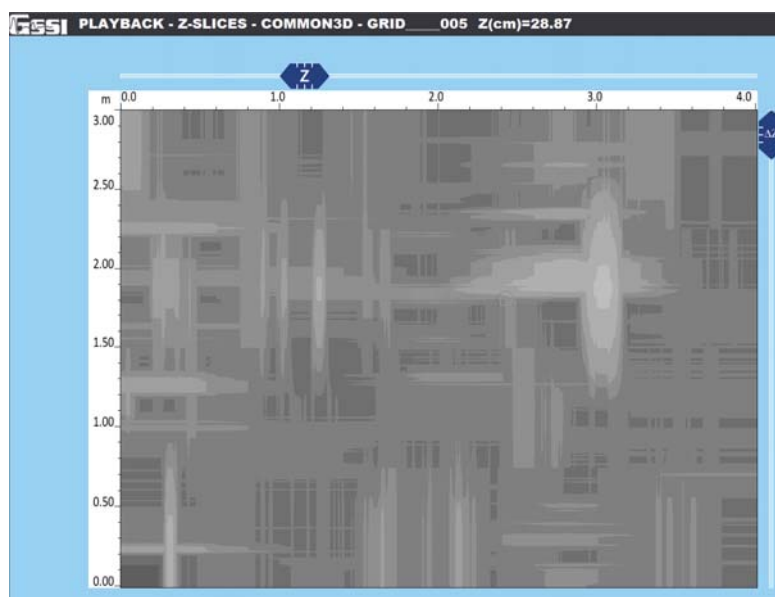


Figure 11. 3D reconstruction for MAL2 Block 3.

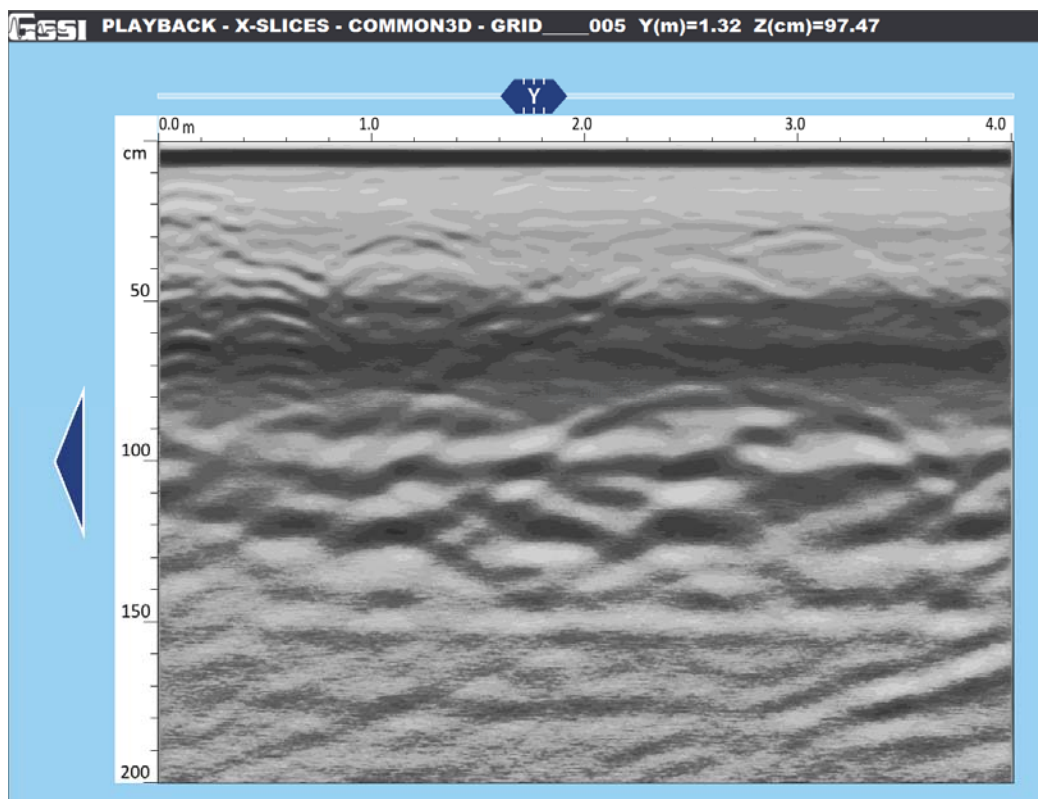


Figure 12. Profile radargraph for MAL2 Block 3.

7. Findings

No radar anomalies consistent with the presence of graves were observed in the investigated areas.

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