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POWERING POSSIBILITY

Belfast Relocation Project Burial Grounds and Graves Consultation

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EXECUTIVE SUMMARY

At present, Exxaro Coal Mpumalanga (Pty) Ltd (referred to as “Exxaro”) operates a coal mining complex – the Northern Block Complex (NBC) – located between the towns of Belfast and Carolina in the Mpumalanga Province. The NBC comprises the Glisa and Strathrae Coal Mines, as well as the Eerstelingsfontein and Belfast Coal Projects, currently under development.

Exxaro submitted a Mining Right Application (MRA) for the Belfast Project to the Department of Mineral Resources (DMR) in accordance with requirements contained in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA). The DMR accepted the MRA on 10 July 2009 (MP 30/5/1/2/2/431). Consequently, Exxaro appointed Marsh Environmental Services, a division of Marsh (Pty) Ltd, to compile a Scoping Report that was submitted to the DMR on 7 August 2009. An Environmental Impact Assessment (EIA) and Environmental Management Programme (EMP) were submitted to the DMR on 8 January 2010 and a revised EMP submitted on 15 May 2010 (Marsh Environmental Services, 2010a; 2010b). The DMR awarded a mining right for the Belfast Project in 2015.

Exxaro also applied for Environmental Authorisation (EA) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) to the Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET). The application was accepted (MDEDET Ref. No.: 17/2/3 N-131; NEAS Ref. No.: MPP/EIA/0000304/2012) and the EA application was supported by an EIA submitted to MDEDET in February 2012 ((Marsh Environmental Services, 2012). MDEDET granted EA on 4 July 2013.

A suite of specialist studies was completed in support of the EIA reports prepared for the MRA and EA application, including a Social Impact Assessment (SIA) and a Heritage Impact Assessment (HIA) (Bews, 2009; de Jong, 2009).

Exxaro appointed Digby Wells Environmental (Digby Wells) in November 2013 to develop a Resettlement Action Plan (RAP) to guide the relocation of the affected households. Exxaro also required that a Burial Grounds and Graves Consultation (BGGC) process be undertaken simultaneously for graves identified in the project area. The BGGC process aimed to identify and consult with *bona fide* Next-of-Kin (NoK) of deceased buried in affected graves regarding the future of identified graves, with specific focus on possible grave relocation.

The BGGC process and the consultation, planning and research for household relocation were undertaken as two separate but interrelated and concurrent activities. This report documents the methods and outcomes of the **BGGC** process; activities and findings related to **household relocation** are recorded in the separate RAP report.

Methodology

The following activities were completed during the BGGC process:

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

Project description and motivation

The Belfast Project will be an open-pit coal mine around 10 km southwest of Belfast, 45 km east of Middelburg and 30 km north of Carolina. The mine will produce an estimated 3 million tons per annum (Mtpa) over an expected Life of Mine (LoM) of 17 years.

The project will be developed on the farms Blyvooruitzicht 383 JT, Leeuwbank 427 JS and Zoekop 426 JS, in the Emakhazeni Local Municipality, Mpumalanga. Exxaro is the current land owner of all three farms.

Development will include an open-pit and supporting infrastructure; developments that are of specific importance in terms of this report include, *inter alia*:

- Infrastructure development;
- Mine development; and
- Mine operation.

These activities will pose significant risks to some 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 Belfast Project.

Data collection and description of graves

Data was collected through a desktop review of Heritage Impact Assessment (HIA) (de Jong, 2009) and Social Impact Assessment (SIA) (Bews, 2009) reports completed previously. Findings contained in these reports were verified during a verification survey undertaken in July 2014. Site mapping was also completed in July 2015.

In general, the graves are situated within a typical rural agricultural landscape. 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 graves that have been mapped and recorded in the Belfast Project area at the time of compiling this report is 264. Based on the current Belfast Project infrastructure and mine plans, 160 graves will need to be relocated.

Summary of graves in Belfast Project

Category of graves per farm portions	Number of graves	Category of graves per farm portions	Number of graves	Category of graves per farm portions	Number of graves
To-be-relocated graves	160	Unaffected graves	104	Possible burial grounds in high risk areas	
Blyvooruitzicht 383 Ptn 10	2	Blyvooruitzicht 383 Ptn 18	2	Blyvooruitzicht 383 Ptn 10	BV9G2
Blyvooruitzicht 383 Ptn 6	3	Leeuwbank 427 Ptn 16		Blyvooruitzicht 383 Ptn 6	L11 G
Blyvooruitzicht 383 Ptn 7	6	Leeuwbank 427 Ptn 26	1	Blyvooruitzicht 383 Ptn 8	L15G
Blyvooruitzicht 383 Ptn 8	6	Leeuwbank 427 Ptn 3	27	Blyvooruitzicht 383 Ptn 9	L16G.1
Blyvooruitzicht 383 Ptn 9	21	Leeuwbank 427 Ptn 5	10	Leeuwbank 427 Ptn 11	L16G.2
Leeuwbank 427 Ptn 10	49	Leeuwbank 427 Ptn 6	26	Leeuwbank 427 Ptn 15	Z11G
Leeuwbank 427 Ptn 7	7	Leeuwbank 427 Ptn 8	18	Paardeplaats 425 Ptn 2	Z1G2.2
Leeuwbank 427 Ptn 8	1	Zoekop 426 Ptn 16	2		
Zoekop 426 Ptn 1	46	Zoekop 426 Ptn 2			
Zoekop 426 Ptn 7	14	Zoekop 426 Ptn 4	15		
Zoekop 426 Ptn 8	5	Zoekop 426 Ptn 5	3		

Agreement Framework

Three agreements were developed and presented to NoK and Exxaro. These agreements defined the terms of relocation and the rights and responsibilities of the various parties involved:

- An **Agreement Framework** was compiled that 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. 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.

- 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 F.
- 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 G.

The Agreement Framework specifically addressed the following:

- Categories of graves:
 - Category 1: Unaffected graves;
 - Category 2: To-be-relocated graves with identified NoK; and
 - Category 3: To-be-relocated graves with no identified NoK.
- Remedial actions, principles and agreements;
- Agreed criteria regarding the eligibility of NoK for remedial action and assistance in terms of each category of grave; and
- 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.

Consultation and participation

NoK were consulted in a number of forums that included:

- **3 public meetings** where the Belfast Project was introduced to a wider audience than only the to-be-resettled community and NoK. The purpose of the public meetings was to identify NoK who do not reside in the Belfast Project area.
- **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.
- **23 individual NoK meetings** were held with some NoK following the final group NoK meeting. The purpose of these individual meetings was mainly to obtain sign-off on the NoK Agreements.

- NoK who are previous landowners opted not to attend the formal meetings and were consulted via **telephone and email** communication.

A summary of meetings is provided in the table below. Formal minutes of meetings are attached as an Appendix to this BGGC report.

List of meetings held

Meeting date	Time	Venue	Meeting type	No. attendees
21 September 2014	10:00	Belfast - Môreilig Combined School	Public meeting	
12 October 2014	10:00	Belfast - Môreilig Combined School	Public meeting	26
19 October 2014	09:00	Belfast - Môreilig Combined School	Public meeting	29
30 November 2014	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	42
18 January 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	55
15 February 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	97
26 July 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	52
16 August 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	70
02 September 2015	08h30	Belfast - Generaals Draai farm	Individual NoK Meeting	1
02 September 2015	10h00	Belfast - Emablomini	Individual NoK Meeting	1
02 September 2015	12h00	Belfast - Emablomini	Individual NoK Meeting	1
02 September 2015	14h00	Belfast - Exxaro NBC offices	Individual NoK Meeting	1
02 September 2015	16h00	Belfast - Emablomini	Individual NoK Meeting	1
03 September 2015	10h00	Kempton Park	Individual NoK Meeting	1
03 September 2015	13h00	Kempton Park	Individual NoK Meeting	1
04 September 2015	09h00	KwaNdebele - Vlakraagte 1	Individual NoK Meeting	1
04 September 2015	14h00	KwaNdebele - Siyabuswa	Individual NoK Meeting	1
05 September 2015	8h30	Belfast - Zoekop & Leeuwbank	Individual NoK Meeting	12
08 September 2015	09h00	Belfast - Wonderfontein	Individual NoK Meeting	1
08 September 2015	11h00	Middelburg	Individual NoK Meeting	1

Meeting date	Time	Venue	Meeting type	No. attendees
08 September 2015	13h00	Middelburg	Individual NoK Meeting	2
08 September 2015	14h00	Middelburg	Individual NoK Meeting	1
08 September 2015	16h00	Middelburg	Individual NoK Meeting	1
12 September 2015	9h00	Middelburg	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	4
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	08h30	Pretoria	Individual NoK Meeting	1
26 September 2015	10h00	Kwaggafontein	Individual NoK Meeting	1
26 October 2015	9h00	Belfast - Paardeplaats	Individual NoK Meeting	1

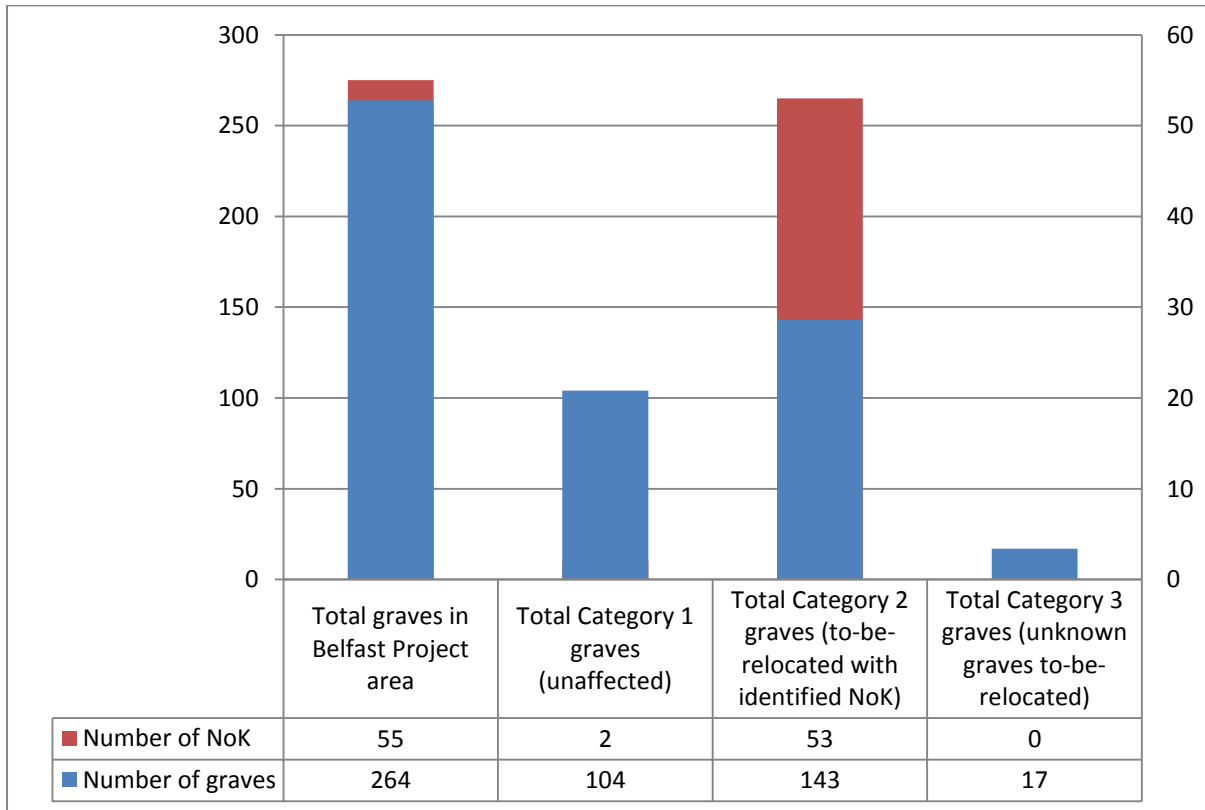
Sign-off of agreements

In principle, all NoK engaged during the consultation process agreed to the principles and remedial actions presented and discussed at each of the NoK meetings held. The consultation process identified 53 NoK, accounting for 143 graves (89% success rate). NoK of only 17 graves could not be identified (11% of total graves).

As at the time of compiling this report, 50 NoK have formally agreed to relocate their family graves, accounting for 126 graves or 79% of total grave count. Only three NoK have not agreed, accounting for 17 graves or 11% of total grave count.

Of the three NoK who have not reached formal agreement to relocate, two have indicated that in principle they agree. This reduces the number of NoK who refused to agree to one, accounting for only 6 graves / 4% of the total.

Summary of identified graves and NoK



Preferred reburial sites

NoK who have formally agreed to relocate their family graves, have indicated preferred reburial sites in various places. NoK were informed that only official, formal cemeteries will be considered, i.e. no reburials will take place at the resettlement site, private households or farms. The majority of NoK, however, indicated that they prefer to their graves to be relocated to Siyathuthuka, Belfast. These sites are summarised below.

Preferred reburial sites indicated by NoK

Next of kin	Preferred reburial place	Local municipality	Number of graves
Burger, Jan	Belfast	Emakhazeni LM	8
Kubheka, Selina	Siyathuthuka	Emakhazeni LM	2
Lukhele, Johannes	Siyathuthuka	Emakhazeni LM	1
Mabena, Maria	Siyathuthuka	Emakhazeni LM	2
Mahlangu, Billy Hendrick	Siyathuthuka	Emakhazeni LM	4

Next of kin	Preferred reburial place	Local municipality	Number of graves
Mahlangu, Joseph	Witbank	Steve Tshwete LM	1
Mahlangu, Machoti Rina	Siyabuswa / Mogononong	JS Moroka LM	4
Mahlangu, Namnyane Johanna	Siyathuthuka	Emakhazeni LM	3
Mahlangu, Samson	Siyathuthuka	Emakhazeni LM	1
Mahlangu, Sarah Fectra	Siyathuthuka	Emakhazeni LM	4
Mahlangu, Sibongile Maria	Siyathuthuka	Emakhazeni LM	1
Malaza, Rose Zabenzile	Siyathuthuka	Emakhazeni LM	1
Malaza, Sonto Bellinah	Siyathuthuka	Emakhazeni LM	2
Maredi, Solomon	Siyathuthuka	Emakhazeni LM	2
Maseko, Alfred	Siyathuthuka	Emakhazeni LM	5
Maseko, Berlina	Siyathuthuka	Emakhazeni LM	2
Maseko, Josephina	Siyathuthuka	Emakhazeni LM	1
Maseko, Tryphina	Siyathuthuka	Emakhazeni LM	5
Mashika, Anna	Siyathuthuka	Emakhazeni LM	7
Masihla, Nomasonto	Siyathuthuka	Emakhazeni LM	3
Mnisi, Sbongile	Siyathuthuka	Emakhazeni LM	2
Motau, Lucky	Siyathuthuka	Emakhazeni LM	1
Mphuthi, Sana Ramaselo	Siyathuthuka	Emakhazeni LM	1
Mphuthi, Veronicah / Sphiwe	Siyathuthuka	Emakhazeni LM	1
Mthimunye, Kibeth	Siyabuswa / Mogononong	JS Moroka LM	3
Mthombeni, Maria	Siyathuthuka	Emakhazeni LM	5

Next of kin	Preferred reburial place	Local municipality	Number of graves
Mthombeni, Timothy	Siyabuswa / Mogononong	JS Moroka LM	1
Mtshweni, Nomaswazi	Siyathuthuka	Emakhazeni LM	2
Mtsweni, Adam	Siyathuthuka	Emakhazeni LM	5
Mtsweni, John	Siyathuthuka	Emakhazeni LM	1
Mtsweni, Piet	TBC	Emakhazeni LM	6
Nhlapho, Andries	Siyathuthuka	Emakhazeni LM	1
Nkosi, Esther	Carolina / Silobela	Albert Luthuli LM	2
Nkosi, Nurse	Siyathuthuka	Emakhazeni LM	3
Radebe, Koos	KwaNdebele	JS Moroka LM	3
Radebe, Solomon Dingaen	Middelburg / Mhluzi	Steve Tshwete LM	6
Sekwane, Johan	Siyathuthuka	Emakhazeni LM	1
Sekwane, Nelisiwe	Siyathuthuka	Emakhazeni LM	6
Sekwane, Vusi	Siyathuthuka	Emakhazeni LM	1
Sibanyoni , Sthembile	Siyathuthuka	Emakhazeni LM	2
Sibanyoni, Elizabeth Nomcala	Siyathuthuka	Emakhazeni LM	1
Sibeko, William	Siyathuthuka	Emakhazeni LM	2
Sindane, Annie	Siyathuthuka	Emakhazeni LM	1
Sindane, Frans Mboni	Siyathuthuka	Emakhazeni LM	3
Sindane, Selina	Siyathuthuka	Emakhazeni LM	4
Sithole, July J.	Siyathuthuka	Emakhazeni LM	2
Skhosana, Annah	Siyathuthuka	Emakhazeni LM	2

Next of kin	Preferred reburial place	Local municipality	Number of graves
Skhosana, George	Siyabuswa / Mogononong	JS Moroka LM	1
Skhosana, Petrus J.	Siyathuthuka	Emakhazeni LM	1
Skhosana, Selinah	Vlaklaagte 2	Thembisile Hani LM	1
Tlou, Selby	Middelburg	Steve Tshwete LM	5
Tshabangu, Abel	Kwaggafontein D	Thembisile Hani LM	1
Wilkie, Martina	Old Belfast cemetery	Emakhazeni LM	7
Graves without NoK	Belfast	Emakhazeni LM	17

Customary requirements

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. The agreed items are summarised below.

Summary of NoK requirements

Item	Total requested
Livestock - Cow	14
Livestock - Goat	30
Livestock - Sheep	7
Meat	39
Groceries	44
King Korn	65

Mat	87
Blanket	101
White Sheets	93

Grave relocation cost estimate

Exxaro has made financial provision to implement the grave relocation of 155 in accordance with Regulation 34(3)(e) of the NHRA: Regulations. The cost estimate is based on applicable 2015 rates and market prices. The costs included:

- Grave fees in preferred relocation cemeteries;
- Costs to procure NoK requirements;
- Costs to appoint a registered funeral undertaker; and
- Estimated consultant fees to manage and supervise grave relocation process as per permit conditions.

A summary of these costs are provided below.

Summary of estimated costs to implement grave relocation

Description	Fees	Disbursements	Subtotals
Grave fees		R 143 010.00	R 143 010.00
NoK requirements		R 1 026 520.00	R 1 026 520.00
Undertaker costs	R 662 200.00	R 558 965.00	R 1 221 165.00
Consultant costs	R 779 175.00	R 105 100.00	R 1 505 164.50
Total	R 1 441 375.00	R 1 833 595.00	R 3 895 859.50
<i>Approximate rounded cost per grave</i>	<i>R 9 000</i>	<i>R 11 459</i>	<i>R 24 350</i>

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;	4.1
(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;	1.3 & 4.1
(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);	9
(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);	TBC
(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;	TBC
(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 re-interment of the contents of such graves;	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, 6 & 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;	TBC
(l) any other relevant information required by the provincial heritage resources authority.	5

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ACRONYMS

Term	Definition
BGGC	Burial Grounds and Graves Consultation
BID	Background Information Document
Digby Wells	Digby Wells & Associates (South Africa) (Pty) Ltd
ELM	Emakhazeni Local Municipality
Exxaro	Exxaro Coal Mpumalanga (Pty) Ltd
GN R	Government Notice Regulations
GPS	Global Positioning System
HIA	Heritage Impact Assessment
IFC	International Finance Corporation
LoM	Life of Mine
MCCEBA	Mpumalanga Cemeteries, Crematoria and Exhumation of Bodies Act, 2005
MS Excel	Microsoft Excel
Mtpa	Million tons per annum
NBC	Northern Block Coal
NHA	National Health Act, 2003
NHRA	National Heritage Resources Act, 1999
NoK	Next-of-Kin
RAP	Resettlement Action Plan
SAHRA	South African Heritage Resources Agency
SAHRA BGG	South African Heritage Resources Agency Burial Grounds and Graves unit
SIA	Social Impact Assessment
SMS	Short Message Service

1 Introduction

1.1 Project background

At present, Exxaro Coal Mpumalanga (Pty) Ltd (referred to as “Exxaro”¹) operates a coal mining complex – the Northern Block Complex (NBC) – located between the towns of Belfast and Carolina in the Mpumalanga Province. The NBC comprises the Glisa and Strathrae Coal Mines, as well as the Eerstelingsfontein and Belfast Coal Projects, currently under development.

Exxaro submitted a Mining Right Application (MRA) for the Belfast Project to the Department of Mineral Resources² (DMR) in accordance with requirements contained in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA). The DMR accepted the MRA on 10 July 2009 (MP 30/5/1/2/2/431). Consequently, Exxaro appointed Marsh Environmental Services, a division of Marsh (Pty) Ltd, to compile a Scoping Report that was submitted to the DMR on 7 August 2009. An Environmental Impact Assessment (EIA) and Environmental Management Programme (EMP) were submitted to the DMR on 8 January 2010 and a revised EMP submitted on 15 May 2010 (Marsh Environmental Services, 2010a; 2010b). The DMR awarded a mining right for the Belfast Project in 2015.

Exxaro also applied for Environmental Authorisation (EA) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) to the Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET). The application was accepted (MDEDET Ref. No.: 17/2/3 N-131; NEAS Ref. No.: MPP/EIA/0000304/2012) and the EA application was supported by an EIA submitted to MDEDET in February 2012 (Marsh Environmental Services, 2012). MDEDET granted EA on 4 July 2013.

A suite of specialist studies was completed in support of the EIA reports prepared for the MRA and EA application, including a Social Impact Assessment (SIA) and a Heritage Impact Assessment (HIA) (Bews, 2009; de Jong, 2009).

Exxaro appointed Digby Wells Environmental (Digby Wells) in November 2013 to develop a Resettlement Action Plan (RAP) to guide the relocation of the affected households. Exxaro also required that a Burial Grounds and Graves Consultation (BGGC) process be undertaken simultaneously for graves identified in the project area. The BGGC process aimed to identify and consult with *bona fide* Next-of-Kin (NoK) of deceased buried in affected graves regarding the future of identified graves, with specific focus on possible grave relocation.

¹ Exxaro Coal Mpumalanga (Pty) Ltd is a subsidiary of Exxaro Coal (Pty) Ltd owned by Exxaro Resources Limited. For the purposes of this report “Exxaro” refers to Exxaro Coal Mpumalanga (Pty) Ltd.

² The DMR was referred to as the Department of Minerals and Energy (DME) at the time.

The BGGC process and the consultation, planning and research for household relocation were undertaken as two separate but interrelated and concurrent activities. This report documents the methods and outcomes of the **BGGC** process; activities and findings related to **household relocation** are recorded in the separate RAP report.

1.2 Scope of work

The Terms of Reference issued to Digby Wells required that the resettlement process (including the BGGC process) comply with relevant South African legislation as well as the International Finance Corporation (IFC) Performance Standards and with Exxaro's relocation policy. The Scope of Work for which Digby Wells was appointed included planning and obtaining the necessary permits for relocation of 120 graves identified in the SIA and HIA, as well as other graves that were subsequently identified.

1.3 Purpose and contents of the 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 Belfast Project.

The report is structured as follows:

- Chapter 2 describes the activities undertaken during the BGGC process and the compilation of this report;
- Chapter 3 provides a brief outline of the legal framework applicable to the BGGC process;
- Chapter 4 summarises collected data and describes the to-be-relocated graves;
- Specific information required in terms of applicable legislation is presented in Chapter 5;
- 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;
- Agreements reached between Exxaro and NoK are summarised in Chapter 8; and
- Chapter 9 provides a cost estimate to implement the grave relocation process.

2 Methodology

The following activities were completed during the BGGC process:

- Data collection;
- Developing participation and consultation materials; and
- Participation and consultation, including 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 Belfast Project BGGC process adhered to all conditions contained in these documents.

2.1.2 Review of previous HIA and SIA reports

The previous HIA (de Jong, 2009) and SIA (Bews, 2009) reports referred to in Section 1.1 above were reviewed with the aim of determining the number of graves identified in the Belfast Project area and identify possible NoK. The findings contained in these reports were used to develop an initial grave register. The previously identified graves were subsequently verified, as described in Section 2.1.3 below.

2.1.3 Verification survey and preliminary grave registration

Verification of burial grounds and graves identified in the HIA and SIA reports was undertaken on 15, 16 and 27 July 2014. The verification surveys were conducted by Justin du Piesanie (Digby Wells heritage specialist / archaeologist).

The purpose was to confirm the presence of burial grounds reported on in the reports, record the site locations using a hand-held GPS, determine the number of visible graves contained in each, and document grave details such as grave dressings and inscriptions. Verified burial grounds and individual graves were also assigned unique grave identifiers during this survey.

The data recorded were used to populate a preliminary grave register that was included in the participation and consultation material described in Section 2.2 below.

2.1.4 Additional data collection

Supplementary site visits were undertaken where NoK pointed out their deceased's graves that were not identified in the verification survey mentioned in Section 2.1.3 above.

2.1.5 Site mapping

Site mapping was completed from 29 to 30 July 2015 by Johan Nel (Digby Wells manager: Heritage Resources Management unit) and Justin du Piesanie. This entailed increasing the

accuracy of data recorded during the verification survey by using a differential GPS to create burial ground layout plans. These layout plans depict the exact location and extent of each individual grave in relation to surrounding graves. The data collected during site mapping are captured in Plan 2 to Plan 10 in Section 5.3 below.

2.1.6 Grave database development

As mentioned in Section 2.1.3 above, a preliminary grave register was developed using data contained on the reviewed HIA and SIA reports and collected during the verification survey. 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 A.

2.2 Developing participation and consultation materials

2.2.1 Public announcement

Public announcement materials were developed in accordance with NHRA: Regulation 39. The materials included:

- A Background Information Document (BID);
- Print media notices;
- Radio announcements; and
- Site notices.

The BID describes the Belfast Project and its possible effect on graves, and also gives an outline of the relevant legal framework. This document also included a registration and comment form to allow NoK and other Interested and Affected Parties (I&APs) to register and / or comment on the BGGC process and probable grave relocation. A copy of the BID is attached as see Appendix B.

The BGGC process was formally announced through the placement of media and site notices in English and isiNdebele (see Table 1). Three press media notices were placed in two local newspapers. Radio announcements were made on three community radio stations. Site notices were placed at each burial ground as well as access routes to the Belfast Project area project area (Figure 1). The notices indicated the date, time and venue of public meetings mentioned in Section 2.3.1 below. . The advertising was done in accordance with NHRA Regulation 39. Copies of the media and site notices are attached as Appendix C

Table 1: Media advertisements

Media	Date
Middelburg Observer	9 September 2014
	12 September 2014
Highvelder	3 October 2014
iKwekwezi FM	17 October 2014
Ligwalagwala FM	
Thobela FM	



Figure 1: Photographic evidence of select site notices

2.2.2 Development of relocation agreements

Three agreements were developed and presented to NoK and Exxaro. These agreements defined the terms of relocation and the rights and responsibilities of the various parties involved:

- An **Agreement Framework** was compiled that 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. 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 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.
- 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 F.
- 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 G.

2.3 Participation and consultation

2.3.1 Identification and registration of NoK

During the early stages of the project, it became apparent that there are three main categories of NoK:

- NoK who are members of the to-be-resettled community;
- NoK who are not members of the to-be-resettled community, and who lived elsewhere; and
- Neighbouring landowners who have family members buried on their farms.

NoK who are members of the to-be-resettled community were identified during the household surveys undertaken to inform the RAP. These NoK's details and that of their deceased relatives were captured in the grave register attached as Appendix A.

NoK who are not members of the to-be-resettled community were also identified and registered either when responding to public announcements or during the meetings discussed in Section 2.3.2 below.

The majority of NoK were identified during the early phases of the process (such as during the public meetings discussed in Section 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:

- Emakhazeni Local Municipality; and
- Local ward councillors.

Consultation with identified NoK is summarised in Chapter 7 below. NoK were consulted in a number of forums that included:

- **3 public meetings** where the Belfast Project was introduced to a wider audience than only the to-be-resettled community and NoK. The purpose of the public meetings was to identify NoK who do not reside in the Belfast Project area.
- **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 Section 2.2.2 above.
- **23 individual NoK meetings** were held with some 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 Section 2.2.2 above.
- NoK who are previous landowners opted not to attend the formal meetings and were consulted via **telephone and email** communication.

With the exception of the three public meetings (which were announced via the media notices, radio announcements and site notices mentioned in Section 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. All three public and five group NoK meetings were held at Môreilig Combined School, just off the N4 highway, south of Belfast. After the first public meeting, attendees were either provided with transport to and from the venue, or were reimbursed for travelling expenses.

Meetings were facilitated by Digby Wells and attended by Exxaro representatives. 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 isiZulu.

Table 2: List of meetings held

Meeting date	Time	Venue	Meeting type	No. attendees
21 September 2014	10:00	Belfast - Môreliq Combined School	Public meeting	
12 October 2014	10:00	Belfast - Môreliq Combined School	Public meeting	26
19 October 2014	09:00	Belfast - Môreliq Combined School	Public meeting	29
30 November 2014	09:00	Belfast - Môreliq Combined School	Group NoK Meeting	42
18 January 2015	09:00	Belfast - Môreliq Combined School	Group NoK Meeting	55
15 February 2015	09:00	Belfast - Môreliq Combined School	Group NoK Meeting	97
26 July 2015	09:00	Belfast - Môreliq Combined School	Group NoK Meeting	52
16 August 2015	09:00	Belfast - Môreliq Combined School	Group NoK Meeting	70
02 September 2015	08h30	Belfast - Generaals Draai farm	Individual NoK Meeting	1
02 September 2015	10h00	Belfast - Emablomini	Individual NoK Meeting	1
02 September 2015	12h00	Belfast - Emablomini	Individual NoK Meeting	1
02 September 2015	14h00	Belfast - Exxaro NBC offices	Individual NoK Meeting	1
02 September 2015	16h00	Belfast - Emablomini	Individual NoK Meeting	1
03 September 2015	10h00	Kempton Park	Individual NoK Meeting	1
03 September 2015	13h00	Kempton Park	Individual NoK Meeting	1
04 September 2015	09h00	KwaNdebele - Vlaklaagte 1	Individual NoK Meeting	1
04 September 2015	14h00	KwaNdebele - Siyabuswa	Individual NoK Meeting	1

Meeting date	Time	Venue	Meeting type	No. attendees
05 September 2015	8h30	Belfast - Zoekop & Leeuwbank	Individual NoK Meeting	12
08 September 2015	09h00	Belfast - Wonderfontein	Individual NoK Meeting	1
08 September 2015	11h00	Middelburg	Individual NoK Meeting	1
08 September 2015	13h00	Middelburg	Individual NoK Meeting	2
08 September 2015	14h00	Middelburg	Individual NoK Meeting	1
08 September 2015	16h00	Middelburg	Individual NoK Meeting	1
12 September 2015	9h00	Middelburg	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	4
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	08h30	Pretoria	Individual NoK Meeting	1
26 September 2015	10h00	Kwaggafontein	Individual NoK Meeting	1
26 October 2015	9h00	Belfast - Paardeplaats	Individual NoK Meeting	1

Formal records of meetings are attached as Appendices D and E. Details of consultation with the Emakhazeni Local Municipality and local ward councillors are described in the minutes attached as Appendix D, as well as the RAP report.

2.4 Limitations

The following limitations influence the preparation of this report:

- Ten of the 26 burial grounds identified in the HIA report may have been recorded on the basis of faulty information, or the coordinates of these burial grounds may have been recorded incorrectly. This conclusion is based on the fact that no surface

evidence of burial grounds could be found at these ten putative sites, and no graves were indicated by NoK at their recorded locations. These alleged burial grounds are therefore excluded from the permit application, with the provision that an archaeological Watching Brief be undertaken during construction. Should graves actually exist at these sites, Exxaro will implement a grave relocation process as described in this report.

- In contrast with public meetings and group NoK meetings, formal minutes were not kept of individual NoK meetings. The reason for this omission was that these meetings generally resulted in sign-off of agreements (which thus served as formal record of the outcome of each meeting). Where disputes between NoK and Exxaro arose during these meetings, Digby Wells compiled notes of meetings for record purposes.

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 records 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 Mpumalanga Cemeteries, Crematoria and Exhumation of Bodies Act, 2005 (Act No. 8 of 2005) (MCCEBA)

The MCCEBA regulates exhumation and reburial of human remains within the Mpumalanga Province. Section 14 of this Act outlines the process in respect of consultation and approvals required for the exhumation and relocation of human remains.

This Act furthermore, in terms of Section 14(3) (e) (iii) defines that *bona fide* NoK must provide written consent for the exhumation and relocation as follows, in order of relevance:

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.

3.2.2 Emakhazeni Local Municipality (Highlands) Heritage Resources and Cultural Institutions By-laws (Draft)

These by-laws reiterate the requirements and conditions contained in the NHRA and MCCEBA.

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 Belfast 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 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 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 compensation:** 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 compensate NoK through:
 - Covering costs associated ceremonial practices that may be required by NoK, as agreed between the two parties;
 - Compensation 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 (solatium / solatia):** Exxaro will not pay any cash compensation to NoK for relocating their graves. Exxaro has determined that there is no legal remedy for financially compensating NoK, other than precedents that have been created by other developers.

4 Project description and details of responsible entities

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 Belfast Project area. This section includes:

- A brief description of the Belfast 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 Belfast Project will be an open-pit coal mine around 10 km southwest of Belfast, 45 km east of Middelburg and 30 km north of Carolina. The mine will produce an estimated 3 million tons per annum (Mtpa) over an expected Life of Mine (LoM) of 17 years. The project will be developed on the three farms referred to in Section 4.1 (see Table 4).

Development will include an open-pit and supporting infrastructure; developments that are of specific importance in terms of this report include, *inter alia*:

- Infrastructure development:
 - Construction of surfaced access roads and internal roads, as well as un-surfaced haul roads and surfaced parking areas;
 - Construction of various plants such as: crushing and screening plant; and materials handling plants;
 - Construction of buildings such as: a guard house; office blocks; and plant and mine workshops;
 - Construction of various water and electrical reticulation systems including: a sewage treatment plant; storm water channels; pollution control dams; water treatment and purification plants; and pollution control, process and return water dams.
- Mine development:
 - Pre-stripping of topsoil and overburden for the first box-cut, and establishment of initial box-cut;
 - Stockpiling of overburden and topsoil at the final void positions; and
 - Establishment of coal handling stockpiles.
- Mine operation:

- Stripping and removal of topsoil;
- Drilling and blasting overburden and consequent loading and hauling;
- Digging trenches to prevent contamination;
- Drilling and blasting coal, and consequent loading and hauling.

These activities will pose significant risks to some 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 Belfast Project.

4.2 Landowner details and consent

Exxaro is currently the legal landowner of the farms Blyvooruitzicht 383 JT, Leeuwbank 427 JS and Zoekop 426 JS. The farms are property of Exxaro. The contact details of the responsible Exxaro representative and title deed information are summarised in Table 3. 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 H.

Table 3: Title Deed and Landowner details

Farm	Number	ID	Portion	Extent (ha)	Title deed	New consolidated description
Zoekop	426	JS	RE	92.1457	T5358/2009	Farm Zoekop 1222 JS
	427	JS	1	169.0223	T1262/2012	
	428	JS	RE 2	126.1957	T1263/2012	
	429	JS	5	22.7794	T6659/2010	
	430	JS	RE 7	80.3078	T1262/2012	
	431	JS	12	42.8266	T5356/2009	
	432	JS	15	110.8202	T6659/2010	
Leeuwbank	427	JS	7	232.971	T6186/2014	
	428	JS	8	171.2993	T6186/2014	

Farm	Number	ID	Portion	Extent (ha)	Title deed	New consolidated description
	429	JS	10	346.1788	T6186/2014	
	430	JS	11	239.3521	T6660/2010	
Blyvooruitzicht	383	JT	RE 2	22.4725	T5357/2009	Portion 23 Blyvooruitzicht 383 JT
	384	JT	6	103.9373	T6186/2014	
	385	JT	7	222.2529	T5357/2009	
	386	JT	8	207.8731	T5357/2009	
	387	JT	9	207.8731	T5356/2009	
	388	JT	10	297.4322	T5356/2009	

4.3 Responsible planning authority

As stated in Section 1.1 above, the Belfast Project is located near Belfast and Carolina in the Mpumalanga Province. The responsible planning authority is the Emakhazeni Local Municipality (ELM), located in the town of Belfast. Details of the project location and planning authority are listed in Table 4.

Table 4: Belfast Project geographical location and planning authority details

Geographical location	
Province	Mpumalanga
District Municipality	Nkangala District Municipality
Local Municipality	Emakhazeni Local Municipality
Magisterial District	Belfast
Nearest Town/s	Belfast, Middelburg, Carolina
Properties	Blyvooruitzicht 383 JT Leeuwbank 427 JS Zoekop 426 JS

Map reference/s	2528 Pretoria & 2530 Nelspruit 1:250 000 topographical map sheets 2529 DD Arnot & 2530 CC Moedig 1:50 000 topographical map sheets
Planning authority	
Name	Emakhazeni Local Municipality
Address	25 Scheepers Street, Belfast 1100
Contact person	Danial Mkhonza
Telephone	013 253 7600
Fax	013 253 1889
Email	mkhonzad@emakhazenilm.co.za

4.4 Responsible persons / entities

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

Exxaro has not appointed 'responsible persons' contemplated in NRHA: Regulation 34(3)(f) and (h) to implement the proposed exhumation and relocation of the 155 graves. This appointment will be made following the granting of all relevant permits and approvals.

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 5.

Table 5: Requirements for 'responsible persons'

Project aspect	Qualification & experience
Archaeologist	Johan Nel (BA), BA (Hon) At least an Honours Degree in archaeology and approved by the SAHRA BGG unit; Proven experience in supervising and managing grave relocation projects; and Preferably a member of the Association of Southern African Professional Archaeologists
Undertaker	Registered funeral undertaker who can operate within the ELM Proven experience in grave relocation projects

5 Data collection results and description of graves

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

- A review of the previous HIA (de Jong, 2009) and SIA (Bews, 2009) reports;
- The survey undertaken to verify the findings of these reports, and the subsequent site mapping; 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 burial grounds in close proximity to homesteads of the to-be-resettled community, which account for the majority;
- Graves next to household structures, reflecting traditional practice of burying stillborn or miscarriage infants at the home; and
- Other graves located in fields or woods and that cannot be associated with homesteads.

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 Findings of the HIA and SIA

The SIA identified 32 non-landowning households that will need to be resettled due to mining activities. These households are primarily situated within two communities located on Zoekop Portion 1 (16 households) and Leeuwbank Portion 13 (13 households). Two other households are located on Leeuwbank Portion 2 and another on Zoekop Portion 7. The SIA referred to approximately 60 graves existing in the study area identified through the HIA (Bews, 2009, p. 26).

The HIA was completed in 2009 by Dr R. C. de Jong of Cultmatrix cc and submitted to Exxaro on 31 December 2009 (de Jong, 2009). The HIA report identified 26 burial grounds, but did not provide an accurate total number of individual graves. The report was included as an Appendix to EIA reports submitted for both the MRA and EA. However, it was found that the report was not submitted to the South African Heritage Resources Agency (SAHRA) in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) for Statutory Comment³.

³ Exxaro subsequently requested Digby Wells to submit the HIA to SAHRA. SAHRA issued Interim Comment on the de Jong report on 14 November 2014 requiring that all graves that are to be affected by the Belfast Project development be relocated.

5.2 Results of verification survey

Through the survey referred to in Section 2.1.3 above, only 16 of the 26 burial grounds identified in the HIA referred to above could be verified. The locations of the remaining 10 burial grounds were determined based on GPS coordinates contained in the HIA report. However, no surface evidence to indicate the presence of graves in these “possible burial grounds” was observed during the survey.

The verification survey recorded 161 individual graves, based on visible surface evidence, significantly more than the numbers reported in the HIA and SIA. This number and the failure to find any evidence of graves at the ten possible burial grounds recorded previously cast some doubt on the accuracy of the data recorded in 2009 HIA.

5.3 Results of site mapping

The total number of graves that have been mapped and recorded in the Belfast Project area at the time of compiling this report is 264. The increase of identified graves between the verification survey and site mapping is due to a 103 additional graves that were pointed out by NoK during consultation. Many of these graves have no surface dressing to indicate their presence. Based on the current Belfast Project infrastructure and mine plans, 160 graves will need to be relocated due to being at direct physical risk (111 graves) or being associated with communities that will be resettled (49 graves).

In addition to the 160 recorded graves, seven of the putative burial grounds reported in the HIA report are located within the Belfast Project footprint area. As mentioned above, no surface evidence could be found of graves at these putative sites; however, if graves actually exist there, development of the project will pose significant risk to them. Exxaro is aware of this risk and it is proposed that Watching Briefs be implemented when construction takes place in these areas.

The numbers of recorded graves per farm portion and required action are listed in Table 6, and depicted on Plan 1. Site plans of each recorded burial ground per farm portion are depicted in Plan 2 to Plan 10 below. A complete grave register is attached as Appendix A.

Table 6: Number of graves in Belfast Project

Category of graves per farm portions	Number of graves
<i>To-be-relocated graves</i>	160
Blyvooruitzicht 383 Ptn 10	2

Category of graves per farm portions	Number of graves
Blyvooruitzicht 383 Ptn 6	3
Blyvooruitzicht 383 Ptn 7	6
Blyvooruitzicht 383 Ptn 8	6
Blyvooruitzicht 383 Ptn 9	21
Leeuwbank 427 Ptn 10	49
Leeuwbank 427 Ptn 7	7
Leeuwbank 427 Ptn 8	1
Zoekop 426 Ptn 1	46
Zoekop 426 Ptn 7	14
Zoekop 426 Ptn 8	5
<i>Unaffected graves</i>	104
Blyvooruitzicht 383 Ptn 18	2
Leeuwbank 427 Ptn 16	
Leeuwbank 427 Ptn 26	1
Leeuwbank 427 Ptn 3	27
Leeuwbank 427 Ptn 5	10
Leeuwbank 427 Ptn 6	26
Leeuwbank 427 Ptn 8	18
Zoekop 426 Ptn 16	2
Zoekop 426 Ptn 2	
Zoekop 426 Ptn 4	15

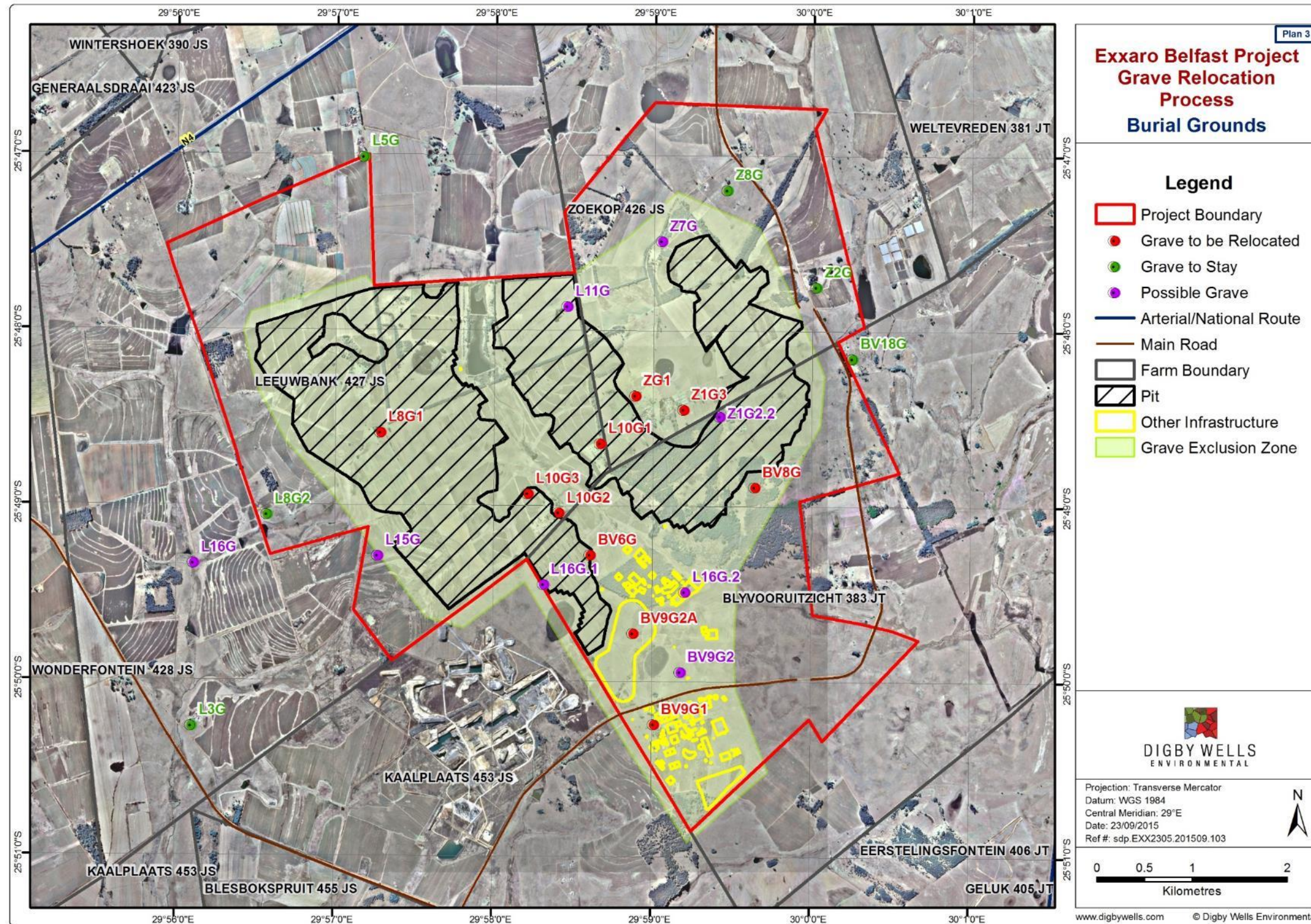
Category of graves per farm portions	Number of graves
Zoekop 426 Ptn 5	3
<i>Possible burial grounds in high risk areas</i>	
Blyvooruitzicht 383 Ptn 10	BV9G2
Blyvooruitzicht 383 Ptn 6	L11 G
Blyvooruitzicht 383 Ptn 8	L15G
Blyvooruitzicht 383 Ptn 9	L16G.1
Leeuwbank 427 Ptn 11	L16G.2
Leeuwbank 427 Ptn 15	Z11G
Paardeplaats 425 Ptn 2	Z1G2.2
Total number of identified graves	264



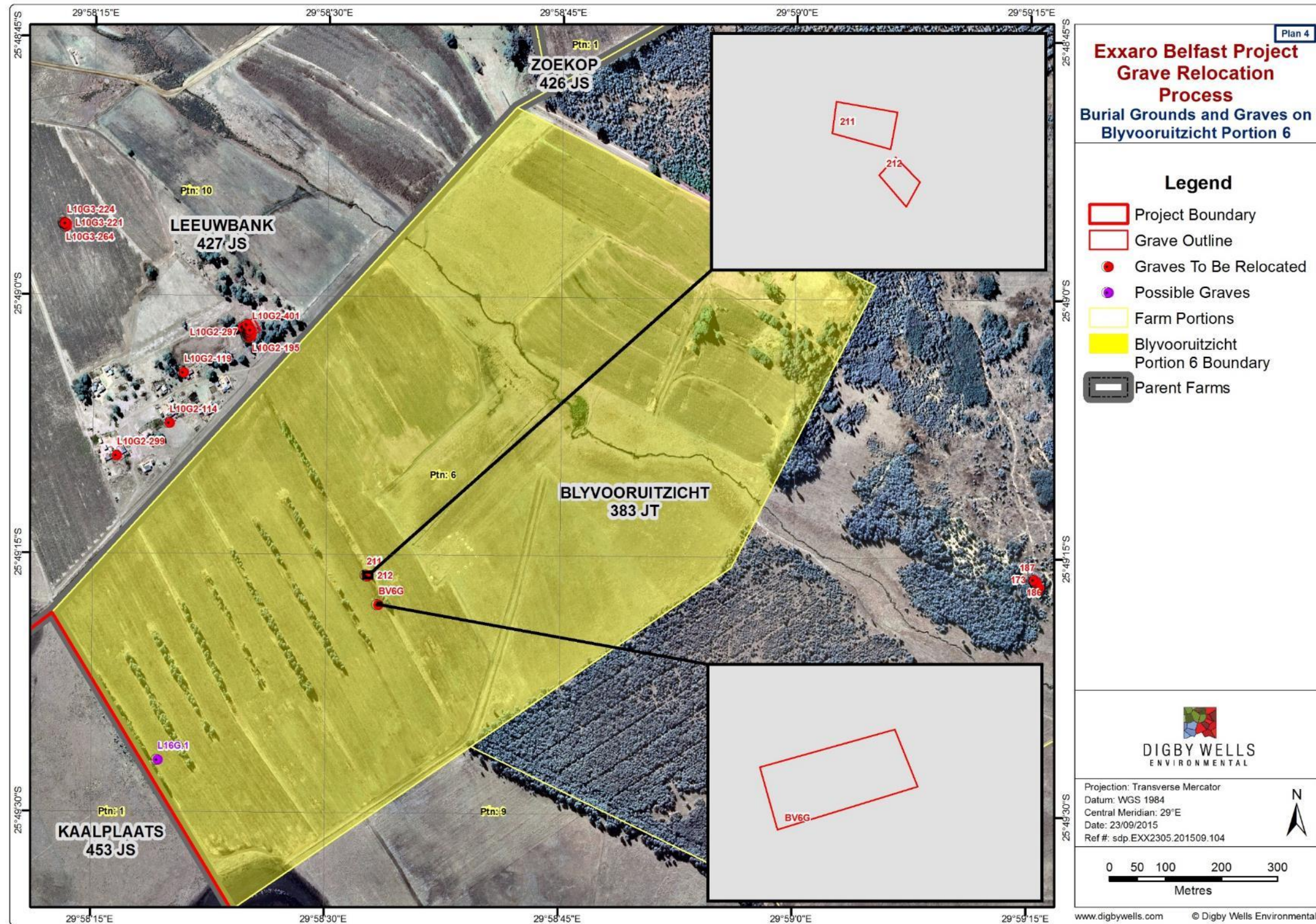
Figure 2: Examples of graves identified within the Belfast Project area.

(A) and (B) Homestead burial grounds on Leeuwbank 427 JS Portion 10. (C) Dressing of brick border and earth fill. (D) Dressing of granite headstone and border and earth fill. (E) Grave with no surface dressing or marker.

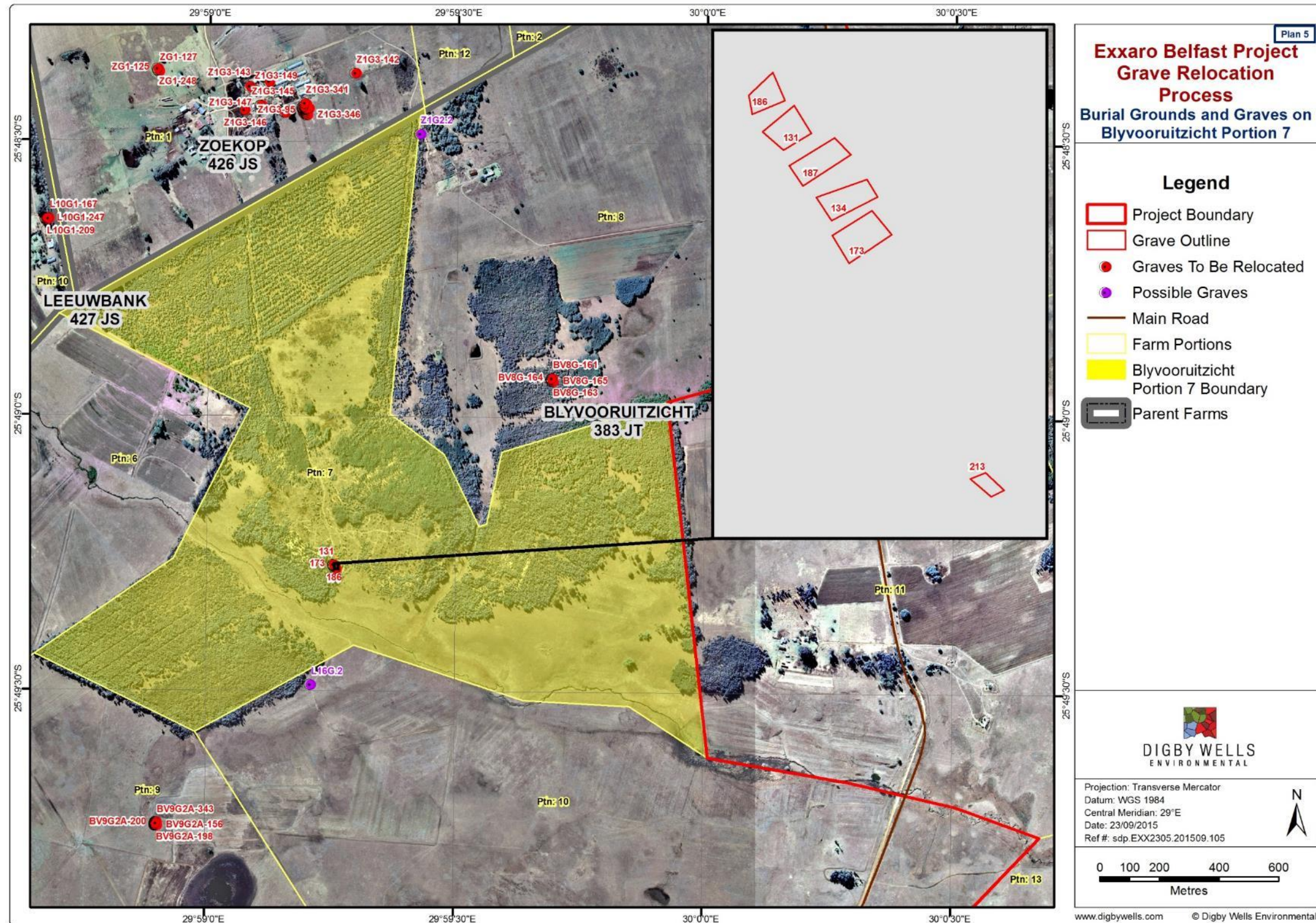
Plan 1: Belfast Project area depicting identified burial grounds and proposed infrastructure layout



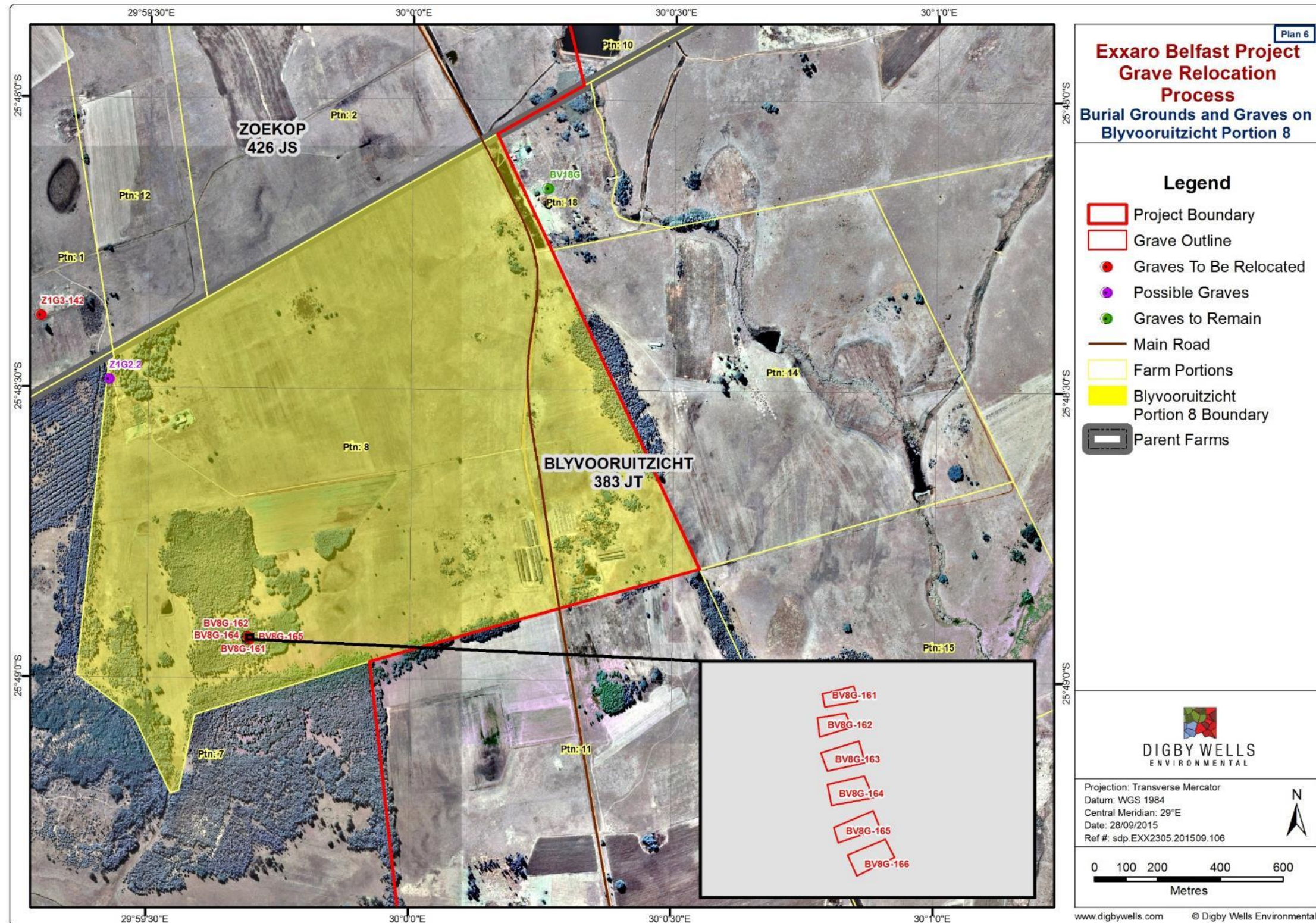
Plan 2: Burial grounds and graves on Blyvooruitzicht 383 JT Portion 6



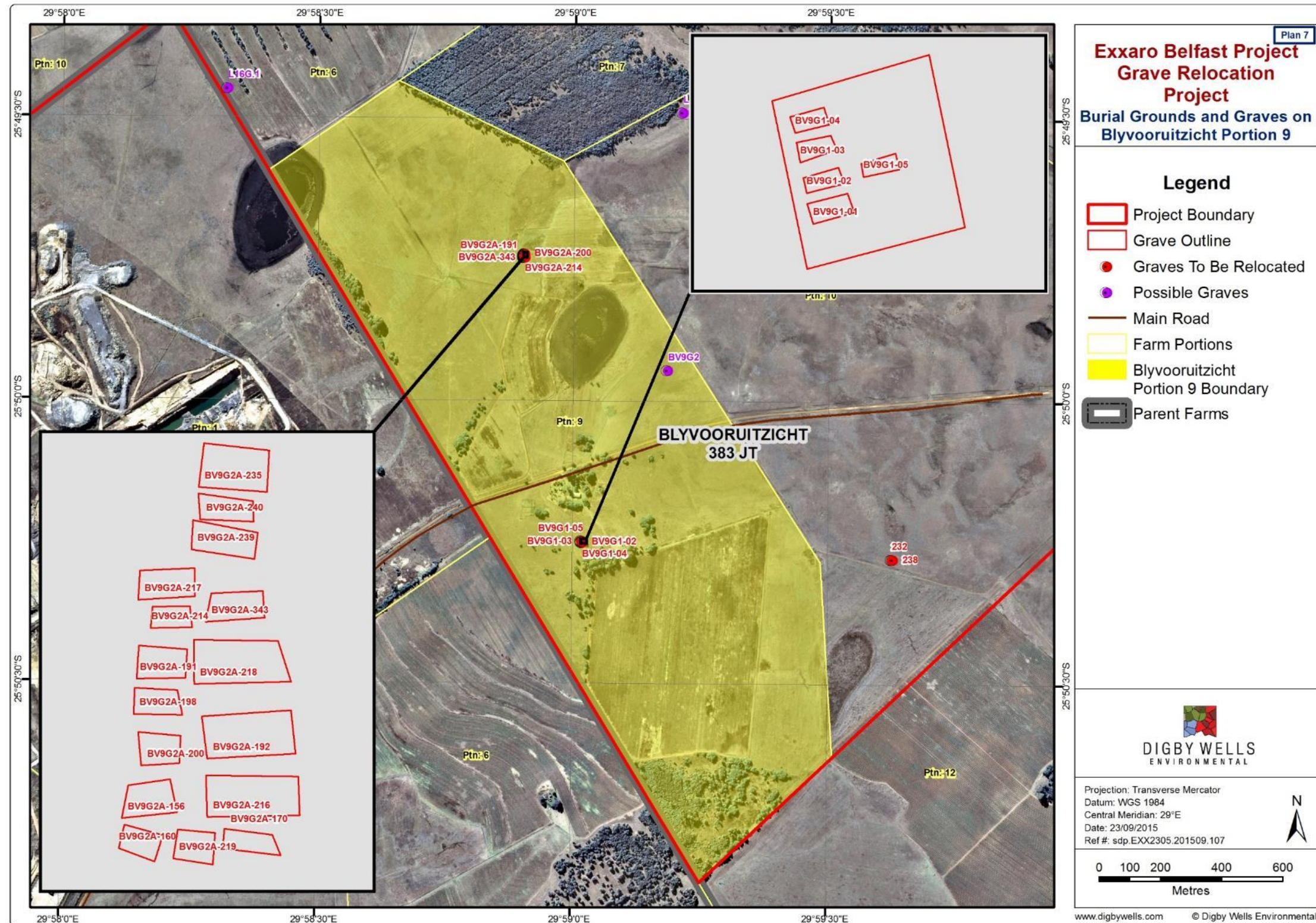
Plan 3: Burial grounds and graves on Blyvooruitzicht 383 JT Portion 7



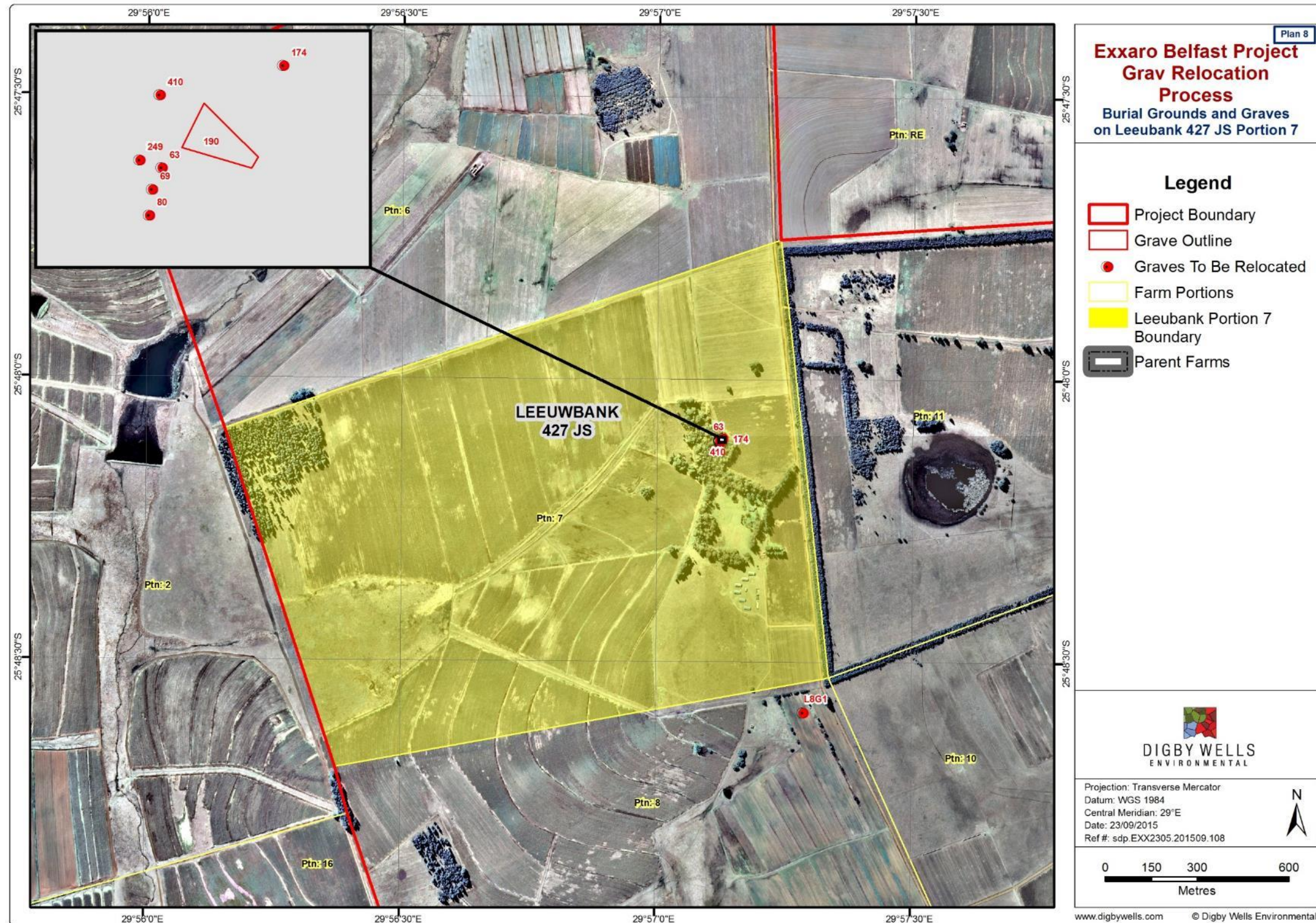
Plan 4: Burial grounds and graves on Blyvooruitzicht 383 JT Portion 8



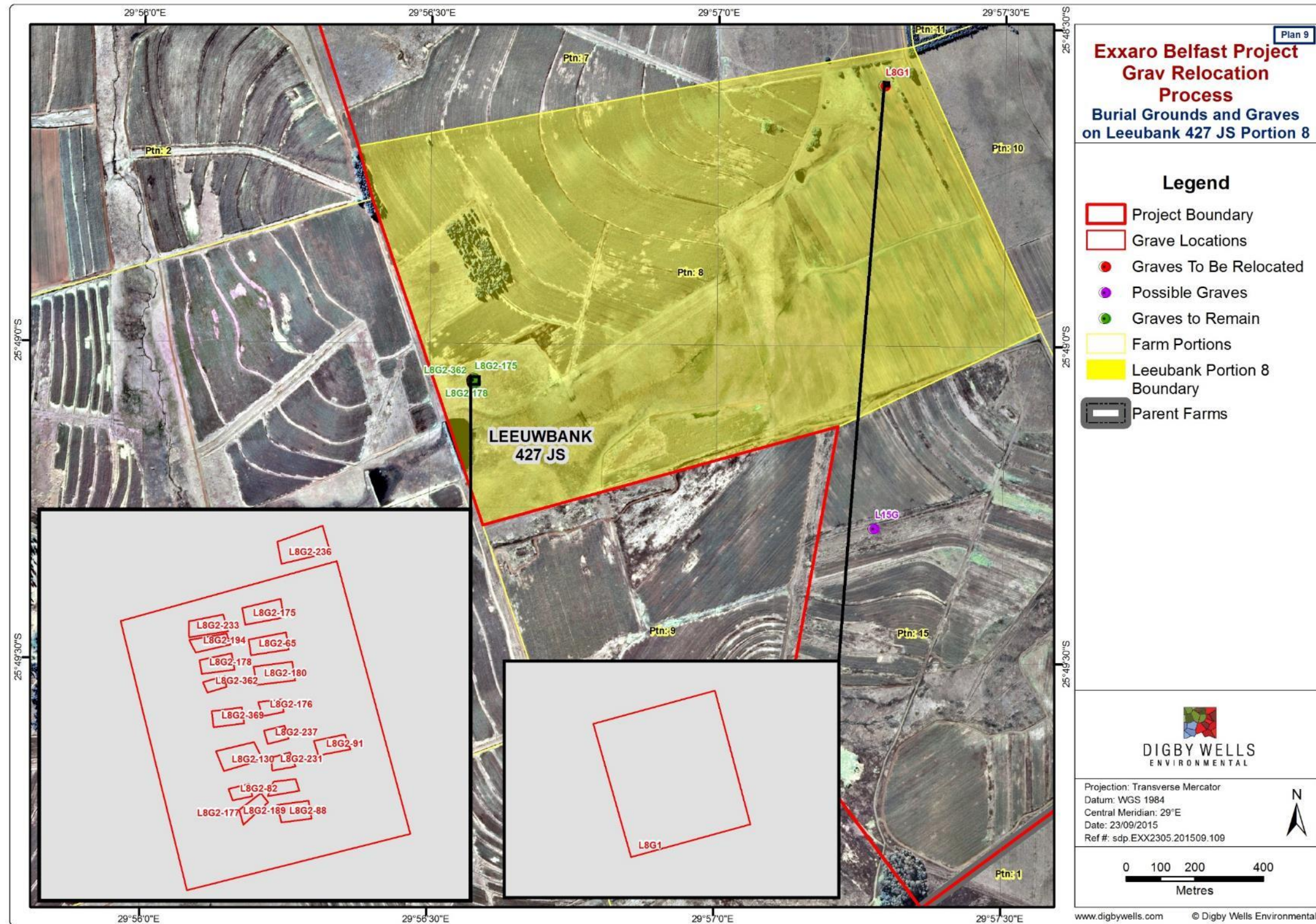
Plan 5: Burial grounds and graves on Blyvooruitzicht 383 JT Portion 9



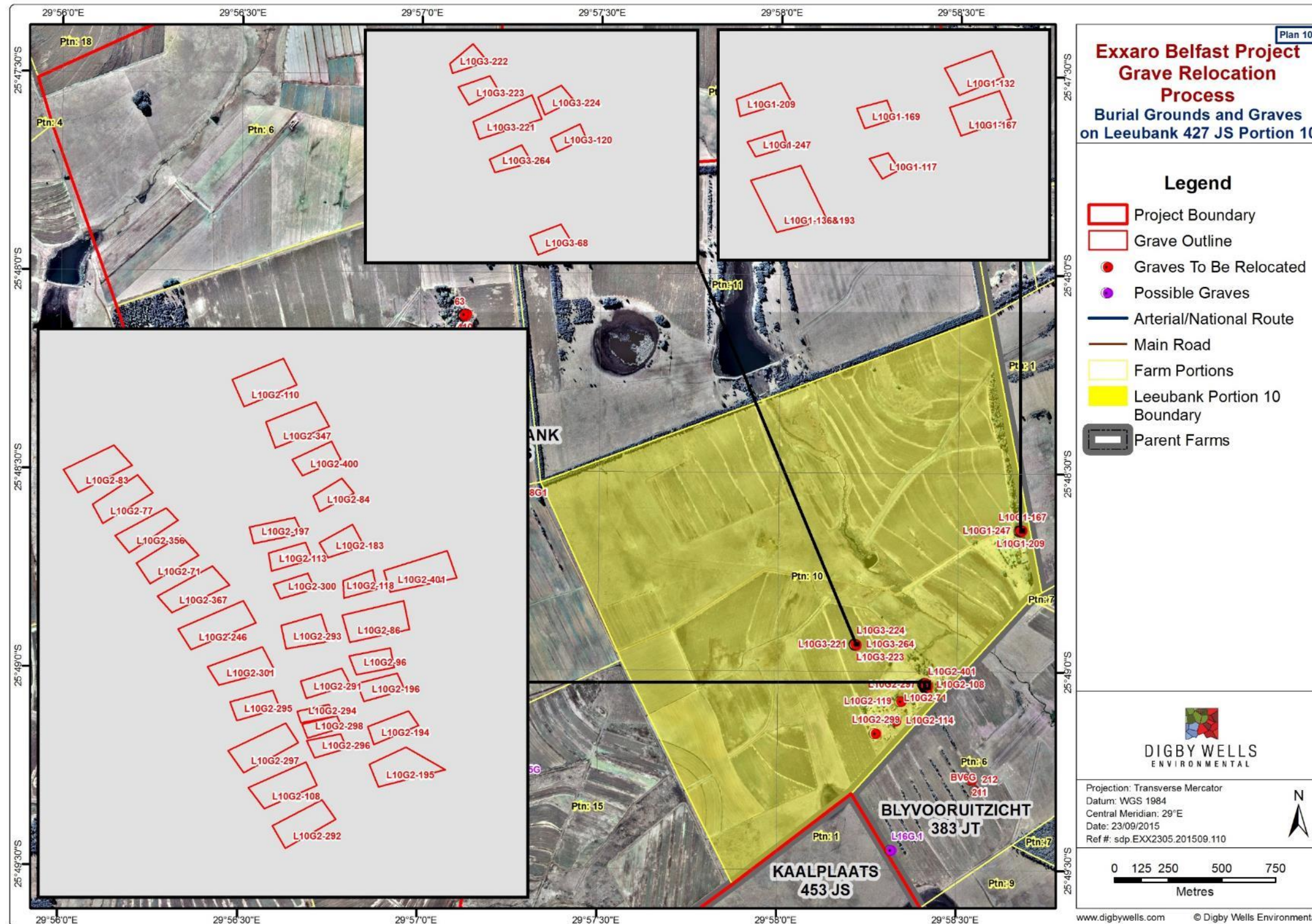
Plan 6: Burial grounds and graves on Leeuwbank 427 JS Portion 7



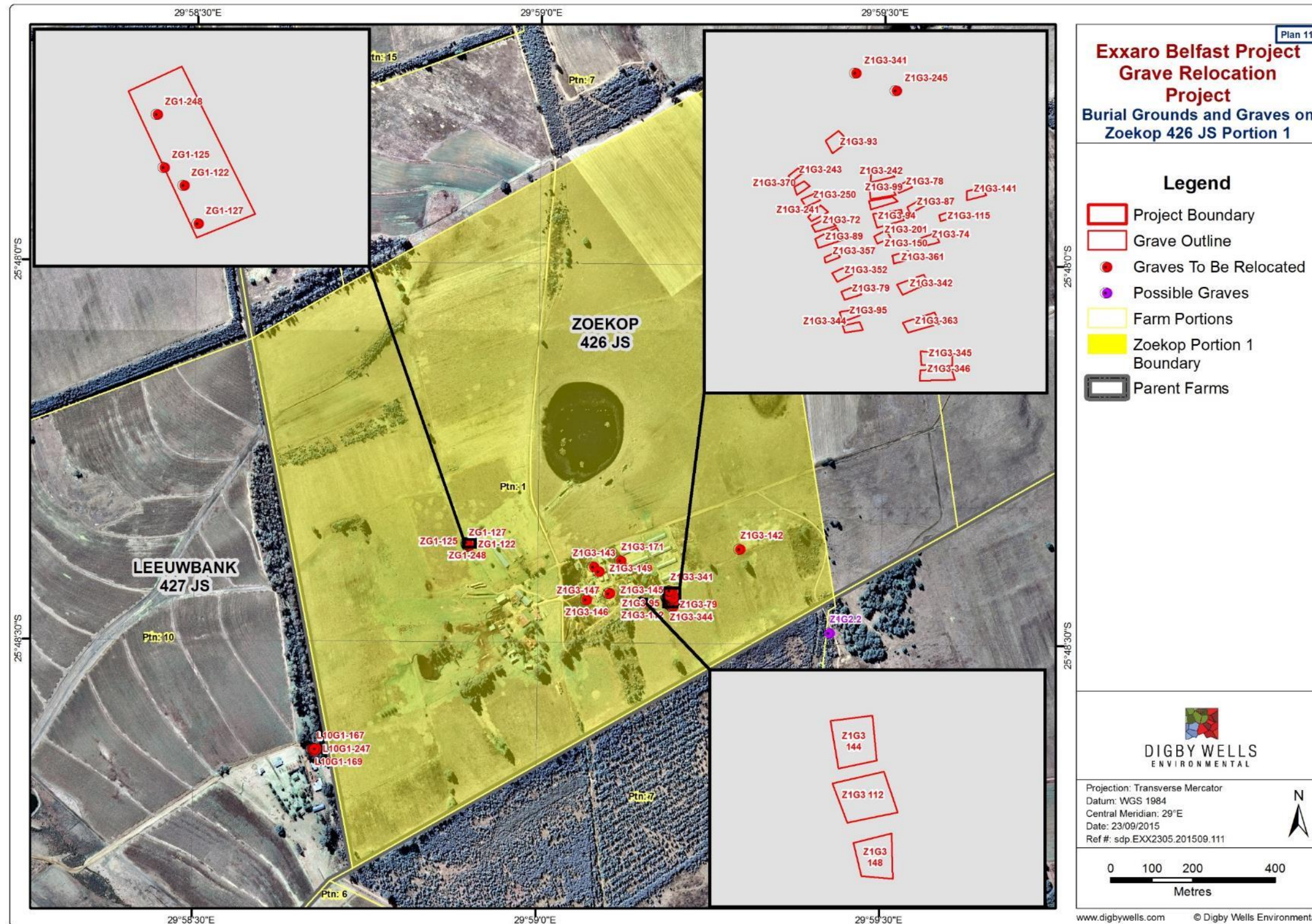
Plan 7: Burial grounds and graves on Leeuwbank 427 JS Portion 8



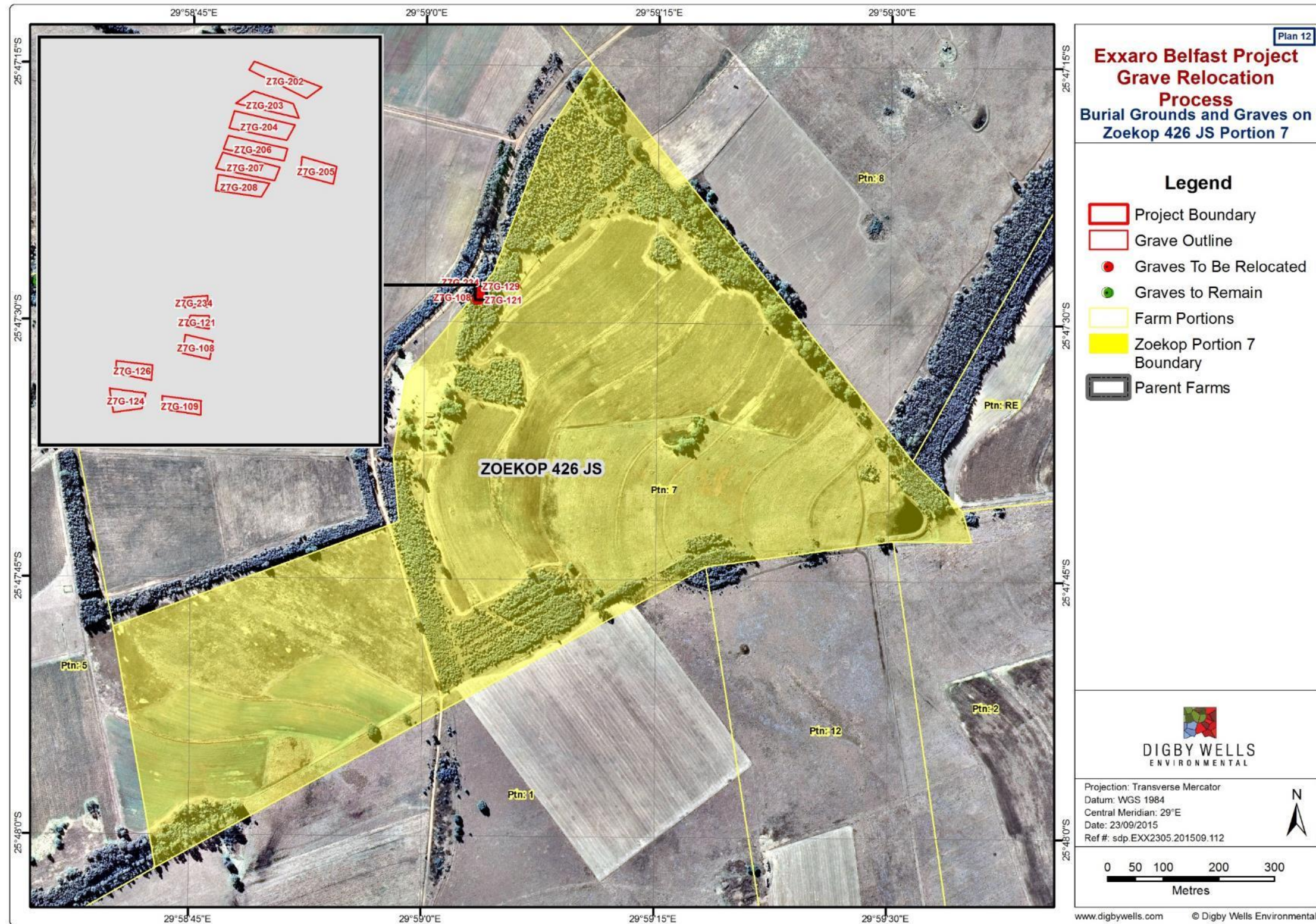
Plan 8: Burial grounds and graves on Leeuwbank 427 JS Portion 10



Plan 9: Burial grounds and graves on Zoekop 426 JS Portion 1



Plan 10: Burial grounds and graves on Zoekop 426 JS Portion 7



6 Agreement Framework

The Agreement Framework referred to in Section 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 an Agreement Framework developed with their participation. The Agreement Framework defines who will be eligible for remedial action.

The Agreement Framework presented here is founded on the legal and policy framework described in Section 3. 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 G, are the results of NoK consultation and input, summarised in Section 7 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 and the IFC Handbook referred to in Section 3 above.

Table 7: 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	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: <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	The landowner on whose property the grave is located, including: <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 8 below.

Table 8: Categories of graves in the Belfast 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.
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 9 below.

Table 9: 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.

Category	Criteria
NoK associated with Category 2 graves	<p><i>Bona fide</i> NoK of Category 2 graves will be eligible for remedial action, including</p> <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 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 10 below, including draft and agreed rights to which NoK are eligible.

Table 10: Principles of the consultation process

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
All possible affected stakeholders must be 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 stakeholders within a 50 km radius of the meeting venue	Exxaro will collect and provide transport for registered <i>bona fide</i> NoK to attend NoK Meetings
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.		

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 Belfast 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 11 below, including draft and agreed rights to which NoK are eligible.

Table 11: Principles for *in situ* management of graves

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
A CMP must be drafted at the cost of Exxaro	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 12 below, including draft and agreed rights to which NoK are eligible.

Table 12: Principles for conservation of burial grounds and graves

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
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
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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 13 below, including draft and agreed rights to which NoK are eligible.

Table 13: Principles for access to conserved burial grounds and graves

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
Exxaro 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.	Unchanged
	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.	Unchanged
	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.	Unchanged
Exxaro will allow NoK the right to use traditional beer for the purposes of offering libation to their deceased	NoK will be entitled to bring traditional beer onto the Mines for the purposes of offering libation to deceased ancestors.	Unchanged

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
ancestors	NoK will be required to declare any traditional beer and other alcohol on entering the Mines for the purposes of visiting gravesites.	NoK declare the intent of the visit that may include: <ul style="list-style-type: none"> ■ Site access required to perform ceremonies that may include the use of traditional beer at the grave site; ■ The NoK will not bring into the Mine any other alcohol, other than traditional beer if required; ■ Site access required to perform ceremonies that may include the slaughtering of live animals at the gravesite; ■ Site access required to erect new grave dressings at the gravesite
	NoK will be entitled to access graves under safety and security escort arranged by Exxaro.	Unchanged
Exxaro will have indemnity from any risk, injury, damage or other impact on NoK when visiting gravesites.	Exxaro will be entitled to advance notice of any grave visits	NoK will be entitled to access their gravesites on condition that: <ul style="list-style-type: none"> ■ NoK arrange access with the Mine in writing at least two weeks prior to intended visits; ■ NoK inform Exxaro of the number of people who shall be visiting the gravesites.
	Exxaro 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.	Unchanged
	Exxaro will be entitled to request NoK to sign informed indemnity before entering the Coal Mine property.	Unchanged

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 14 below, including draft and agreed rights to which NoK are eligible.

Table 14: Principles for improvement of conserved burial grounds

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
Exxaro 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 shall be responsible to notify Exxaro of any changes to the conservation status of gravesites due to repairs, restoration, rehabilitation or erecting new grave dressings, to allow Exxaro to update their monitoring conservation
	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	Unchanged
Exxaro must 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 6.4.2.3 above and 6.4.2.6 below.

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

Table 15: Principles for conserved burial grounds and graves

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
Exxaro 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	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 16 below, including draft and agreed rights to which NoK are eligible.

Table 16: Principles for performances at conserved burial grounds and graves

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
Exxaro must 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 6.4.2.3 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 17 below, including draft and agreed rights to which NoK are eligible.

Table 17: Principles for recompense for conserved burial grounds and graves

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
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.	Unchanged, but refer to 6.4.2.4 regarding entitlements related to mining activity causing changes to status quo 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 18 below, including draft and agreed rights to which NoK are eligible.

Table 18: Principles for grave relocation

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
Exxaro must 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

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
	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 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	Unchanged
	NoK will be entitled to provide informed consent prior to exhuming the contents of graves	Unchanged

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 19 including draft and agreed rights to which NoK are eligible.

Table 19: Principles for re-establishment of relocated graves

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
Exxaro 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.	Unchanged
	Exxaro will cover costs associated with the procurement and registration of new grave plots	Unchanged
Exxaro 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.	Unchanged

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
	NoK will be entitled to have non-commercial or non-artisan dressings such as brick-and-mortar dressings, replaced at the new gravesite with commercial grave dressings of similar cost.	NoK will be entitled to have non-commercial or non-artisan dressings such as brick-and-mortar dressings, replaced at the new gravesite with “standard” commercial grave dressings.
	NoK will be entitled to grave markers at the new grave where existing grave dressings comprised only stone-packed cairns or were absent.	Unchanged
	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 must 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	Unchanged
Exxaro 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	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	Exxaro shall procure at cost items required by NoK to perform their living heritage associated with grave relocation that may include: <ul style="list-style-type: none"> ■ costs to procure livestock required for traditional customary sacrificial purposes; and ■ foodstuff required during the traditional customary ceremony.

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

Principles	Remedial actions as per the Agreement Framework	Final remedial actions in Agreement Framework
Relocation of graves	Exxaro must 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 must cover costs for the establishment of new graves	Exxaro will cover costs associated with the procurement and registration of new grave plots
		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 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 must cover costs for improvement and presentation of new grave sites after re-interment	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 I&APs was achieved through 27 meetings over a 12 month period that commenced in September 2014, as described in Section 2.3.2 above. Meetings included three public meetings, five group NoK meetings, 23 individual NoK meetings, and electronic consultation (telephone and email). Attendees at the public meetings were requested to inform any other persons who may be affected by the process, and provide Digby Wells and / or Exxaro with such details.

In total 52 NoK were identified and consulted. These meetings are summarised in Table 21 below. Attendance registers and minutes of these meetings are attached as Appendix D.

Following the three public meetings, all NoK meetings were scheduled with input from NoK who were notified and reminded of the follow-up meetings via Short Message Services (SMSs). Details of the meetings are provided in Table 21 below and notes attached as Appendix E.

All three public and five group NoK meetings were held at Môreilig Combined School, just off the N4 highway, south of Belfast. After the first public meeting, attendees were either collected and transport to and from the venue, or were reimbursed for travelling expenses.

Meetings were facilitated by Digby Wells and attended by Exxaro representatives. 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 isiZulu.

The individual meetings aimed to sign-off on the agreements from NoK who could not attend the final group NoK meeting, did not have an opportunity to sign-off, or who requested additional time to consult with their extended families.

Table 21: List of meetings held

Meeting date	Time	Venue	Meeting type	No. attendees
21 September 2014	10:00	Belfast - Môreilig Combined School	Public meeting	
12 October 2014	10:00	Belfast - Môreilig Combined School	Public meeting	26
19 October 2014	09:00	Belfast - Môreilig Combined School	Public meeting	29
30 November 2014	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	42
18 January 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	55
15 February 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	97

Meeting date	Time	Venue	Meeting type	No. attendees
26 July 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	52
16 August 2015	09:00	Belfast - Môreilig Combined School	Group NoK Meeting	70
02 September 2015	08h30	Belfast - Generaals Draai farm	Individual NoK Meeting	1
02 September 2015	10h00	Belfast - Emablomini	Individual NoK Meeting	1
02 September 2015	12h00	Belfast - Emablomini	Individual NoK Meeting	1
02 September 2015	14h00	Belfast - Exxaro NBC offices	Individual NoK Meeting	1
02 September 2015	16h00	Belfast - Emablomini	Individual NoK Meeting	1
03 September 2015	10h00	Kempton Park	Individual NoK Meeting	1
03 September 2015	13h00	Kempton Park	Individual NoK Meeting	1
04 September 2015	09h00	KwaNdebele - Vlaklaagte 1	Individual NoK Meeting	1
04 September 2015	14h00	KwaNdebele - Siyabuswa	Individual NoK Meeting	1
05 September 2015	8h30	Belfast - Zoekop & Leeuwbank	Individual NoK Meeting	12
08 September 2015	09h00	Belfast - Wonderfontein	Individual NoK Meeting	1
08 September 2015	11h00	Middelburg	Individual NoK Meeting	1
08 September 2015	13h00	Middelburg	Individual NoK Meeting	2
08 September 2015	14h00	Middelburg	Individual NoK Meeting	1
08 September 2015	16h00	Middelburg	Individual NoK Meeting	1
12 September 2015	9h00	Middelburg	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	4
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1

Meeting date	Time	Venue	Meeting type	No. attendees
19 September 2015	10h00	KwaNdebele	Individual NoK Meeting	1
19 September 2015	08h30	Pretoria	Individual NoK Meeting	1
26 September 2015	10h00	Kwaggafontein	Individual NoK Meeting	1
26 October 2015	9h00	Belfast - Paardeplaats	Individual NoK Meeting	1

7.1 Public meeting – 21 September 2014

The first public meeting was announced via printed media announcements in the Middelburg Observer of 9 and 12 September 2014, and site notices that included the date, time and venue of the meeting. An estimated 40 to 50 people attended this meeting, in addition to Digby Wells, Exxaro and ELM representatives.

The purpose of this meeting was to:

- Introduce the Belfast BGGC project;
- Explain findings contained in the HIA;
- Outline the relevant legal framework;
- Present the Digby Wells Grave Relocation Process; and
- Identify and register NoK details.

Matters that were raised during this meeting included:

- Lack of transportation provided by Exxaro to all communities to attend the meeting;
- Lack of a translator;
- Inadequate notification of the meeting date and time;
- Absence of bona *fide* NoK and stakeholders;
- Absence of representatives from Exxaro and the ELM.

There was some hostility from attendees who refused that the meeting continue and destroyed the attendance register. The meeting was adjourned after Exxaro and the ELM proposed to reschedule the meeting for 12 October 2014.

The result was that the legal process and Agreement Framework were not presented and NoK were not identified or registered.

7.2 Public meeting – 12 October 2014

Details of this meeting were communicated to I&APs during the meeting on 12 September 2015, as well as in the Highvelder newspaper of 3 October 2014. Exxaro provided transport for I&APs as per the request made at first meeting. As per the attendance register, the meeting was attended by at least 26 people in addition to Digby Wells, Exxaro and ELM representatives.

The purpose of this meeting was the same as that of the first public meeting, and included a site visit with NoK to the Belfast Project area to identify graves. The aim was to orientate I&APs and point out gravesites that will be affected by the Belfast Project. I&APs were afforded the opportunity to register as NoK for inclusion in the consultation process.

An important outcome of this meeting was the identification and registration of ten NoK. In addition, attendees informed Digby Wells that certain families were not present at the meeting, but who needed to be included in the process. These included representatives from:

- The Mtsweni family;
- The Mahlangu family; and
- The Sindane family.

To accommodate these NoK, an additional meeting was scheduled for 19 October 2014.

7.3 Public meeting – 19 October 2014

This meeting was scheduled during the public meeting held on 12 October 2014. Attendees at that meeting were requested to inform any other I&APs and/or NoK of the date of this meeting. Details of this meeting were also communicated to registered NoK and I&APs via SMSs and announcements on community radio stations, with additional assistance from the Exxaro Community Liaison officer and ELM representatives.

As per the attendance register, the meeting was attended by at least 29 people in addition to Digby Wells, Exxaro and ELM representatives. The local Ward Councillor introduced the project.

The aims of this meeting and site visit were to:

- Transport delegates to the Belfast Project area to familiarise them to the project extent;
- Indicate the locations of burial grounds identified in the HIA and that will be affected by the Belfast Project;
- Enable I&APs to determine if their graves will be affected; and
- Register affected parties as *bona fide* NoK for inclusion in the BGGC process.

Following the site visit, 13 of the 29 attendees were identified and registered as NoK. These NoK were informed that future meetings will be communicated to them directly.

7.4 Next-of-Kin meeting – 30 November 2014

Details of this meeting were communicated to NoK via SMSs. As per the attendance register, the meeting was attended by at least 42 people in addition to Digby Wells, Exxaro and ELM representatives.

The aims of this meeting were to:

- Introduce the Belfast Project BGGC Process;
- Register additional NoK; and
- Present the Agreement Framework.

The Belfast Project was introduced to attendees by Exxaro, explaining the current status of the project and the projected timelines for implementation. Digby Wells outlined the legal framework and described the consultation process. The Agreement Framework was presented to NoK by Digby Wells for discussion and input.

Notable matters that were raised during the meeting included:

- Request to provide transport to NoK who live further than a 50 km radius from the venue. *Exxaro increased transport distances as well as reimbursed NoK who travelled from areas further afield.*
- Question whether spouses will be allowed to be buried alongside deceased at reburial sites. *Issue will need to be investigated.*
- Whether stillborn or miscarried infants are included in the process. *Stillborn infant graves are included. NoK must indicate locations of such graves.*
- Question on maximum distance to which graves will be relocated. *NoK have the right to indicate preferred reburial sites as long as sites are reasonable and allowed in law.*
- Question whether reburials will be done in the same manner as the original burial. *Rights of NoK to express their living heritage in terms of reburial acknowledged, and NoK are afforded the right to perform any required rituals or ceremonies.*
- Whether NoK will be allowed legal representation at meetings. *Legal representation is welcomed.*

Following the responses to comments and questions on the Agreement Framework, attending NoK and Exxaro representatives unanimously agreed in principle to principles and remedial actions contained in the Agreement Framework.

7.5 Next-of-Kin meeting – 18 January 2015

Details of this meeting were communicated to NoK via SMSs. As per the attendance register, the meeting was attended by at least 55 people in addition to Digby Wells, Exxaro and ELM representatives.

The aims of this meeting were to:

- Discuss the Agreement Framework; and
- Address NoK input and concerns.

Issues and concerns raised by NoK in the meeting of 30 November 2014 were addressed, notably:

- NoK living further than 50 km from the meeting venue will be assisted to attend meetings;
- No new burials in existing burial grounds in the project area will be allowed;
- Relocation burial grounds that were identified included:
 - Siyathuthuka, Belfast;
 - Mhluzi, Middelburg;
 - Mgwenya, Carolina; and
 - Machadodorp.

Notable matters that were raised during the meeting included:

- Question on why NoK will be responsible for repair and maintenance of graves after relocation. *Exxaro will cover all costs associated with the relocation process up to and including procuring new graves and placing headstones. However, after this has occurred, NoK will be responsible to repair and maintain graves at the new locations.*
- Question on paying for all costs associated with customary practices, but which culture is Exxaro referring to. *Each family must provide a list of requirements as per their culture for Exxaro to consider.*
- Issue regarding families that have moved from the area. *Actual grave relocation will be discussed per NoK, if families reside elsewhere, they will be assisted including relocating deceased to places of residence as long as it is allowed in law and reasonable.*
- NoK and I&APs indicated that several attendees could not read and do not understand what it being presented. *It was suggested that representatives be elected to represent the stakeholders and provide feedback of the Agreement Framework to NoK.*

Following the responses to comments and questions on the Agreement Framework, attending NoK and Exxaro representatives general agreement on the principles and remedial actions contained in the Agreement Framework.

7.6 Next-of-Kin meeting – 15 February 2015

Details of this meeting were communicated to NoK via SMSs. As per the attendance register, the meeting was attended by at least 87 people in addition to Digby Wells, Exxaro and ELM representatives.

The aims of this meeting were to:

- Present progress of BGGC and GRP processes;
- Discuss and finalise the Agreement Framework.

Notable matters that were raised during the meeting included:

- Statement by Mr Amos Malaza that RAP households want to resettle with their graves.
- Question from the LRC on whether graves will be relocated if RAP agreements have not been finalised. *Exxaro responded that all process will be followed and completed and graves will not be relocated without agreements between the households and Exxaro.*

7.7 Next-of-Kin meeting – 26 July 2015

Details of this meeting were communicated to NoK via SMSs. As per the attendance register, the meeting was attended by at least 52 people in addition to Digby Wells, Exxaro and ELM representatives.

The aims of this meeting were to:

- Recap progress of BGGC and GRP processes;
- Sign-off General Agreements;
- Inform NoK which graves will be relocated;
- Obtain lists of ceremonial requirements.

To-be-relocated (affected) graves were presented to NoK. Confusion arose regarding immediately affected graves, others that will not need to be relocated in the near future, and those that will not need to be relocated at all. The meeting was adjourned to enable Digby Wells to amend the grave register to clearly indicate to-be-relocated graves and affected NoK.

This decision resulted in:

- Sign-off on General Agreements not being obtained;

- Immediately affected NoK not being identified; and
- NoK's ceremonial requirements not being obtained.

Agreement was reached to postpone the meeting to 16 August 2015.

7.8 Next-of-Kin meeting – 16 August 2015

Details of this meeting were communicated to NoK via SMSs. As per the attendance register, the meeting was attended by at least 70 people in addition to Digby Wells, Exxaro and ELM representatives.

The aims of this meeting were to:

- Inform NoK which graves will be relocated;
- Sign-off General Agreements;
- Obtain lists of ceremonial requirements; and
- Sign-off NoK Agreement.

Notable matters that were raised during the meeting included:

- Question of graves of resettlement households will be relocated at the same time as resettlement. *Graves will be relocated with the to-be-resettled households.*
- Question on financial compensation to NoK. *Exxaro reiterated that no financial compensation will be paid to NoK as per Exxaro Grave Relocation policy.*

The formal meeting was adjourned. NoK were called on individually to present their requirements and requested to sign-off on both the General and NoK Agreements.

The outcome of this exercise included:

- 30 of the 52 identified, registered NoK of to-be-relocated graves signed the General Agreement;
- 15 of the 52 identified, registered NoK of to-be-relocated graves signed the NoK Agreement and presented their list of requirements.

Due to time constraints not all NoK of to-be-relocated graves who wished to sign-off on the NoK Agreement could be accommodated. Those NoK residing within the Belfast Project area were invited to a meeting scheduled for 5 September 2015 at the Zoekop Church. Individual meetings were scheduled with NoK who resided outside the Belfast Project area.

7.9 Individual NoK meetings

As stated above, individual meetings (listed in Table 21) were held with NoK subsequent to the formal group NoK meetings. The aim of these meetings was mainly to meet with NoK

who could not sign-off on agreements during the final group NoK meeting on 16 August 2015.

The meeting summaries below only reflect meetings with NoK who did not agree, or who retracted their agreement following the 16 August 2015 meeting.

7.9.1 Individual meetings with the Mahlangu family representative

A meeting was held with Mrs Sarah Mashifane on 5 September 2015 at her residence on Leeuwbank. Although Mrs Mashifane registered as NoK for four graves she indicated at this meeting that she is not the *bona fide* NoK, but that Mrs Rina Machoti Mahlangu is. Mrs Mahlangu had not attended any group NoK meetings, but was represented by Mrs Mashifane who signed the General Agreement on 16 August 2015.

The Belfast Project and need to relocate graves were briefly presented to Mrs Mahlangu. Mrs Mahlangu refused to agree to grave relocation, unless her family was financially compensated by Exxaro (see Records of Meeting attached as Appendix E). Mrs Mahlangu was informed of Exxaro's Grave Relocation policy that does not make provision for any financial compensation. The meeting was summarily closed.

Mrs Mahlangu contacted Digby Wells after this meeting, requesting another meeting to discuss the agreements and grave relocation process. This meeting was held on 19 September 2015 at her residence in Villeria, Pretoria, during which Mrs Mahlangu agreed in principle to sign the General and NoK Agreements. She requested however, to consult with her extended family after which that she will contact Digby Wells to sign the agreements.

As at the time of compiling this report, Mrs Mahlangu has been contacted on several occasions subsequent to the meeting of 19 September 2015. Mrs Mahlangu indicated that she would sign off on the agreements on 2 February 2016, but no responses have been received.

7.9.2 Individual meeting with the Mtsweni family representative

Mr Mtsweni attended the final group NoK meeting on 16 August 2015 where he requested to be given an opportunity to consult with his family before signing any agreements. Exxaro agreed to his request. A meeting was subsequently scheduled for 8 September 2015 at his residence on Wonderfontein.

Mr Mtsweni submitted a list of demands to Exxaro, including cash compensation for attending meetings and grave relocation. Mr Mtsweni refused to agree to relocate his family graves unless his demands are met (see Records of Meeting attached as Appendix E).

Exxaro reiterated that its Grave Relocation Policy did not provide for any financial compensation, and that his comments will be included in the permit application to SAHRA and the relevant authorities. These authorities will consider the permit application and his comments.

7.9.3 Van Zyl family representative

The family representative of the van Zyl graves comprise Mr Willie Pretorius and his mother Mrs Martina Wilkie. This family also indicated that they will not attend any group meetings and preferred to be consulted via phone and email.

Although the family has indicated that they will agree to relocate their family graves, no formal agreement has been reached at the time of compiling this report. Exxaro is currently engaging with the family to obtain agreements.

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, all NoK engaged during the consultation process agreed to the principles and remedial actions presented and discussed at each of the five meetings held.

The total number of affected graves that have been identified for relocation amounted to 160. The consultation process identified 53 NoK, accounting for 143 graves (89% success rate). NoK of only 17 graves could not be identified (11% of total graves). These figures are graphically depicted in Figure 3 below.

As at the time of compiling this report, 50 NoK have formally agreed to relocate their family graves, accounting for 126 graves or 79% of total grave count. Only three NoK have not agreed, accounting for 17 graves or 11% of total grave count.

Of the three NoK who have not reached formal agreement to relocate, two have indicated that in principle they agree. This reduces the number of NoK who refused to agree to one, accounting for only 6 graves / 4% of the total.

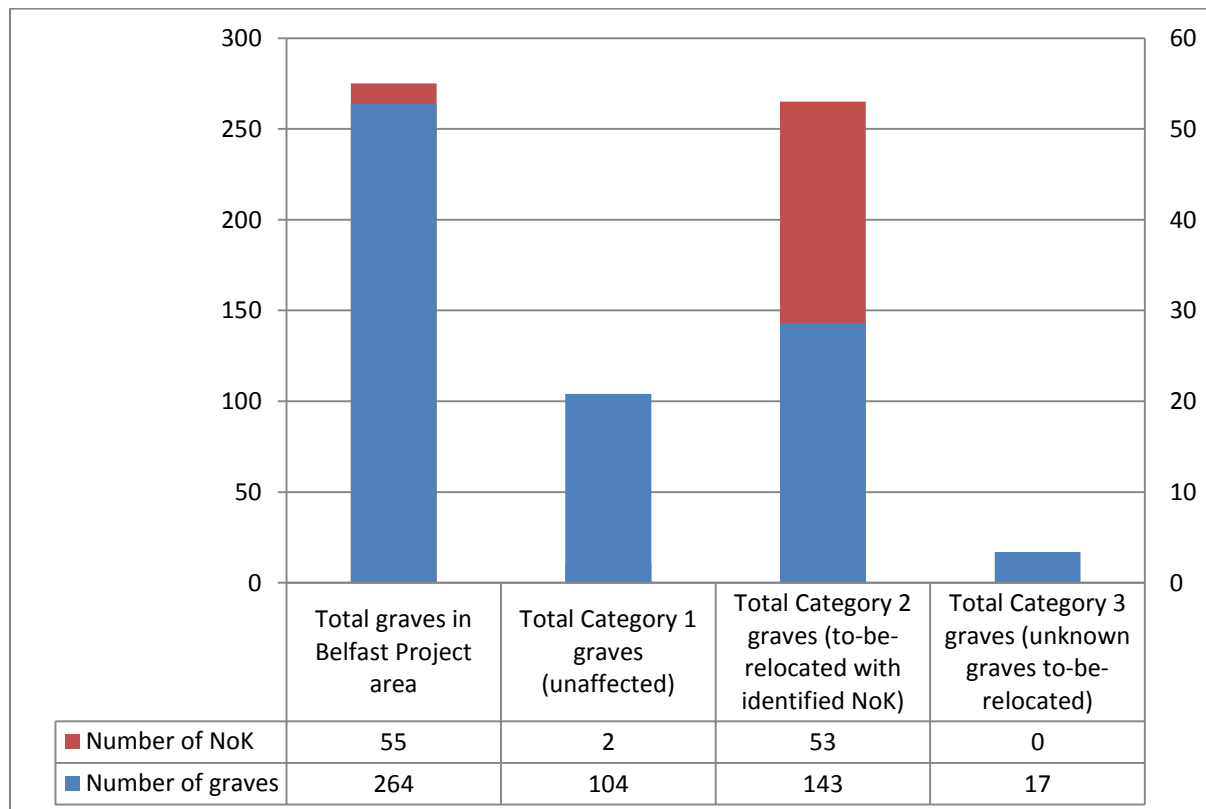


Figure 3: Summary of results of consultation

8.2 Preferred reburial sites

NoK who have formally agreed to relocate their family graves, have indicated preferred reburial sites in various places. NoK were informed that only official, formal cemeteries will be considered, i.e. no reburials will take place at the resettlement site, private households or farms. The majority of NoK, however, indicated that they prefer to their graves to be relocated to Siyathuthuka, Belfast. Table 22 below provides a summary of the number of graves to be relocated to various preferred reburial sites.

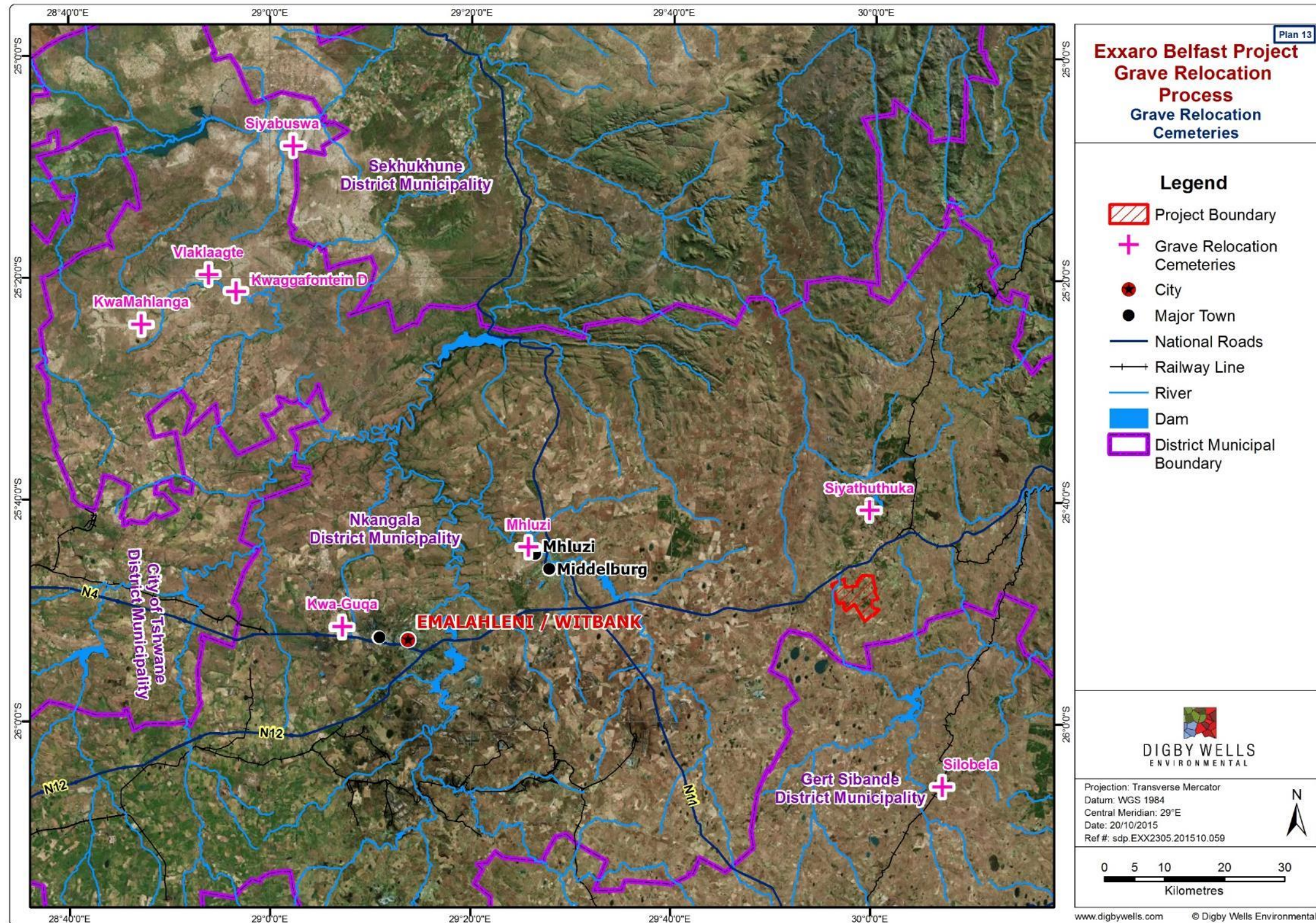
Table 22: Preferred reburial sites indicated by NoK

Next of kin	Preferred reburial place	Local municipality	Number of graves
Burger, Jan	Belfast	Emakhazeni LM	8
Kubheka, Selina	Siyathuthuka	Emakhazeni LM	2
Lukhele, Johannes	Siyathuthuka	Emakhazeni LM	1
Mabena, Maria	Siyathuthuka	Emakhazeni LM	2
Mahlangu, Billy Hendrick	Siyathuthuka	Emakhazeni LM	4
Mahlangu, Joseph	Witbank	Steve Tshwete LM	1
Mahlangu, Machoti Rina	Siyabuswa / Mogononong	JS Moroka LM	4
Mahlangu, Namnyane Johanna	Siyathuthuka	Emakhazeni LM	3
Mahlangu, Samson	Siyathuthuka	Emakhazeni LM	1
Mahlangu, Sarah Fectra	Siyathuthuka	Emakhazeni LM	4
Mahlangu, Sibongile Maria	Siyathuthuka	Emakhazeni LM	1
Malaza, Rose Zabenzile	Siyathuthuka	Emakhazeni LM	1
Malaza, Sonto Bellinah	Siyathuthuka	Emakhazeni LM	2
Maredi, Solomon	Siyathuthuka	Emakhazeni LM	2
Maseko, Alfred	Siyathuthuka	Emakhazeni LM	5
Maseko, Berlina	Siyathuthuka	Emakhazeni LM	2

Next of kin	Preferred reburial place	Local municipality	Number of graves
Maseko, Josephina	Siyathuthuka	Emakhazeni LM	1
Maseko, Tryphina	Siyathuthuka	Emakhazeni LM	5
Mashika, Anna	Siyathuthuka	Emakhazeni LM	7
Masihla, Nomasonto	Siyathuthuka	Emakhazeni LM	3
Mnisi, Sbongile	Siyathuthuka	Emakhazeni LM	2
Motau, Lucky	Siyathuthuka	Emakhazeni LM	1
Mphuthi, Sana Ramaselo	Siyathuthuka	Emakhazeni LM	1
Mphuthi, Veronicah / Sphiwe	Siyathuthuka	Emakhazeni LM	1
Mthimunye, Kibeth	Siyabuswa / Mogononong	JS Moroka LM	3
Mthombeni, Maria	Siyathuthuka	Emakhazeni LM	5
Mthombeni, Timothy	Siyabuswa / Mogononong	JS Moroka LM	1
Mtshweni, Nomaswazi	Siyathuthuka	Emakhazeni LM	2
Mtsweni, Adam	Siyathuthuka	Emakhazeni LM	5
Mtsweni, John	Siyathuthuka	Emakhazeni LM	1
Mtsweni, Piet	TBC	Emakhazeni LM	6
Nhlapo, Andries	Siyathuthuka	Emakhazeni LM	1
Nkosi, Esther	Carolina / Silobela	Albert Luthuli LM	2
Nkosi, Nurse	Siyathuthuka	Emakhazeni LM	3
Radebe, Koos	KwaNdebele	JS Moroka LM	3
Radebe, Solomon Dingaen	Middelburg / Mhluzi	Steve Tshwete LM	6
Sekwane, Johan	Siyathuthuka	Emakhazeni LM	1

Next of kin	Preferred reburial place	Local municipality	Number of graves
Sekwane, Nelisiwe	Siyathuthuka	Emakhazeni LM	6
Sekwane, Vusi	Siyathuthuka	Emakhazeni LM	1
Sibanyoni , Sthembile	Siyathuthuka	Emakhazeni LM	2
Sibanyoni, Elizabeth Nomcala	Siyathuthuka	Emakhazeni LM	1
Sibeko, William	Siyathuthuka	Emakhazeni LM	2
Sindane, Annie	Siyathuthuka	Emakhazeni LM	1
Sindane, Frans Mboni	Siyathuthuka	Emakhazeni LM	3
Sindane, Selina	Siyathuthuka	Emakhazeni LM	4
Sithole, July J.	Siyathuthuka	Emakhazeni LM	2
Skhosana, Annah	Siyathuthuka	Emakhazeni LM	2
Skhosana, George	Siyabuswa / Mogononong	JS Moroka LM	1
Skhosana, Petrus J.	Siyathuthuka	Emakhazeni LM	1
Skhosana, Selinah	Vlakraagte 2	Thembisile Hani LM	1
Tlou, Selby	Middelburg	Steve Tshwete LM	5
Tshabangu, Abel	Kwaggafontein D	Thembisile Hani LM	1
Wilkie, Martina	Old Belfast cemetery	Emakhazeni LM	7
Graves without NoK	Belfast	Emakhazeni LM	17

Plan 11: Proposed reburial sites in relation to Belfast Project area



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.

Many NoK initially requested cattle as part of their requirements. However, in consultation with those NoK it was found that cattle are not integral to customary practices, but rather just requested to provide meat for the people who would attend the ceremonies.

The logistical difficulties to provide cattle to all NoK who requested this merely for meat were considered too great a risk in implementing the GRP. NoK were therefore specifically asked if cattle would be used to provide meat only, or if there is a ritual need as well. Most NoK indicated that cattle would only be used to provide meat.

Exxaro therefore negotiated with NoK to provide meat in lieu of cattle. Where cattle were required for ritual purposes, a settlement of one beast per family was reached.

Regarding other livestock, i.e. goats and sheep, NoK clearly stated that these animals would be required for ritual purposes. Exxaro therefore consented to their requirements in this regard.

Exxaro also negotiated a standard list of grocery items with NoK, predicated on recent BGGC and grave relocation projects completed by Digby Wells and Exxaro.

Exxaro clearly indicated during consultation that its Grave Relocation Policy does not allow alcohol to be supplied to NoK, with the exception of ingredients to make traditional sorghum beer (*umqombothi*) for use in rituals. Not all NoK, however, required these ingredients and these were excluded from the standard grocery list. The ingredients were included as separate items that will be provided to NoK as requested.

Many NoK also requested additional items for the reburial of their deceased relatives. These items included traditional grass mats (*namacans*), sheets of corrugated iron, blankets and unbleached linen (calico) sheets. NoK indicated that these items are required to rebury the deceased in accordance with traditional burial practices currently used. Exxaro has therefore also conceded these requests, with the provision that it will be allowed by authorities at the reburial cemeteries.

Table 23 below provides a summary of the requirements, as provided by NoK.

Table 23: Summary of NoK requirements

Item	Total requested
Livestock - Cow	14
Livestock - Goat	30
Livestock - Sheep	7
Meat	39
Groceries	44
King Korn	65
Mat	87
Blanket	101
White Sheets	93

9 Grave relocation cost estimate

Exxaro has made financial provision to implement the grave relocation of 155 in accordance with Regulation 34(3)(e) of the NHRA: Regulations The cost estimate is based on applicable 2015 rates and market prices. The costs included:

- Grave fees in preferred relocation cemeteries (see Table 25);
- Costs to procure NoK requirements (see Table 26);
- Costs to appoint a registered funeral undertaker (see Table 27); and
- Estimated consultant fees to manage and supervise grave relocation process as per permit conditions (see Table 28).

Table 24 summarises total estimated cost.

Table 24: Total estimated grave relocation implementation costs

Description	Fees	Disbursements	Subtotals
Grave fees		R 127 857.11	R 127 857.11
NoK requirements		R 1 026 520.00	R 1 026 520.00
Undertaker costs	R 662 200.00	R 558 965.00	R 1 221 165.00
Consultant costs	R 779 175.00	R 105 100.00	R 1 505 164.50
Total	R 1 441 375.00	R 1 818 442.11	R 3 880 706.61
<i>Approximate cost per grave</i>	<i>R 13 304.93</i>	<i>R 11 731.88</i>	<i>R 25 036.82</i>

Table 25: Estimated costs to reserve reburial sites

Local_Municipality	Preferred reburial site	Rates	No. of graves	Subtotal
Albert Luthuli LM	Carolina / Silobela	R 1 040.00	2	R 2 080.00
Emakhazeni LM	Belfast	R 300.00	8	R 2 400.00
	No NoK	R 90.00	17	R 1 530.00
	Siyathuthuka	R 300.00	94	R 28 200.00

	TBC	R 300.00	13	R 3 900.00
JS Moroka LM	KwaNdebele	R 1 075.00	3	R 3 225.00
	Siyabuswa / Mogononong	R 1 075.00	9	R 9 675.00
Steve Tshwete LM	Middelburg	R 7 500.00	5	R 37 500.00
	Middelburg / Mhluzi	R 7 500.00	6	R 45 000.00
	Witbank	R 7 500.00	1	R 7 500.00
Thembisile Hani LM	Kwaggafontein D	R 1 000.00	1	R 1 000.00
	Vlaklaagte 2	R 1 000.00	1	R 1 000.00
Total estimated cost			160	R 143 010.00

Table 26: Estimated costs to procure NoK requirements

Deliverable	Unit Cost	No. Units	Subtotal
Cattle	R 8 000.00	14	R 112 000.00
Goats	R 1 500.00	30	R 45 000.00
Sheep	R 1 000.00	7	R 7 000.00
Groceries	R 3 500.00	44	R 154 000.00
Meat	R 1 500.00	39	R 58 500.00
King Korn	R 120.00	65	R 7 800.00
Mat	R 200.00	87	R 17 400.00
Blanket	R 500.00	101	R 50 500.00
Sheets	R 60.00	93	R 5 580.00
Headstones	R 5 500.00	160	R 880 000.00
Total estimated costs			R 1 337 780.00

Table 27: Estimated undertaker costs

Deliverable / Item	Quantity	Rate	Subtotal
Exhumation & Reburial fees			R 662 200.00
<i>Undertaker fees</i>	155	<i>R 2 640.00</i>	<i>R 409 200.00</i>
<i>Labour per day</i>	20	<i>R 12 650.00</i>	<i>R 253 000.00</i>
Consumables			R 404 525.00
<i>PPE</i>	20	<i>R 2 750.00</i>	<i>R 55 000.00</i>
<i>Coffins</i>	155	<i>R 2 255.00</i>	<i>R 349 525.00</i>
Travel			R 154 440.00
<i>Rate per km</i>	6	<i>R 16 940.00</i>	<i>R 101 640.00</i>
<i>Hearse</i>	40	<i>R 1 320.00</i>	<i>R 52 800.00</i>
Total estimated cost			R 1 221 165.00

Table 28: Estimated consultant costs

Project Aspect	Fees	Disbursements	Subtotals
Project Risk Assessment & Work Plan	R 102 720.00	R 0.00	R 102 720.00
Stakeholder Engagement	R 49 400.00	R 29 100.00	R 78 500.00
GRP Preparation	R 177 200.00	R 11 500.00	R 188 700.00
GRP Implementation	R 359 460.00	R 64 500.00	R 423 960.00
Project Management	R 90 395.00	R 0.00	R 90 395.00
Total estimated cost	R 779 1175.00	R105 100.00	R 884 275.00

10 Conclusion

This document presents a record of the BGGC process undertaken by Digby Wells on behalf of Exxaro. The BGGC process was necessitated by Exxaro's Belfast Project that will entail the future development of an open pit coal mine and associated infrastructure. This development will affect at least 160 graves. During consultation 53 NoK were identified, accounting for 143 of the total affected graves. NoK of only 17 graves could not be identified.

At the time of compiling this report, 50 of the identified NoK have formally agreed to relocate a total of 126 family graves to reburial sites of their preference. Of the three NoK who have not reached formal agreement to relocate, two have indicated that in principle they agree. This reduces the number of NoK who refused to agree to one, accounting for only 6 graves.

The 17 graves associated with NoK who have to date not formally agreed will be at direct physical risk once construction and operation of the Belfast Project commences. Site visitation will also be restricted due to inherent health and safety considerations associated with active construction and mining operations. Any visitors will, therefore, also be at risk during site visits.

This BGGC report provides proof of extensive consultation undertaken with NoK over more than 12 months, in support of a NHRA Section 36(3) permit application and other authority approvals to exhume and relocate the 155 graves identified to be at direct risk. As indicated above, the graves of NoK with whom no agreement could be reached to date will be at risk.

This document is therefore submitted as part of the permit application, in accordance with NHRA: Regulation 40(3) for the SAHRA BGG unit's consideration.

Exxaro, in agreement with the majority of identified NoK, has made all necessary arrangements for the exhumation and relocation of the contents of the affected graves including:

- Committed to relocating the contents of graves to burial sites identified by NoK; and
- Committed to procuring livestock and other items required by NoK to perform their living heritage as it pertains to reburial of deceased relatives.

Exxaro will, in consultation with NoK where necessary, further ensure all necessary arrangements for the exhumation and relocation are made once permits and approvals have been awarded, in accordance with NHRA: Regulation 35. These final arrangements include *inter alia*:

- Appoint a service provider to procure and deliver the requirements submitted by NoK;
- Appointment of a qualified archaeologist to manage and supervise the exhumation and relocation process; and
- Appointment of a registered funeral undertaker to exhume, transport and reintern the contents of the graves at the reburial sites identified in this report.

11 References

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