

Preliminary Human Remains Assessment

Proposed Kusile Invest 133 Giyani Gold Mine Project on the Demarcated Portions of State Land of Greater Giyani 891 LT, Giyani, Limpopo

04 October 2021

FOR: Mr M Mdaka
Kusile Invest
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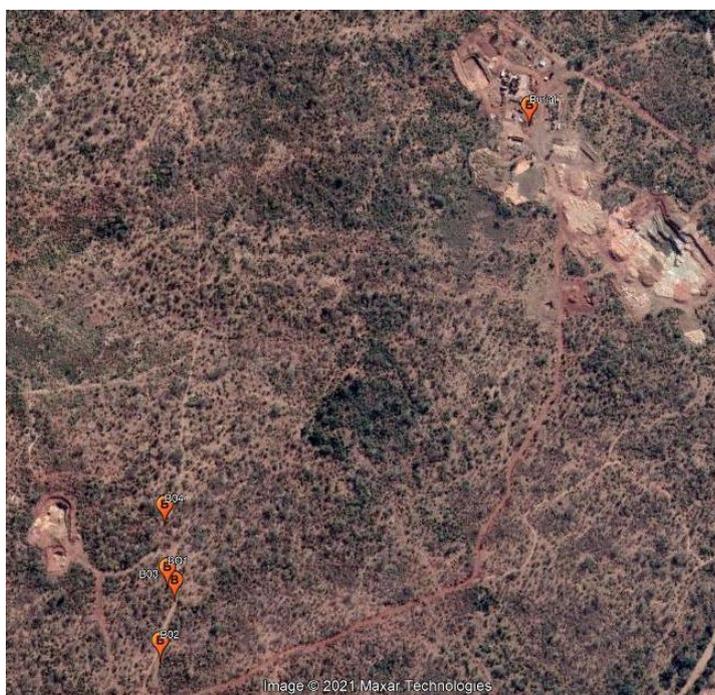
REPORT ON SKELETAL REMAINS

Introduction

I, Hester Roodt was appointed on 1 October 2021 by Mr Mzamani Mdaka, the Director of Kusile Invest mine, to investigate the skeletal remains that had been uncovered on their mining site and to propose recommendations on the way forward. This was after a site visit and report by Mr Tobias Coetzee of Archean Resources (Pty) Ltd, the archaeologist who did the Phase 1 AIA (Archaeological Impact Assessment)¹.

The Phase 1 field work had been completed in April 2021. Mr Coetzee did not locate any Stone Age, Iron Age, Historical or contemporary cultural remains at or near the mining operations (or grave, for this matter). Three, possibly four, stone cairns were identified approximately 600m to the southwest of the plant and Pit 01 area. These might be graves, but at present of unknown age. Mining operations will have no impact on these graves. However, human skeletal remains were excavated during the construction phase of the mine plant, at -23.188256° 30.766426°. Unfortunately, the staff who discovered the remains did not report their find to Mr Mdaka, the Mine Director, until the third week in August 2021.

On 23 September 2021 I was contacted by Mr Coetzee, as recommended by Ms Louisa Hutten, Chief Scientific Officer, Department of Archaeology, UCT. Ms Hutten, on 3 September 2021, had confirmed the remains from photographs as that of being human. On her advice for formal analysis of the remains by a specialist, and in compliance with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA), she also suggested that a rescue permit from SAHRA should be obtained to retrieve the rest of the remains before it is damaged or destroyed. Mr M Mdaka arranged a site meeting between himself, the staff members who discovered the remains, Messrs Livers Maluleke, Robert Ndhlovu and Thomas Makavinge, and myself, an archaeologist and specialist in skeletal analysis, for Saturday, 2 October 2021. I was accompanied by Mr Frans Roodt, also an archaeologist.



The distance between the stone cairns (graves and a possible grave), numbered B01 – B04 is located approximately 600m south-west of the burial at the plant. The close proximity of the aforementioned burials implicate that they have no relationship to this burial.

No archaeological or historical finds or features were detected in the area or the plant, which was cleared of approximately 30cm topsoil. The undisturbed area surrounding the plant was again surveyed by Frans Roodt, who could not find any cultural re-mains, whether of archaeological or historical age, indicating a cultural presence.

¹ TITLE: PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT for the Proposed Kusile Invest 133 Giyani Gold Mine Project on the demarcated portions of Un-Surveyed State Land of Greater Giyani 891 LT, Giyani, Limpopo (SAHRA CasID 15317)



Above. On site at the finding place of the skeletal remains, together with the three individuals who excavated it during construction. The white trapezoid shows the location of the burial.



Above. The heavy machinery which was placed over the steel box in which the skeletal remains were safely deposited and stored.

Skeletal Remains Identification

Although the bone is stable, the acidity of the soil had damaged the surface to such an extent that some of the characteristic markers were difficult to distinguish. The bone was damaged during removal, but shows older, post-mortem fragmentation.

The skeletal remains which were found represent fragments of the left clavicle, the left and right sides of the hip bone (innominate), the left femur, both tibiae and the left fibula. An interesting fact is the find of the isolated clavicle fragment, which doesn't relate to the hip bones and lower limb bones.

The fragmentary state of the skeletal material doesn't allow for race, sex or age determination. The high soil acidity impacted the bone surfaces to such an extent that it presents a rough, uneven texture, obliterating important markers on the bone.



Left. The left clavicle, inferior view, approximately the middle third. The attachments for the subclavius and clavipectoral fascia are faintly visible.



Above. Fragments of both the left and right hip bones were preserved in the area of the auricular surface. The greater sciatic notch is present in the right side of the hip bone. Both are very fragile.

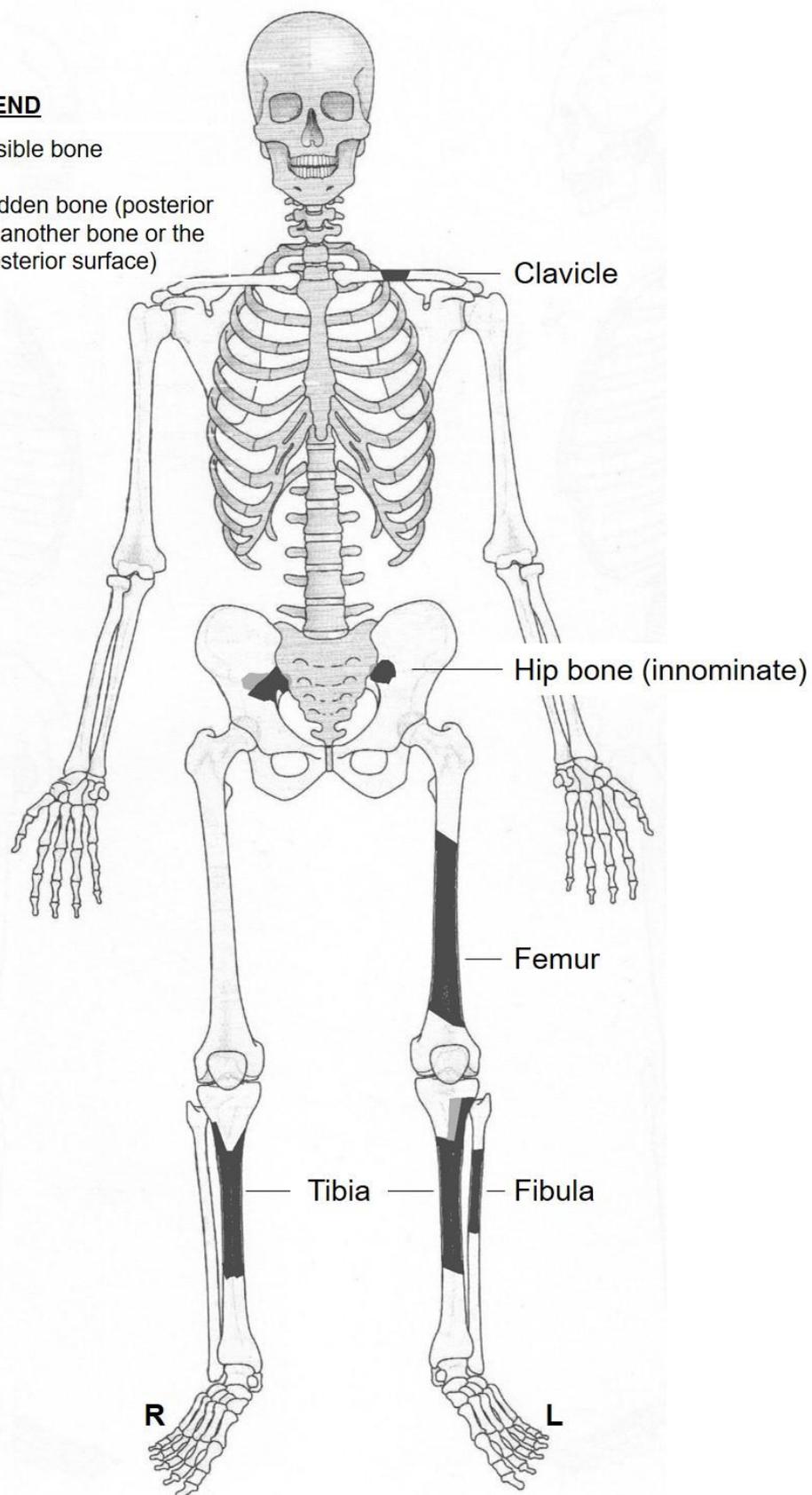


Above. The fragmented left femur, tibia and fibula, together with the right tibia. Although the bone shows signs of post-mortem fragmentation, some fresh breaks, which occurred during the excavation, is also visible.

ANTERIOR VIEW

LEGEND

- Visible bone
- Hidden bone (posterior to another bone or the posterior surface)



A graphic representation to show the skeletal remains which were excavated.

Recommendations

Prehistoric, and often historic, burials are not always detected above ground, and are often revealed during earthworks.

Dating the event of death is at present a problem, since no visible archaeological or historical resources indicate any settlement or homestead remains in the nearby area. It is usual for graves or cemeteries to be close to a homestead or settlement in most South African cultures.

The following is therefore recommended.

1. The burial should immediately be fenced off with danger tape in a radius of 5 metre. The reason for the 5m circumference is that there is no further evidence of graves or any form of cultural remains on site, which should have presented itself because of the removal of the topsoil. The usual recommendation is 50 – 100m, but in this instance it would shut down the entire plant.
2. A community consultation meeting must be arranged during which information must be gained in support of a justified claim from community member/s, with stated reasons, or alternatively, that there is no relation between the community and the skeletal remains.
3. Based on the outcome of the community meeting, an informed decision can be taken about whether a permit application is to be done in terms of Section 35 or Section 36 of the NHRA to SAHRA.
 - A **Section 35** application is done for sites older than 100 years and archaeological sites where there is no existing knowledge of the site and its remains.
 - A **Section 36** application is done for sites 60 – 100 years old or when there are descendants who have a claim to the remains. Should community members be knowledgeable about the site, but are unable to indicate any descendant, then the discovery of the remains must be advertised in a local and national newspaper for a period of 60 days. The permit application can only be made after the lapse of 60 days with supportive evidence of the advertisement and outcomes.
4. It is important for the construction crew to report any finds they might come across. Should skeletal remains be unearthed during any activities, all work should be halted immediately and the archaeologist informed.

For purposes of clarification, relevant parts of the National Heritage Resources Act (25 of 1999) are attached as Appendix I.

Discussion

The costs of this investigation include a site meeting and community meeting, a report of the findings and a permit application to SAHRA once determined under which section of the Act the remains are to be considered. The actual excavation/exhumation costs are not included and a separate quotation will be provided. It is however important to note that SAHRA only issues a permit to an individual and not an organisation or institution. Consequently, it is accepted that the permit holder, in this instance Hester Roodt, will be the one appointed to undertake the excavation.



Hester Roodt

BA (Hons) Archaeology, UP; BSc (Hons) Anatomy

04 October 2021

APPENDIX I

RELEVANT LEGISLATION

The National Heritage Resources Act (25 of 1999) (NHRA)

This Act established the South African Heritage Resources Agency (SAHRA) and makes provision for the establishment of Provincial Heritage Resources Authorities (PHRA). The Act makes provision for the undertaking of heritage resources impact assessments for various categories of development as determined by Section 38. It also provides for the grading of heritage resources (Section 7) and the implementation of a three-tier level of responsibilities and functions for heritage resources to be undertaken by the State, Provincial authorities and Local authorities, depending on the grade of the Heritage resources (Section 8).

In terms of the National Heritage Resources Act (1999) the following is of relevance for the general protection of heritage resources:

Historical remains

Section 34(1) No person may alter or demolish any structure or part of a structure, which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

Archaeological remains

Section 35(3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority or to the nearest local authority or museum, which must immediately notify such heritage resources authority.

Subsection 35(4) No person may, without a permit issued by the responsible heritage resources authority-

- 1) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
- 2) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
- 3) trade in, sell for private gain, export or attempt to export from the republic any category of archaeological or palaeontological material or object, or any meteorite; or
- 4) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist with the detection or recovery of metals or archaeological material or objects, or use such equipment for the recovery of meteorites.

Subsection 35(5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedures in terms of section 38 has been followed, it may -

- (a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
- (b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
- (c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph (a) to apply for a permit as required in subsection (4); and
- (d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to

undertake the development if no application for a permit is received within two weeks of the order being served.

Subsection 35(6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or meteorite is situated; serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

Burial grounds and graves

Subsection 36(3)

- (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority-
- (c) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
- (d) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in detection or recovery of metals.

Subsection 36(6) Subject to the provision of any law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority-

- (a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and
- (b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the content of such grave or, in the absence of such person or community, make any such arrangement as it deems fit.