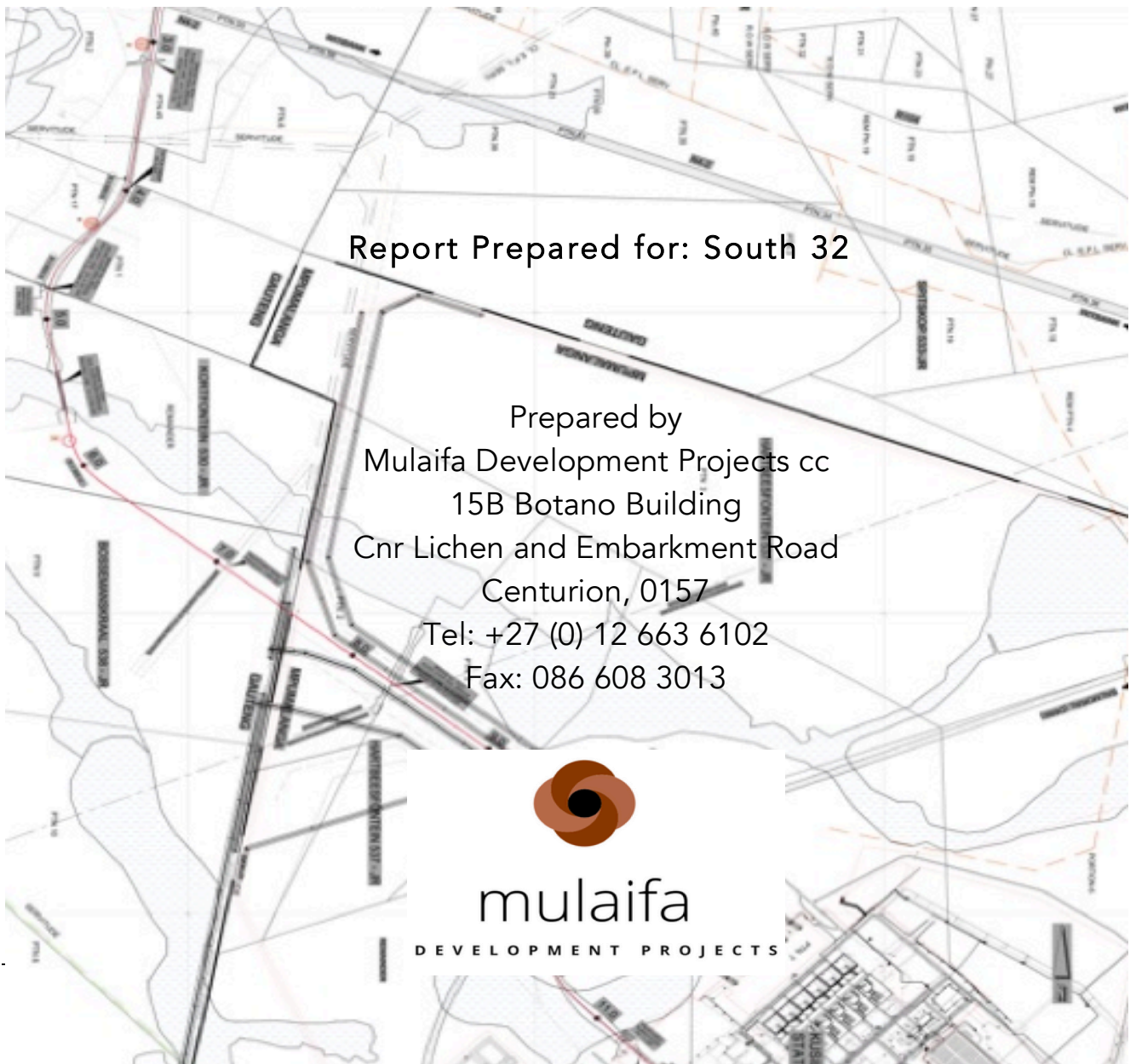


STATUS QUO AND PRE-MITIGATION HERITAGE IMPACT ASSESSMENT
REPORT INCORPORATING SOCIAL CONSULTATION FOR BURIALS
IDENTIFIED DURING PHASE 1 IMPACT ASSESSMENT STUDY FOR S32
(KPSX: SOUTH) MINING DEVELOPMENT IN HARTEBEENLAAGTE 325
JS-ORGIES, EMALAHLENI LOCAL MUNICIPALITY, IN MPUMALANGA
PROVINCE.



MANAGEMENT SUMMARY

BACKGROUND

South32 SA Coal Holdings (Pty) Ltd (South 32) commissioned this study. The study focuses on graves and burial grounds identified during Phase 1 Heritage Impact Assessment specialists study for the proposed development of mining activities within various farms in Orgies. Human burial (graves) were identified during Phase 1 Heritage Impact Assessment for the proposed development of mining activity by South32 from Wildebeesfontein 327 JS, Wildebeesfontein 15 ISH in Orgies, Klipfontein 3 IS and Hartebeenlaagte 325 JS farm in Orgies, eMalahleni Local Municipality of Mpumalanga Province. Mafu's Funeral Home, in collaboration with Mulaifa Development Projects, was commissioned by South32 to conduct Phase 2 heritage mitigation study for the burial grounds and graves recorded within the footprint of the proposed mining area. Mulaifa Development Projects archaeologists and physical cultural property specialists conducted field survey of the area in an attempt to verify the graves as identified during the Phase 1 studies.

SUMMARY RESULTS

Mulaifa Development Projects' heritage specialist team surveyed the affected farm in an attempt to confirm the location and distribution of burial ground and grave sites and verify their condition and status in situ context. A total of ±150 graves were identified distributed at various cemeteries within the identified farms. This report outlined the existence of 13 graves that are more than 60 years of age identified during the survey located at Hartebeeslaagte 325 JS Farm.

RECOMMENDATIONS

- 13 graves were identified along the Klipfontein (KPSX) mining footprint and Servitude.

- The survey confirmed that the affected landscape has a long history of human occupation making it an active cultural landscape where there is a possibility of encountering previously unknown graves in the project area during subsurface construction work.
- Although custodian of 5 affected graves have been identified as Pieter Johannes Prinsloo, and engaged with regard to the relocation of the graves.
- Mr. Prinsloo, the possibility of finding the other relatives for 8 more graves is uncertain. However, the development proponent (South 32, Klipspruit Mine) has commissioned a social and ethnological consultation exercise to identify the potential claimants or custodians of the burials sites before they are placed under a relocation program. Such public consultation process was conducted as part of legal requirement under sections of the National Heritage Resources act, Act 25 of 1999.
- The likely event that no custodians will come forward or will be identified, in relation to these set of graves is very high and therefore the graves will be treated as unknown graves and as such they fall within the jurisdiction of the National Heritage Resources Act (NHRA) 25 of 1999 under the assumption and observation that some of the graves have been confirmed to be older than 60 years.
- The proposed development will certainly destroy the identified burials. As such these graves should be relocated to safer areas. Before any interference with the burial grounds and graves, an urgent permit application should be lodged with South African Heritage Resources Agency (SAHRA) Burial Grounds and Graves Unit.

1. INTRODUCTION

Mafu's Funeral Home was commissioned by South 32 (Klipspruit Mine) to conduct Phase 2 heritage mitigation for burial grounds and graves relocation from the proposed Klipspruit extension development footprint. Mafu's Funeral Home worked in collaboration with Mulaifa Development Projects (Professional Archaeologists and Project Managers). The latter's archaeologists and heritage specialist team conducted a field survey for the proposed mining footprint. The survey identified a total of 68 graves distributed in 7 (seven) burial grounds. All of the identified burial grounds are on the direct path of the proposed Klipspruit mining development footprint.

This report provides the results of the field study conducted to confirm the status quo of the affected burial grounds within the project receiving area. The study was conducted within the framework of the legislations including the Section 36 of the National Heritage Resources Act (Act No 25 of 1999) and will soon apply the Human Tissue Act (1983).

2. AIM OF THE STUDY

The study was commissioned as part of a Phase 2 Heritage Mitigation exercise for South 32 Klipspruit mining development project. The study is part of the proposed grave relocation mitigation process aimed at relocating identified graves from the footprint of the mining development to safer locations. In addition, the study sought to:

- ❑ Confirm the existence of the burial grounds and graves situated within the proposed Klipspruit mining development footprint.
- ❑ Conduct site condition survey of the all recorded burial grounds and gravesite in the project's primary footprint impact zone. The primary impact zone being the direct path of the development.

- Make further recommendations on mitigation measures with the view to reduce specific adverse impacts and enhance specific positive impacts on the affected burial sites.
- Take responsibility for communicating with SAHRA and other related authorities in order to obtain the relevant burial relocation permits and authorization.

3. SPECIALIST QUALIFICATIONS

Mulaifa Development Projects on behalf of Mafu Funeral Home compiled this Report for South 32 (Klipspruit Mine). Mulaifa Development Project led by Mr. M. Mabuda and Mr. Munyai R.R has more than 15yrs experience in the heritage and cultural resources management consulting and development industry. Mathoho E.N (M.Arc), will act as Principal Investigator for this exercise. Both project members are registered with the Association of Southern African Professional Archaeologists (ASAPA) and the PI has CRM accreditation within ASAPA.

4. ASSUMPTIONS AND LIMITATIONS

Regardless of the comprehensiveness of the fieldwork undertaken, it is necessary to realize that the heritage resources located during the fieldwork were limited to graves and burial grounds. As such the sites do not necessarily represent all the possible heritage resources present within the area. Other classes of heritage resources in the area were covered under the Phase 1 HIA study. This study was restricted to physically identifiable burial grounds and graves. This means superficially unidentifiable graves and burial grounds, for example those covered by dense vegetation or have no visible signature are not accounted for herein. As such, should any burial/grave site (or any protected heritage features and/or objects for that matter) not included in the present inventory be located or observed, a heritage specialist must immediately be contacted.

Such observed or located heritage features and/or objects may not be disturbed or removed in any way until such time that the heritage specialist had been able to make

an assessment as to the significance of the site (or material) in question. This applies to graves and cemeteries as well. In the event that any graves or burial places are located during the development the procedures and requirements pertaining to graves and burials will apply as set out in annexure 1 below.

5. HERITAGE LEGISLATION

The present study was conducted in line with applicable legislations and regulations. The identification, evaluation and assessment of any cultural heritage site, artefact, physical cultural properties, burial grounds and graves, intangible heritage or find in the South African context is required and governed by the following legislation:

1. National Environmental Management Act (NEMA) Act 107 of 1998
2. National Heritage Resources Act (NHRA) Act 25 of 1999
3. Minerals and Petroleum Resources Development Act (MPRDA) Act 28 of 2002
4. Development Facilitation Act (DFA) Act 67 of 1995

The NHRA stipulates that cultural heritage resources may not be disturbed without authorization from the relevant heritage authority. Section 34 (1) of the NHRA states that “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...” The NEMA (No 107 of 1998) states that an integrated EMP should (23:2 (b)) “...identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage”. In accordance with legislative requirements and EIA rating criteria, the regulations of SAHRA and ASAPA have also been incorporated to ensure that a comprehensive legally compatible HIA report is compiled.

As highlighted in introductory sections of this report, the study specifically focuses on burial grounds and graves affected by the planned extension of Klipspruit mining development. Law irrespective of their ages protects all burial grounds and individual

graves. Furthermore, there are regulations, which control handling and management of human remains and grave goods. Specifically, in terms of the Section 36 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) no person may, without a permit issued by the relevant heritage resources authority:

- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
- (b) destroy, damage, alter, exhume or 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
- (c) 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 the detection or recovery of metals.

All human remains are also protected under the Human Tissue Act, 1983 (Act No.65 of 1983). In addition, Municipal Ordinances provide for both burial grounds/cemetery and gravesites within certain localities.

6. SOCIAL CONSULTANCY

The research team has been liaising with Klipspruit Project Development Team members to trace families that were relocated from the affected project area. The consultations have thus far confirmed association between the relocated communities and the identified graves. Nonetheless, a window period for social and ethnological consultation is still open until such time that graves will be relocated in line with the requirements of the National Heritage Resources Act to ensure that the potential custodians are identified and consulted about the proposed relocation of the affected graves.

7. METHODOLOGY

The methods in this study followed an HIA process that consisted of three steps:

Step I – Literature Review: The background information to the field survey leans greatly on the Heritage Impact Assessment Report completed for South 32 Klipspruit Mine commissioned by Digby Wells Environmentals, 2014. Environmental Authorisation for the KPSX: Weltevreden Project, Heritage Impact Assessment, Project No BHP 2690.

Step II – Physical Survey: A physical survey was conducted on foot through the proposed Klipspruit development project area by qualified archaeologists (October 2016 – June 2017), aimed at locating and documenting graves and burial ground sites falling within the proposed mining development footprint.

Step III – The final step involved the recording and documentation of relevant burial grounds and gravesites, as well as the assessment of sites in terms of the heritage impact assessment criteria and report writing.

8. SITE SIGNIFICANCE

All burial grounds and gravesite covered by this report fall under the Generally Protected category and they all retain a High and Medium Significance. Therefore, all the sites that are on the direct path of the development should be mitigated before destruction.

9. METHODOLOGY FOR IMPACT ASSESSMENT

Impact Rating

The impact of the planned mining development is considered VERY HIGH from both a heritage and developmental perspectives.

These impacts would be considered by society as constituting a major and usually permanent change to the (natural and/or socio-cultural) environment, and usually result in severe or very severe effects, or beneficial or very beneficial effects.

Example: The permanent loss of physical cultural properties or cultural landscape would be viewed by informed society as being of VERY HIGH significance.

The Klipspruit development impacts are considered certain on any graves or burial ground on its direct path. The grave and burial grounds sites within the mining servitude fall within the probably and possible impact region given the fact that the mining development will be associated with auxiliary developments such as service and access roads, servitude demarcation fence lines and boundaries as well as potential temporary construction camps and material storage sites during the proposed development.

10.RESULTS: BURIAL GROUNDS AND GRAVES

The field survey identified 13 burial sites whereby all of the identified graves are located within area earmarked for the mining development. As highlighted in previous sections, burial grounds and gravesites are accorded the highest social significance threshold. They have both historical and social significance and are considered sacred. Wherever they exist they may not be tempered with or interfered with during any proposed development. It is important to note that the possibility of encountering human remains during subsurface earth moving works anywhere on the landscape is ever present.

10.1 Burial Ground KPSX-BG8



Plate 1: Burial Ground KPSX-BG8

List of graves identified at Burial ground KPSX-BG8

There are estimated ten (13) graves located at this site. Five (5) of these graves are marked with headstones but four with visible inscriptions. The remaining graves are marked by traditional stone cairn with no burial information. They are located at Coordinates of S25° 56' 53.3" and E29° 03' 20.5". Under certain circumstances, twelve (12) burials will be classified under the NHRA 25 of 1996.

Table 10.2 Details of deceased recorded at **KPSX-BG8**

Names	Date of Birth	Date of Death	Grave No	Grave Age
Prinsloo Martha Maria	1874-02-23	1963-05-12	KPSX-BG8/1	54
Prinsloo Pieter Johannes	1873-08-11	1940-09-20	KPSX-BG8/2	77
Ouma Vermaak (Born Voster)	No Details	1926	KPSX-BG8/3	91
Prinsloo Cecielia Petronella	1910-10-12	1942-06-20	KPSX-BG8/5	72
1 Grave (No Details)	No details	No details	KPSX-BG8/4	N/A
4 Graves (KPSX 6-10)	No details	No details	KPSX-BG8/6-10	N/A
4 other graves have no details	Not Known	Not Known	KPSX-BG4/4-6	N/A

12. SUMMARY RECOMMENDATIONS AND CONCLUDING REMARKS

This report is limited to survey and confirmation of location of 13 burials/gravesite in relation to the South 32 Klipspruit mine development project. No other physical cultural properties are discussed herein. The burials ground and graves are classified as of high cultural significance. All 13 graves should be relocated prior to the mining construction works commencing.

- i. All graves identified within the mine footprint are under threat one way or the other from the proposed mining and associated developments. Such recorded graves directly affected should be rescued or salvaged by exhumation and relocated as soon as the necessary permits are obtained.
- ii. An urgent Burial Ground and Graves heritage permit from SAHRA should be obtained to allow all affected graves that fall under the NHRA to be exhumed and relocated as stipulated by applicable laws and SAHRA regulations.
- iii. The relocation exercise will be overseen by the accredited heritage professional and a professional Undertaker from Mafu Funeral Homes will conduct the actual exhumation and re-interment.