

UNIVERSAL COAL DEVELOPMENT I (PTY) LTD

STATUS QUO AND PRE-MITIGATION HERITAGE IMPACT ASSESSMENT REPORT INCORPORATING
SOCIAL CONSULTATION FOR BURIALS IDENTIFIED DURING PHASE 1 IMPACT ASSESSMENT STUDY
FOR UNIVERSAL COAD DEVELOPMENT I PTY LTD (KANGALA) MINING DEVELOPMENT IN DELMAS,
STEVE TSHWETE LOCAL MUNICIPALITY

September, 2018

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DOCUMENT INFORMATION

TITLE: STATUS QUO AND PRE-MITIGATION HERITAGE IMPACT ASSESSMENT REPORT INCORPORATING SOCIAL FACILITATION FOR BURIALS IDENTIFIED DURING PHASE 1 IMPACT ASSESSMENT STUDY FOR UNIVERSAL COAL DEVELOPMENT I PTY LTD KANGALA COLLIERY IN DELMAS. VICTOR KANYE LOCAL MUNICIPALITY, IN MPUMALANGA PROVINCE.

PURPOSE OF SCOPE:

The purpose of this document is to document burial grounds and graves affected by the proposed Mining development of Kangala Colliery. The development is located in Delmas, Victor Kanye Municipality, Mpumalanga Province.

DOCUMENT VERIFICATION

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Issue	Date	Reason For Issue	Responsible	Accountable
1	21/08/18	Universal Coal (Kangala Colliery) Consideration and on-ward Approval of Heritage Agency	Mr. Munyai RR	Mr. M. Mabuda
2	12/09/18			

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CAVEAT

STATUS QUO AND PRE-MITIGATION HERITAGE IMPACT ASSESSMENT REPORT FOR BURIALS IDENTIFIED DURING PHASE 1 IMPACT ASSESSMENT STUDY FOR UNIVERSAL COAL DEVELOPMENT I PTY LTD (Kangala Colliery) IN VICTOR KANYE LOCAL MUNICIPALITY, IN MPUMALANGA PROVINCE.

Authorship: The report was prepared by Mr. M.M Mabuda (Professional Archaeologist) assisted by Mr. R.R. Munyai. The report was prepared for Universal Coal Development I Pty Ltd.

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Details of the equipment used

- Geographic Co-ordinate Information: Geographic co-ordinates in this report were obtained using a hand-held Garmin Global Positioning System device Garmin Oregon 650. The manufacturer states that these devices are accurate to within +/- 5 m.
- Digital Camera: Canon IXUS 185

Maps: Maps included in this report use data extracted from the NTS Map and Google Earth Pro.

Disclaimer: The Author is not responsible for omissions and inconsistencies that may result from information not available at the time this report was prepared.

The survey was carried out within the context of tangible and intangible cultural heritage resources as defined by the SAHRA Regulations and Guidelines as to the authorisation proposed exhumation and reburial of graves affected by the mine extension.

Signed by: Archaeologist

Mr. M.M. Mabuda (BA. Hons, 2003, Archaeology, MDev, 2016)

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MANAGEMENT SUMMARY

BACKGROUND

Universal Coal Development I PTY Ltd (Kangala Colliery) commissioned the study which was conducted by Digby Well & Associates and Professional Graves Solutions (PGS) Pty Ltd, (2009). 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 Wolfontein 244 IR portion 1&2 commonly known as Kangala Colliery. Human burial (graves) were identified during Phase 1 Heritage Impact Assessment for the proposed development of mining activity by Kangala Colliery at Wolfontein farm in Delmas, Mpumalanga Province.

Mulaifa Development Projects, was commissioned by Kangala Mine to conduct Phase 2 heritage mitigation study for the burial grounds and graves recorded within the footprint of the proposed mining development 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. The set of graves are listed as site number four (4) within the phase one (1) report. The total number of Nine (09) graves are identified on the phase 1 report, but only 1 grave was photographed.

SUMMARY RESULTS

Mulaifa Development Projects' heritage specialist team surveyed the affected farms in an attempt to confirm the location and distribution of burial ground and grave sites and verify their condition and status in situ context. Only 1 grave, photographed on phase 1 heritage impact assessment report were identified on site 4 burial ground.

The other eight (8) graves mentioned on the phase one report, could not be identified nor confirmed. These graves are not visible at all. These graves are either non-existence or they might have been accidentally tempered with during access road construction period.

RECOMMENDATIONS

- 1 grave was identified along the proposed Kangala Colliery footprint and servitude at Wolvefontein 244 IR farm.
- 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.
- Noting that nine (9) graves were identified and recorded during phase one “Heritage Impact Assessment study” it is recommended that an extensive public participation process accompanied by social facilitation be conducted in order to ascertain the validity of results from PGS report.
- However, onsite notices and newspaper adverts have been published calling upon the potential claimants or custodians of the burials sites to come forward before the graves are placed under a relocation program. Such notices form part of the public consultation process aimed at affording an opportunity to the direct descendants of the deceased to submit their concerns, objections or consent to allow the said graves to be relocated. This exercise is conducted as part of legal requirement under sections of the National Heritage Resources act, Act 25 of 1999.
- In the likely event that no custodians will come forward or will be identified, the graves will be treated as unknown graves and as such they will 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 said grave(s). As such these grave(s) 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 and the

Mpumalanga Provincial Department of Health to secure the relevant permission for urgent intervention to rescue, salvage and relocate the burials to formal burial ground.

- The mining development footprint will cover the historic and active cultural landscape with historic and contemporary human settlements. This provides for a high probability of encountering chance finds and previously unknown graves during sub-surface construction work. The proposed mining development will cover historic homestead remains where there are high possibilities of encountering unmarked burials such for infants (stillborn) that are traditionally buried in homesteads as opposed to being buried in cemeteries. As such, it is recommended that heritage-monitoring program be developed for implementation during the construction period.

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ABBREVIATIONS

AIA	Archaeological Impact Assessment
HIA	Heritage Impact Assessment
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EMP	Environmental Management Plan
ASAPA	Association of South African Professional Archaeologists
CRM	Cultural Resource Management
NHRA	National Heritage Resources Act, Act 25 of 1999.
NEMA	National Environmental Management Act
EO / ECO	(Environmental Officer/ Environmental Control Officer)
PHRA	Provincial Heritage Resources Agency
SAHRA	South African Heritage Resources Agency
PGS	Professional Graves Solutions

DEFINITIONS

Archaeological Material remains resulting from human activities, which are in a state of disuse and are in, or on, land and which are older than 100 years, including artefacts, human and hominid remains, and artificial features and structures.

Burial site the location of any human grave or remains that have been interred, cremated or otherwise placed, and include ossuaries, single burials, multiple burials; rock cairns; cave or cache burials etc. not situated within a cemetery.

Burial Site which is defined as: a place outside a recognized cemetery where the remains of a cultural ancestor of indigenous people have been interred, or otherwise placed."

Chance Finds Archaeological artefacts, features, structures or historical cultural remains such as human burials that are found accidentally in context previously not identified during cultural heritage scoping, screening and assessment studies. Such finds are usually found during earth moving activities such as trench excavations.

Cultural Heritage Resources Same as Heritage Resources as defined and used in the South African Heritage Resources Act (Act No. 25 of 1999). Refer to physical cultural properties such as archaeological and paleontological sites; historic and prehistoric places, buildings, structures and material remains; cultural sites such as places of ritual or religious importance and their associated materials; burial sites or graves and their associated materials; geological or natural features of cultural importance or scientific significance. Cultural Heritage Resources also include intangible resources such as religion practices, ritual ceremonies, oral histories, memories and indigenous knowledge.

Cultural Significance The complexities of what makes a place, materials or intangible resources of value to society or part of, customarily assessed in terms of aesthetic, historical, scientific/research and social values.

Grave A place of interment (variably referred to as burial), including the contents, headstone or other marker of such a place, and any other structure on or associated with

such place. A grave may occur in isolation or in association with others where upon it is referred to as being situated in a cemetery or burial ground.

Grave offering any object or objects associated with the human remains that may reflect the religious practices, customs or belief system of the interred.

Historic Material remains resulting from human activities, which are younger than 100 years, but no longer in use, including artefacts, human remains and artificial features and structures.

Historic under the NH Resources Act this generally means something older than 60 years.

Human remains mean the remains of a dead human body and include partial skeletons, bones, cremated remains and complete human bodies that are found outside a recognized cemetery" (adapted from NHR Act)

In Situ material- Material culture and surrounding deposits in their original location and context, for example an archaeological site that has not been disturbed by farming.

Material- Buildings, structure, features, tools and other artefacts that constitute the remains from past societies.

Recognized cemetery a defined area of land that is set aside for the burial of human bodies.

Representative means a descendant of the interred or of the person whose remains are found, or where no descendant survives or is identified, an official representative of the appropriate custodians of the burial site or the closest culturally affiliated group, religious denomination, military or authority as evidenced by the location or mode of burial. Where no representative can be determined the Archaeologist shall act as the representative on unclaimed or unknown burials and the EO at Kangala Mine at the discretion and with the consent of the SAHRA, the custodian representative group.

Site A distinct spatial cluster of artefacts, structures, organic and environmental remains, as residues of past human activity.

Site disposition agreement means a written agreement to be reached between the EO and the representative of the interred regarding the disposition of the remains, including any disinterment and re-interment, and management plan. Management plan means a plan to identify the roles of the representative, Archaeologist and land owner or manager respecting the care and protection of the site, including a consideration of site records, site access, and ways to protect a site from disturbance until the proper exhumation, relocation and reburial is completed.

Heritage -That, which is inherited and forms part of the National Estate (Historical places, objects, fossils as defined by the National Heritage Resources Act 25 of 1999).

Heritage resources – This means any place or object of cultural significance.

1. INTRODUCTION

Mulaifa Development Projects was commissioned by Universal Coal Development I Pty Ltd (Kangala Colliery) to conduct Phase 2 heritage mitigation for burial ground and graves relocation from the proposed Kangala mine extension development footprint. Mulaifa Development Projects' archaeologists and heritage specialist team conducted a field survey for the proposed mining footprint. The survey which was a follow up of the phase one study conducted by PGS and constitute phase two (heritage mitigation) identified 1(one) grave marked by headstone and eight other graves marked by cement headstone

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 the Human Tissue Act (1983).

2. AIM OF THE STUDY

The study was commissioned as part of a Phase 2 Heritage Mitigation exercise for Universal Coal Development I Pty Ltd (Kangala Colliery) Mine extension 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 ground and graves situated within the proposed Kangala Colliery development footprint.
- ❑ Conduct site condition survey of 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 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 compiled this Report for Universal Coal Development I Pty LTD (Kangala Colliery). Mulaifa Development Project led by Mr. M.M Mabuda and Mr. Munyai R.R has more than 15yrs experience in the heritage and cultural resources management consulting and development industry. Both project members are registered with the Association of Southern African Professional Archaeologists (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 report 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 surficial 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

This present study is equally covered under the following sections in each Act, which refer directly to the identification, evaluation and assessment of cultural heritage resources.

1. National Environmental Management Act (NEMA) Act 107 of 1998
 - a) Basic Environmental Assessment (BEA) – Section (23)(2)(d)
 - b) Environmental Scoping Report (ESR) – Section (29)(1)(d)
 - c) Environmental Impacts Assessment (EIA) – Section (32)(2)(d)
 - d) EMP (EMP) – Section (34)(b)
2. National Heritage Resources Act (NHRA) Act 25 of 1999
 - a) Protection of Heritage resources – Sections 34 to 36; and
 - b) Heritage Resources Management – Section 38
3. Minerals and Petroleum Resources Development Act (MPRDA) Act 28 of 2002
 - a. Section 39(3)
4. Development Facilitation Act (DFA) Act 67 of 1995
 - a) The GNR.1 of 7 January 2000: Regulations and rules in terms of the Development Facilitation Act, 1995. Section 31.

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 Kangala Colliery 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.

Therefore, in addition to the formal protection of culturally significance graves, all graves which are older than 60 years and which are not located in a cemetery (such as ancestral graves in rural areas), are protected. Communities, which have an interest in the graves, must be consulted before any disturbance can take place. The graves of victims of conflict and those associated with the liberation struggle will have to be included, cared for, protected and memorials erected in their honour where practical. Regarding graves and burial grounds, the NHRA distinguishes between the following:

- Ancestral graves
- Royal graves and graves of traditional leaders
- Graves of victims of conflict
- Graves of individuals designated by the Minister by notice in the Gazette
- Historical graves and cemeteries
- Other human remains, which are not covered in terms of the Human Tissue Act, 1983 (Act No.65 of 1983).

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. GRAVE OUTSIDE NHRA PROTECTION

Graves younger than 60 years of age fall under Section 2(1) of the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925) as well as the Human Tissues Act (Act 65 of 1983) and are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier.

This function is usually delegated to the Provincial MEC for Local Government and Planning, or in some cases the MEC for Arts and Culture. Authorisation for exhumation

and re-interment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains the institution conducting the relocation should be authorised under Section 24 of Act 65 of 1983 (Human Tissues Act).

Graves older than 60 years, but younger than 100 years fall under Section 36 of Act 25 of 1999 (National Heritage Resources Act) as well as the Human Tissues Act (Act 65 of 1983) and are the jurisdiction of the South African Heritage Resource Agency (SAHRA).

The procedure for consultation regarding Burial Grounds and Graves (Section 36(5) of Act 25 of 1999) is applicable to graves older than 60 years that are situated outside a formal cemetery administered by a local authority. Graves in the category located inside a formal cemetery administered by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA authorisation.

If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

7. PREVIOUSLY UNIDENTIFIED BURIAL SITES/GRAVES

The proposed mining development is situated in a historic and contemporary cultural landscape with prehistoric, historic and contemporary human settlements and homestead remains. Given the history of human occupation of the affected area, there is a possibility that previously unknown burials may be discovered during subsurface construction work. Should burial sites be accidentally found, they must be reported to the nearest police station to ascertain whether or not a crime has been committed and a heritage expert should be called in to establish whether the burial is covered by the NHRA. If there is no evidence for a crime having been committed, and if the person cannot be identified so

that their relatives can be contacted, the remains must be kept in an institution where certain conditions are fulfilled. These conditions are laid down in the Human Tissue Act (Act No. 65 of 1983). In contexts where the local traditional authorities give their consent to the unknown remains to be re-buried in their area, such re-interment may be conducted under the same regulations as would apply for known human remains.

8. SOCIAL CONSULTANCY

The research team has been liaising with Kangala mine Project Development Team members to trace families that were relocated from the affected project area. Although the consultations have thus far not identified any family members associated with the identified grave, the process is ongoing. Nonetheless, an onsite notice and newspaper advert has been published, 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.

9. 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 Universal Coal Development I Pty Ltd Kangala Mine by Digby Wells Environmentals and Professional Graves Solutions (PGS) Pty Ltd, 2009.

Step II – Physical Survey: A physical survey was conducted on foot through the proposed Kangala mine development project area, in particular where the grave in question is located by qualified archaeologists (16 July 2018), 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.

9.1. SITE SIGNIFICANCE

The grave including all unidentified burial grounds and gravesite covered by this report fall under the Generally Protect 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 protected in situ or mitigated before destruction.

9.2. METHODOLOGY FOR IMPACT ASSESSMENT

Impact Rating

The impact of the planed 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.

Certainty

DEFINITE: More than 90% sure of a particular fact. Substantial supportive data exists to verify the assessment.

PROBABLE: Over 70% certainty of a particular fact, or of the likelihood of an impact occurring.

POSSIBLE: Only over 40% certainty of a particular fact or of the likelihood of an impact occurring.

UNSURE: Less than 40% certainty of a particular fact or likelihood of an impact occurring.

The Kangala Colliery mine 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 2 burial sites. An isolated grave has been identified and marked whereas the other identified graves, eight (8) in total is located in a separate location. All these graves as reported on phase 1 report are located within an 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 1 (KM-BG1)

Burial Ground 1 is located at the following coordinates: 26° 19' 88" S and 28° 65' 54" E. There is one grave recorded on this site. Phase one Heritage Impact Assessment report compiled by PGS recorded 9 graves affected by the proposed development, with one grave in isolation from the remaining eight. This burial ground is located within a portion of Wolvefontein Farm 244 IR along the boundary fence of the existing mine.

Table 1: Impact Assessment for KM-BG1& 2 site.

Impact	Impact Significance	Heritage Significance	Certainty	Duration	Mitigation
Permanent destruction	Very High	General Protection for all graves and Burial Grounds	Definite	Permanent	Required

Table 1.1 Details of deceased at KM-BG1

NAME	Date of Birth	Date of Death	Grave No	Age
Johanna Mokoena	12-12-1922	25/02/1977	KM-BG1/1	41



Plate 1 depicts the only grave identified on site. The deceased is identified as Johanna Mokoena. Additional graves were attached to through the online application.

10.2 BURIAL GROUND 2 (KM-BG2)

Burial Ground 2 is located at the following coordinates: 26° 20' 15.5" S and 28° 65' 04.1" E. There are eight graves recorded on this site. All these eight graves are vulnerable to destruction and must be relocated to a safer place.



Plate 2. Depicts three graves identified as part of the 8 graves. According to the inscriptions on the headstone, the said graves belongs to the Mahlangu Family.



Plate 3. Depicts damaged or vandalised graves. Most of these graves were vandalised by animal burrowing.

11. GENERAL APPLICABLE HERITAGE MANAGEMENT GUIDELINES

This study has confirmed that there are burial grounds located on the direct path of the proposed mining development. In addition to mitigation measures recommended herein, it is advisable that an information session on cultural resources be included in the SHEQ training given to contractors involved in surface earthmoving activities. These sessions must include basic information on:

- Graves;
- Archaeological finds; and
- Historical Structures.

This module must be tailor made to include all possible finds that could be expected in that area of construction.

In the event that human remains are uncovered or previously unknown graves are discovered in the course of the proposed development a qualified archaeologist needs to be contacted and an evaluation of the finds made. If the remains are to be rescued, salvaged, exhumed and relocated, the relocation procedures as accepted by SAHRA need to be followed. This includes an extensive social consultation process.

12. SUMMARY RECOMMENDATIONS AND CONCLUDING REMARKS

This report is limited to survey and confirmation of location of burial ground and gravesites in relation to the Universal Coal Development I Pty Ltd Kangala Colliery development project. No other physical cultural properties are discussed herein. The burial ground and graves are classified as of high cultural significance. All grave(s) should be mitigated prior to the mining construction works commencing. The site identified is on the direct path of the mining development footprint and therefore should be relocated.

- 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. All graves that do not fall under the NHRA will be treated and relocated within the Human Tissue Act of 1983 and the local municipality graves and human burial ordinances.
- iv. Should any link be established between the burials and any community or families, consent must be secured from the custodians of the burials before the relocation exercise is conducted.
- v. 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.

Should additional previously unidentified graves be identified within the development path or buffer zones during construction works, the following measures must be taken.

- i. Mitigation of graves will require a fence around the cemetery with a buffer of at least 10 meters.
- ii. If graves are accidentally discovered during construction, activities must cease in the area and a qualified archaeologist be contacted to evaluate the find. To remove the remains a rescue permit must be applied for with SAHRA and the local South African Police Services must be notified of the find.

13. GRAVE RELOCATION PROCESS

Where the graves are to be relocated, a full grave relocation process that includes comprehensive social consultation must be followed.

The grave relocation process must include:

- i. A detailed social consultation process, that will trace the next of kin and obtain their consent for the relocation of the graves, that will be at least 60 days in length;
- ii. On-Site notices indicating the intent of the relocation
- iii. Newspaper Notice indicating the intent of the relocation
- iv. A permit from the local authority;
- v. A permit from the Provincial Department of health;
- vi. A permit from the South African Heritage Resources Agency if the graves are older than 60 years or unidentified and thus presumed older than 60 years;
- vii. An exhumation process that keeps the dignity of the human remains and cultural rights intact;
- viii. An exhumation process that will safeguard the legal implications towards the developing company;
- ix. The actual exhumation and reburial process will be done by Mafu's Funeral Home, reputable company that is well versed in graves relocations;
- x. The process must be conducted in such a manner as to safeguard the legal rights of the families as well as that of the developing company.

Given the long history of human occupation in the affected project area, it is highly likely that more previously unidentified graves may be discovered subsurface during the on-going construction work. Should previously unknown or unidentified graves be discovered during construction phase, they should be reported to heritage authorities to allow for their rescue before work proceeds on affected site.

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