



MBOFHO
CONSULTING & PROJECT MANAGERS

MEDUPI POWER STATION GRAVES: TOWARDS HEALING AND CLOSURE - AN INTEGRATED MANAGEMENT PLAN (IMP)

DATE: 01 October 2018



HERITAGE CONSULTANTS	THE CLIENT
MBOFHO CONSULTING AND PROJECT MANAGERS The Office Park, 89 Hans Van Rensburg Street, Office 209, Polokwane P.O Box 54, Polokwane 0700 Tel: 015 280 0088 Fax: 086 539 6388 Cell: 079 1930 634/ 081 540 8581 Email: info@mbofhoconsulting.co.za	MEDUPI POWER STATION (ED) Grootegeeluk – Onverwacht Road Ellisras 0555 Mr Emile Marell Tel: +27 82 560 4618 Email: MarellEM@eskom.co.za

LIMPOPO

89 Hans van Rensburg Str/ 90 Schoeman Str
Office 209, Polokwane, 0699
P.O Box 54, Polokwane, 0700

GAUTENG

1 Looper Road
51 Hill of Good Hope
Midrand, 1682

NORTH WEST

No 2, Kudu street
Elandsrand, Brits
P0 Box 3119, Brits, 0250

MPUMALANGA

Pet Street 26
Ermelo
2350



REPORT DETAILS

CLIENT:

Medupi Power Station – Eskom Holdings

HERITAGE FIRM:

Mbofho Consulting and Project Managers

PROJECT TEAM:

Matodzi A. Silidi Pr.Sc.Nat.: M.A Env Management (UOFS), PGD in Heritage Studies (UCT), B.Env. Sc. (UNIVEN), ASHEEP (NOSA), SAMTRAC (NOSA), Environmental and Mining Rehab (UNW), Advanced Project Management (UNW), Handling, Storage and Transportation of Dangerous Goods and Hazardous Substances (UNW)

Dr. Edward Matenga: PhD Archaeology & Heritage (Uppsala University, Sweden); MPhil. Archaeology (Uppsala, Sweden); Certificate in the Integrated Conservation of Territories and Landscapes of Heritage Value, ICCROM, Rome. Membership: ICOMOS International and ASAPA

T.R Silidi: BA Social Sciences (Hons) Wits, Univen, Masters in Social Impact Assessment (UJ), Negotiations (SARWA)

TABLE OF CONTENTS

ESKOM'S VISION STATEMENT AND THE INTEGRATED MANAGEMENT PLAN	5
ACCRONYMS	6
EXECUTIVE SUMMARY	7
1.1. Medupi Graves and the Integrated Management Plan	10
1.2. Vision of Eskom and Corporate Social Responsibility	11
1.3. Development of Medupi Power Station and the impact on graves	13
1.4. Impact of the incident on affiliated families and individuals	14
1.5. Commissioning Phase II Heritage Impact Assessment	14
1.6. Why graves are regarded as heritage	15
1.7. Remedial actions proposed by the affected families	17
1.8. Purpose of the Integrated Management Plan	17
2. APPROACHES AND METHODOLOGY TO THE INTEGRATED MANAGEMENT PLAN	18
2.1. Process Flow	18
3. LEGAL AND POLICY FRAMEWORK	22
3.2. The Constitution of South Africa (No 108/1996)	23
3.3. The National Environmental Management Act (No 107/ 1998)	24
3.4. Local and International Policy Framework	24
3.4.1. The Burra Charter	25
4. DESCRIPTION OF THE GRAVES AND OTHER HERITAGE RESOURCES	28
4.1. Ethno-historical context	28
4.1.1. Catalogue of heritage resources including graves	29
4.2. Statement of Significance of the graves and shrine	34
4.3. Ranking of the heritage	30
5. CONDITION SURVEY OF SITES	34
5.1. Condition Survey June 2018	35
6. FUNDAMENTAL PRINCIPLES AND KEY ISSUES UNDERPINNING THE INTEGRATED MANAGEMENT PLAN	44
6.2. Conservation	44
6.3. Memorialisation	45
6.4. Human Rights	46
6.5. Negotiation and Conflict Resolution	48
6.6. Dealing with Post -Traumatic Stress Disorder (PTSD)	48
6.7. Cleansing ceremonies / ritual cleansing	50
6.8. Taking the disturbed spirits to a new resting place at the Shrine	51
6.9. Demand for financial compensation for disturbed or destroyed graves	53

6.10. Mitigation options within the ambit of Eskom’s Socioeconomic Development Initiatives	54
6.10.1. Effecting skills development through learnerships, bursaries and internship programmes	55
6.10.2. Careers / employment.....	55
6.10.3. Eskom development foundation’s corporate social investment initiatives	55
6.11. Register of beneficiaries terms and conditions	57
6.12. Protocols of public access to the shrine and graves	57
6.13. Truth, healing and closure	58
7. STRATEGIC OBJECTIVES OF THE IMP	61
7.1. Risk Assessment.....	61
8. IMPLEMENTATION OF THE IMP	63
9. MONITORING AND EVALUATION	73
10. GLOSSARY.....	74
11. REFERENCES.....	76
12. ACKNOWLEDGEMENTS.....	78

ESKOM'S VISION STATEMENT AND THE INTEGRATED MANAGEMENT PLAN

This Integrated Management Plan for the Graves, Shrine and other Heritage Resources at Medupi Power Station is aligned to Eskom's Corporate Mandate, Vision, Mission and Values which read as follows:

Mandate

To provide electricity in an efficient and sustainable manner, including its generations, transmission and retail. The Company also has a developmental role and will promote transformation, economic development and broad based black economic empowerment

Vision

Sustainable power for a better future

Mission

To provide sustainable electricity solutions to grow the economy and improve the quality of life of the people in South African and in the region

Values

Zero harm	Eskom will ensure that zero harm befalls its employees, contractors, the public and natural environment
Integrity	Honesty of purpose, conduct and discipline in actions and respect for people
Innovation	Value added creativity and results-oriented. Lead through excellence and innovation
Sinobuntu	Caring
Customer satisfaction	A commitment to meet and strive to exceed the needs of receivers of products and services
Excellence	Acknowledged by all for professional standards, performance and professionalism

ACCRONYMS

ANC	African National Congress
CRM	Cultural Resources Management
CMP	Conservation Management Plan
CSI	Corporate Social Investment
DEA	Department of Environmental Affairs
EIA	Environmental Impact Assessment
EMC	Environmental Management Committee
HIA	Heritage Impact Assessment
LFA	Logical Framework Analysis
LIA	Later Iron Age
LIHRA	Limpopo Heritage Resources Authority
PHRA	Provincial Heritage Resources Authority
PPP	Public Participation Process
MCPM	Mbofho Consulting and Project Managers
MK	UMkontho weSizwe
NEMA	National Environmental Management Act
NHRA	National Heritage Resources Act
NEMA	National Environmental Management Act
SAHRA	South African Heritage Resources Agency
SED	Socioeconomic Development
SO	Strategic Objective
UN	United Nations
UNESCO	United Nations Educational and Scientific Organisation
WAC	The World Archaeological Congress

EXECUTIVE SUMMARY

1. The overall purpose of the Integrated Management Plan (IMP) is to provide guidance for the management and conservation of the Shrine and graves at Medupi Power Station.
2. This IMP is aligned to Eskom's Corporate Vision as it relates to Corporate Social Responsibility.
3. The IMP urges a holistic approach to the management of the heritage resources taking into account the wishes of the families aggrieved by the disturbances or desecration of some of the graves. It is mindful of public sensibilities about the treatment of human remains, and this document respects the wishes of the affected families to maintain connections with their deceased loved ones.
4. *Statement of Significance of the graves and Shrine*

The construction of Medupi Power Station on a burial ground, though it was inadvertent, disturbed the spirits of those interred there. It also stirred so much intense public emotion which brought into focus the relationship between the dead and living, and the onus to respect and protect this connection as "living heritage". The Shrine built in the precinct of the Power Station is dedicated to those whose remains were misplaced as a result of the development project, so that their spirits can be made to rest again. An existing burial ground next to the Shrine has now been furnished with modern granite dressing. Both these initiatives are the outcome of deep introspection and contrition on the part of all stakeholders in the project, even as there was no malicious intent. It is also an honour to those who have made a spirited effort to seek an explanation and the truth about what happened to the remains of their loved ones. The Shrine, a simple structure of vernacular stonework, is juxtaposed to the imposing power station, creating a cultural landscape of contrasting elements with the message that a modern industrial project of such gigantic scale is operating on peaceful terms with the spirits of the land.

5. The strategic objectives (SOs) denote the highest goals of the IMP. The IMP follows a Logical Framework Analysis (LFA) in which key actions emanate from the Strategic Objectives. The LFA is a tracking tool to make sure that all the Strategic Objectives have been fulfilled.

Strategic Objective 1: Undertake comprehensive documentation of grievances of families affiliated to the graves at Medupi Power Station and implement appropriate remedial measures. Attend to those that were affected by the manner in which the graves were handled.

Strategic Objective 2: Through comprehensive documentation provide a full account of all the graves including those that were disturbed and other heritage resources within and in the precinct of the Medupi Power Station.

Strategic Objective 3: Prepare and implement a short term plan for the rehabilitation of graves within and in the precinct of the Medupi Power Station.

Strategic Objective 4: Roll out a comprehensive programme for counselling, healing and closure for all those affected by the treatment of graves at Medupi Power Station.

Strategic Objective 5: Prepare and implement a long-term plan for the co-management of the Shrine, graves and other heritage resources within and in the precinct of the Medupi Power Station with the involvement of the local communities.

6. Risk Assessment

Risk assessment is general appraisal of factors that are likely to affect the preparation and implementation of the Integrated Management Plan. These may include the political and socio-economic environment or the state of the heritage itself. Risk management is the identification, assessment and prioritization of risks which has to be supported by a systematic application of resources to mitigate, monitor the probability of impact of the risk, and at the same time maximize the realisation of opportunities:

Stakeholders

Family stakeholders might not share the same views on how to manage the process towards healing and closure. Negotiating power sharing and establishing a common rapport is a process which requires tactful diplomacy. The issue of graves and the treatment of human remains is an emotive one. There is a strong pattern of unpredictable behaviour among the negotiating family members. Furthermore among the claimants there are some who can barely read or write, presenting communication barriers.

7. A comprehensive Monitoring, Evaluation, Learning and Intervention (MELI) should be put in place for the IMP. Monitoring is an ongoing process of collecting evidence to show progress or lack of it. Evaluation is appraisal of the degree of success in the implementation of the IMP. The reference points are the indicators which set the baseline to measure effectiveness. Learning refers to lessons and insights that accrue from the results of the monitoring and evaluation. Intervention is appropriate evidence-based action that must be taken to overcome obstacles or challenges faced during the implementation of the IMP. MELI is a system of adaptive management which allows custom variation of the IMP to make sure that its objectives can be achieved with changing circumstances.

1. INTRODUCTION TO THE INTEGRATED MANAGEMENT PLANNING PROCESS

1.1. Medupi Graves and the Integrated Management Plan

This document is an Integrated Management Plan (IMP) for graves and a Shrine that have been prioritised for protection in the precinct of Medupi Power Station, Lephalale in the Waterberg District Municipality, Limpopo Province. The Shrine was erected in honour of those whose graves were inadvertently destroyed and the remains lost during the construction of Medupi Power Station. What has prompted a systematic approach to the treatment of burial grounds are lessons of the past 11 years with respect to public sensibilities on the handling of graves when their location has been allocated for modern infrastructure projects. There was public outcry that although every effort was made by the developer to comply with statutes, there was no effective plan to deal with human emotions as they relate to the treatment of human remains. Indeed planning authorities might have been naïve to think that statutory compliance alone could deal with the complicated subject of emotions. This is the primary reason why this Integrated Management Plan has been prepared. It bridges the gap that has arisen between the law and cultural practice.

Management Plans for heritage resources are customarily referred to as Conservation Management Plans. They are necessary for the protection and sustainable management of Heritage sites. Planning involves application of theory to guide practice. Over the last two decades it has become standard practice to introduce planned frameworks to heritage conservation programmes. This is to establish a point of reference against which to measure success or failure of such programmes. Although there is invariably an element of uncertainty about the future, Conservation Management Plans are still vital in organising and securing the future of heritage sites. They also contribute significantly in lowering the risk inherently present in uncertainty.

Management Plans are prioritized programmes of action which are stakeholder-driven, and can be monitored. The plans are intended to combine use and preservation, and achieve appropriate balance between conservation and access.

Sustainable management takes into account change which is necessary to respond to needs of the present society.

Statutory compliance is regarded as one of the pillars of sound management planning, and reference is made here to several pieces of applicable legislation. The processes undertaken to produce this plan are also stated in this plan. Significantly, a stakeholder approach underpins methodology. The Statement of Cultural Significance is a key component of this IMP, and its content is embedded into the Plan. The aim of conservation is to retain cultural significance.

1.2. Vision of Eskom and Corporate Social Responsibility

This Integrated Management Plan is aligned to Eskom’s Corporate Mandate, Vision, Mission and Values which read as follows:

Mandate

To provide electricity in an efficient and sustainable manner, including its generations, transmission and retail. The Company also has a developmental role and will promote transformation, economic development and broad based black economic empowerment

Vision

Sustainable power for a better future

Mission

To provide sustainable electricity solutions to grow the economy and improve the quality of life of the people in South African and in the region

Values

Zero harm	Eskom will ensure that zero harm befalls its employees, contractors, the public and natural environment
Integrity	Honesty of purpose, conduct and discipline in actions and respect for people
Innovation	Value added creativity and results-oriented. Lead through excellence and innovation

Sinobuntu	Caring
Customer satisfaction	A commitment to meet and strive to exceed the needs of receivers of products and services
Excellence	Acknowledged by all for professional standards, performance and professionalism

Eskom's Corporate Social Responsibility cascades from its *Values* which espouse *Integrity* and *Ubuntu*. It has been recognised that Eskom makes significant contributions in corporate social responsibility. However communities need to be brought on board to define the funding objective and to select projects to be funded by Eskom.¹ The socio-economic interventions proposed in this IMP make this document an important operational tool for its corporate social programmes at Medupi Power Station.

¹ Shongwe, A. 2008. The key role that Eskom plays towards Corporate Social Responsibility (CSR) and sustainability in South Africa: A Dissertation submitted in partial fulfilment of the requirements for the Degree of Master of Business Administration. University of KwaZulu Natal. pp iv.

1.3. Development of Medupi Power Station and the impact on graves

In 2006 the power station project had been given a green-light after a Phase 1 Heritage Impact Assessment had been undertaken and environmental authorisation issued. Unbeknown to Eskom there were some graves at the site where the main infrastructural components of the power plant were to be placed on the Farm Naawontkomen 509 LQ. A Phase 1 heritage impact assessment is a level one scoping survey published with a disclaimer that some heritage resources in particular those buried underground might not be seen or guessed to exist. Suppose these suddenly surface when physical works commence, a Level 2 Heritage Impact Assessment is phased in and comes with a plan either for rescue or preservation *in situ* of such discoveries.

Most of the complainants resided in Marapong. They claimed that there were a number of graves and as site preparation had already commenced with grubbing, excavation and piling of topsoil from the site, they alleged that the graves had been destroyed and desecrated. These families had historical roots in Tswana and Sotho communities settled in the area in pre-colonial times. Even as they were now farmworkers and lived on the farm, they retained their traditional cultures. It is now apparent after investigations that most of the graves were either poorly marked or there were no markings at all to provide warning of their presence. Only one grave was quite evident from the concrete head and slab, but only visible when clearance was underway since there was little chance that it could have been seen during the Phase 1 heritage survey, and this was the beginning of the crisis of trust between Eskom and the local community. Many people who have lived on the farm Naawontkomen 509 LQ came forward to report more graves in the same locality. What has come under intense scrutiny is how Eskom officials responded to the developing situation.

Reports that Eskom attempted cover up or simply to sweep things under the carpet have been proved to be unfounded. Regrettably, however Eskom may have failed to respond timeously and to proactively engage the aggrieved families. The more organised response instituted in November 2014, seven years later was belated. At the time the World Bank and the African Development had taken Eskom to task

about whether in fact due diligence had been exercised to make sure that the project does not cause social rifts.

1.4. Impact of the incident on affiliated families and individuals

It has not been possible to get an accurate measurement of the social impact of the crisis among the affected people as individuals, as families and as a community. Within the scope of a heritage impact evaluation, it was not possible to apply parameters used in other disciplines such as sociology and psychology for lack of that technical expertise within the practice of heritage and archaeology. Field observations however confirmed certain important threads; for instance that culture and belief played a critical role in determining responses. One of them is the belief universally held by all African societies that the disturbance of graves bodes ill for perpetrators, as it equally does for affiliated families who might elect to be silent and not act against such sacrilege. The second one was that the affected individuals felt that personal or collective injury had been suffered. When the matter seemed to drag on there was a sense of powerlessness and guilt, that silence was a crime. Although no clinical psychologist has been invited to give an opinion, we cannot rule out cases of post-traumatic stress disorder (PTSD).

1.5. Commissioning Phase II Heritage Impact Assessment

In 2014 all stakeholders were convinced that a Phase II Heritage Impact Assessment was necessary to investigate the graves and put the matter to rest once and for all. The investigations indeed confirmed the reports of graves and that as construction was already underway some graves had as a result been disturbed or desecrated. After a mediated settlement with aggrieved families through their representatives and civic groups, in 2016 a ritual cleansing programme was rolled out in accordance with local customs. Further to this a commemorative monument or Shrine for the deceased was constructed near the power plant and unveiled at a plenary ceremony in the same year, which was officiated by the Deputy Minister of Public Works. Both initiatives formed the package of remedial measures recommended under the Heritage Impact Assessment in order to bring about healing and closure. The programme in large part has been successful in its objectives to appease the disturbed spirits and to mend the broken trust between Eskom and the host communities. Throughout this process Eskom has demonstrated its commitment to

cultivate good relations with host communities through its corporate social investment programme and deep-founded respect of public sensibilities about the sanctity of graves.

1.6. Why graves are regarded as heritage

Heritage is a new and evolving concept which has entered social and political discourse in contemporary societies. A simple definition of heritage is that it is property that is or may be inherited. In heritage practice heritage value has been intrinsically linked with conservation. The emphasis on heritage and conservation is predicated on the need to pass heritage from one generation to the next. Conservation is a loaded term which permeates theory and practice in heritage management, but there is general agreement that the purpose of conservation is to retain significance of the heritage. Heritage is in the public domain and there are always contestations on what should and what should not be nominated as heritage.

The principal focus of this IMP is the protection of the Shrine and graves in the precinct of the Medupi Power Station. In the wake of the graves incident, Eskom has re-examined its social corporate investment programme to embrace the protection of heritage resources. Sustainable development is achieved by means of a cost-benefit analysis in which one does not just focus on economic gain but seeks to find harmonious balance between the pursuit of profit and the wellbeing of communities in their environment.

In South Africa and worldwide there has been mounting advocacy to respect local traditions on the treatment of human remains. It is important to understand the broader context in which the political and academic discourse on the treatment of graves / burial grounds has been evolving over the past two centuries. In the western scientific tradition the opening of old graves came to be generally accepted, seemingly as an innocuous quest for knowledge in the age of scientific enlightenment. In this euphoria long cherished taboos were set aside if they were seen to be a hindrance to the advancement of knowledge and satisfaction of public curiosity. In the new colonies in America, Australasia and Africa scientists and antiquarians in public duty and in pursuit of private interests were opening up graves handing over their contents as curiosities to museums and private collections.

Despicable indignities were suffered by “native” peoples in new found lands whose ancestral graves were desecrated in this way. In the United State the Native American Graves Protection and Repatriation Act (NAGPRA) (1990) was a landmark legislation vesting custody of human remains and associated funerary objects in the lineal descendants of Native Americans.

In South Africa many archaeological graves have previously been excavated solely for science and curiosity, but this practice has ceased as people have questioned it on ethical grounds. All the diverse South African cultures cherish the sanctity of graves and burial grounds, and the protection of human burials is upheld as a human right. Dead people are sacred. According to Shirhami Shirinda, “In the African custom, ancestors, graves and the dead are so important, even more than the living human being, as it is believed that the dead continue to take care of you, feed you, protect you, or can do anything for you as once a person is dead is closer to God”. The dead live on in an ancestral realm as family guardians. Ancestors are intercessors between the living and Modimo (in Tswana / Sotho) God / Nwali (in Venda), Unkulunkulu (in Nguni languages). The connection between Modimo and ancestral graves is very strong among the Tswana as indeed is the reverence of Unkulunkulu among the Nguni communities in South Africa. The association of graves with the Modimo-ancestor complex is the premise for the ethos set in this IHMP that graves must be protected as the tangible evidence by which the local people connect with the land, Modimo and the ancestors.

The duration of graves and burial grounds is accompanied by ritual which reflects their sacred status. The dead were buried in a flexed position. This posture is symbolical of the foetus signalling the completion of the life cycle and the unity of birth and death. The Venda bury infants inside pots as a symbolic way to mark the end of a young life. A pot is a symbol of the womb. In the same way some of the Northern Sotho and Tswana buried infants under the floors of the living houses (also called kitchen). In both ritual practices the symbolic message is that the deceased infants are being recycled back in the “womb”. In Venda tradition Traditional Leaders are not “buried but hidden” under the floor of a royal house called “Pfamo”. Venda Traditional Leaders are buried at night by a selected few attendants (royals), while the rest of the community are invited to attend at a later date which is more of

ceremonial passing on. The deceased are brought back in a ceremony as guardian ancestral spirits for their descendants, through the process called Uluvhedza.

In principle and in practice Eskom is committed to its corporate social investment programme and is supportive of the wishes of the affected families concerning their connection to graves. This IMP is a formal way of acknowledging the ongoing and constructive collaboration between Eskom and the local communities in matters pertaining to graves and other heritage resources in the precinct of Medupi Power Station.

1.7. Remedial actions proposed by the affected families

This IMP is a strategy to mitigate the impacts of the graves incident on affiliated individuals and families. The ultimate aim is to bring about healing and closure. There have been divergent views about how this can be achieved. The ideal scenario would have been to respect the wishes of the affected families. First and foremost, the affected families were demanding financial compensation for what they perceived as both emotional injury and material loss. The families also sought indemnity from retribution by the spirits of the deceased and requested ritual cleansing. While planning authorities did not have any objections to the demands, it was necessary to make sure that the proposed remedial actions were in line with the law and customary practice. The IMP has been developed within the ambit of existing legislations, and it is important that its action programme is in compliance with such legislation and policies, local and international, pertaining to heritage and cultural rights.

1.8. Purpose of the Integrated Management Plan

Generically, Integrated Management Plans are prepared with the followings aims:

- (i) Develop and implement a sound management system based on the respect of best international practices in the conservation of cultural heritage sites;
- (ii) Set out priorities for sustainable conservation and development of heritage resources;
- (iii) Encourage research to shed more light on the history of the resources as well as well as the best means of preserving them;

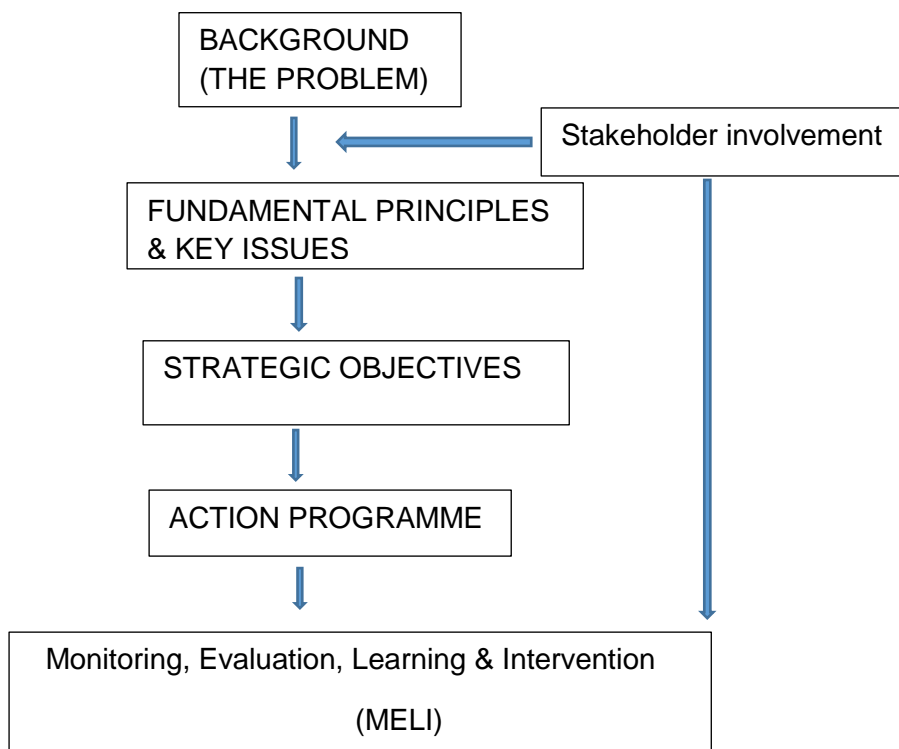
- (iv) Encourage partnership initiatives and collaboration with key stakeholders such as local communities, government departments and research institutions; and
- (v) Develop an interpretation framework to give a coherent narrative for the Shrine and graves within the context of the particular landscape and national history.

2. APPROACHES AND METHODOLOGY TO THE INTEGRATED MANAGEMENT PLAN

This Section describes the approach to the development of this IMP and elaborate on principles used to guide this process.

2.1. Process Flow

The process is summarised in the following Flow Chart:



The following principles have guided the preparation of the IMP:

- Inclusive stakeholder engagement;
- Rights-based approach to conservation of heritage resources;
- Professional conservation measures;

- Integration with Eskom planning framework in particular its corporate social investment programmes;
- Condition survey of the heritage; and
- Healing, reconciliation and redress.

2.2. Inclusive Stakeholder Engagement

In sustainability theory stakeholder engagement is seen as a critical process to integrate social concerns to environmental and cultural planning. This IMP is a product of an inclusive and transparent stakeholder involvement process that was followed to provide all relevant stakeholders (in particular the aggrieved families) an opportunity to contribute their opinions and influence on managing the shrine and graves. This continues the process of engagement initiated during the second phase of the Heritage Impact Assessment commissioned in 2015. The interests, needs and values of all relevant stakeholders had to be included as far as possible. A participatory approach cultivates buy-in and contributes to the long-term support of relevant stakeholders to the protection of the graves and the process of healing and closure.

2.3. Rights-based approach to conservation of heritage resources

The conservation approach is based on the concept of heritage as set out in the National Heritage Resources Act (NHRA) (No 25/1999). This Act establishes the principle that the values embodied in heritage resources are the shared property of all South Africans. In a rights-based approach are two stakeholder groups: i) the rights holders, whereby rights are defined as entitlements that belong to all human beings regardless of race, ethnicity, or socio-economic class; and ii) the duty bearers, or the institutions who are obligated to ensure fulfilment of the rights of the holders. A rights-based approach aims at empowering the rights holders, strengthening the capacity of duty bearers - both have an active role in conservation - and increasing the capacity of both the rights holders and duty bearers.

Rights extend to all South Africans, including the communities who might not have equal power in negotiations with developers and corporates, and that the latter need to understand the needs and sensibilities of these powerless communities. The IMP does not weigh up one type of right against another, or gives preference to a particular group. To ensure that the IMP is a principled document, rights are emphasised as a prime consideration, as guaranteed by the South African Constitution.

2.4. Professional conservation measures

The conservation of the Shrine and graves and the stories connected therewith is prioritised in this IMP. This is guided by the inputs of the local community. Conservation encompasses heritage in its tangible and intangible forms. Such approaches will be implemented in a scientific manner.

2.5. Integration with Eskom planning frameworks

The IMP fits into Eskom's planning framework in particular the corporate social investment programme.

2.6. What process was followed?

The process followed in developing this IMP included i) review of available literature; ii) identification of the graves and condition inspection; iii) stakeholder consultation; iv) development of the Draft IMP; and v) completion of the IMP.

2.6.1. Literature Review

The development of the IMP involved an extensive review of all available literature, including heritage impact assessment reports and other background material as provided by Eskom. Literature used for this IMP is cited in the bibliography at the end of this document.

2.6.2. Consultations

To develop this IMP, consultations with a broad range of stakeholders took place. The nature of these consultations included face-to-face conversations, emails, and telephone conversations. Stakeholders were afforded the opportunity to provide

input on mechanisms for managing conflicts between different stakeholders. It is also the intention of this IMP to bring stakeholders into ongoing decision making processes around the management of the Shrine and graves. The IMP therefore provides a framework for interaction between relevant stakeholders. The various views of the stakeholders were debated in an open and transparent manner and balanced through *inter alia* i) appropriate conflict resolution procedures; ii) relevant legal instruments; and iii) respect for cultural rights in accordance with the Constitution of South Africa.

Stakeholder engagement is a communication strategy to identify interests, concerns and information needs of the stakeholders. This job has demanded effective listening and diplomatic skills. Various communication tools were used including meetings, radio broadcast and notices in the print and electronic media.

The Stakeholder analysis began by identifying individuals and groups of individuals and institutions with a vested interest in the graves; it was an open and transparent process. These parties include:

- Next of kin of the deceased;
- Eskom management;
- The South African Heritage Resources Agency (SAHRA);
- Limpopo Provincial Government Department of Sport Arts and Culture (SAC);
- Civic Organisations (NGO and the CRL);
- MK veterans; and
- Department of Environmental Affairs (DEA).

3. LEGAL AND POLICY FRAMEWORK

Several pieces of legislation are of relevant application to the management of heritage resources and matters pertaining to cultural rights. It is important to show that these laws have foregrounded the preparation of this IMP

3.1. The National Heritage Resources Act (No 25/1999)

The formalisation of heritage in South Africa has been a statutory process. The National Heritage Resources Act (No 25 of 1999) is the principal legislation for the protection of heritage. In Section 3(2)(g) archaeological and historical graves are among the many specific typologies of heritage resources defined as National Estate recognizing their cultural significance or other special value for the present communities and for future generations. Graves and burial ground may occur in various forms including:

- (i) ancestral graves;*
- (ii) royal graves and graves of traditional leaders;*
- (iii) graves of victims of conflict;*
- (iv) graves of individuals designated by the Minister by notice in the Gazette;*
- (v) historical graves and cemeteries; and*
- (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);*

The object of Section 36 of the NHRA is to prohibit alteration or damage of specific types of graves and burial grounds: Graves older than 60 years and graves of victims of climate. In its general application it provides for the protection of all categories of graves as defined in Section 3(2) (g) outlined above.

From the mid-20th century there was escalating lobby and protests on the treatment of human remains during international conferences which prompted a policy pronouncement by the World Archaeological Congress at a conference held in Dakota (USA) in 1989. The **World Archaeological Congress Vermillion Accord on Archaeological Ethics and the Treatment of the Dead (1989)** recommended that whatever decisions made on graves/human remains must

be informed by consultation with communities who by association might have strong feelings for protection *in situ* and may argue that a development project is better moved to an alternative site.

- 1. Respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.*
- 2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.*
- 3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.*
- 4. Respect for the scientific research value of skeletal, mummified and other human remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.*
- 5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.*
- 6. The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.*

3.2. The Constitution of South Africa (No 108/1996)

The Constitution of the Republic of South Africa Act (No 108 /1996) is the supreme law and the nucleus of all legislation in South Africa. Within the Constitution the Bill of Rights is fundamental with the principle that heritage and the environment should be protected for present and future generations by preventing pollution, promoting conservation and practising sustainable development (Section 24). Section 31 guarantees the rights of cultural, religious and linguistic communities as

- . (1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community—*
- (a) to enjoy their culture, practise their religion and use their language; and*
 - (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.*

3.3. The National Environmental Management Act (No 107/ 1998)

Section 2(2) on principles of sustainable environmental management urges sensitivity to the welfare of communities regarding their physical psychological, developmental, cultural and social interests. Development must be socially, environmentally and economically sustainable, which requires that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied. Eskom's performance record to date shows compliance with the Environmental Management Act.

3.4. Local and International Policy Framework

The subject of the Medupi graves has been covered by the media gaining prime news space on local televisions. It is on the watch list of the project's international financiers, the African Development and World Bank. It is important that this Integrated Management Plan also complies with international best practices of handling cultural rights and respect human rights.

Matters pertaining to cultural rights as they relate to communities and historically disadvantaged peoples are emotive and sensitive. Planning frameworks for intervention must demonstrate a high level of transparency and conformation with local and international policies of good ethical practice.

Heritage is now recognised as a human right and is enshrined in the Constitution of South Africa. To provide a broader historical context the United Nations formed in 1945 just when WWII ended passed the **Universal Declaration of Human Rights** which came into force in 1948. This was the first attempt to set global standards for the protection fundamental rights and freedoms shared by all human beings. Article 22 is of particular relevance to this IHMP as it states that *everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.*

Following on the UN initiative the Organisation of African Unity (now the African Union) wrote the **African (Banjul) Charter on Human and Peoples' Rights** accented to in 1981. In its preamble it acknowledges that development, civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.

Although there is no agreement among scholars about indignity in South Africa, all communities with their historical roots in pre-colonial societies are generally classified as indigenous. **The United Nations Declaration on the Rights of Indigenous Peoples** passed by the UN General Assembly in 2007 is a milestone in on-going discourse on human rights. It is often the case that such communities are economically underprivileged or they have limited political power. Article 11 of the Declaration reads: *Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.*

In South Africa the African National Congress (ANC) **Freedom Charter** was the first political manifesto to assert cultural rights in one of the ten pillars of its manifesto.² The Freedom Charter was forerunner to the Constitution of South Africa referred to in Section 2.2 of this document where most of its tenets were incorporated in the Bill of Rights.

3.4.1. The Burra Charter

South Africa has adopted the Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance) as its main handbook on international best practices and professional guidance for those who provide advice, make decisions about, and interventions on places of cultural significance including owners, managers and custodians.³

² One of the ten pillars of the Freedom Charter read: "THE DOORS OF LEARNING AND CULTURE SHALL BE OPENED".

³ Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013, p1.

3.4.2. Defining Intangible Heritage: UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003).

This IMP treasures the values attached to the graves, the narratives of the affiliated families and individuals and their sense of ritual communication with the dead. The intangible messages bound with the physical structures (the graves and the shrine) are treasured the most. UNESCO recognised intangible aspects of heritage and passed the Intangible Cultural Heritage Convention *recognizing that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity.*

Intangible Cultural Heritage *means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.* This recognition was consistent with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

In Article 13 of the ICHC UNESCO urges member nations to adopt a general policy aimed at *(a) promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes; (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory; (c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger.*

Intangible heritage falls within the rubric of Living Heritage defined under Section 2(xxi) of the National Heritage Resources Act as:

the intangible aspects of inherited culture, and may include—

(a) cultural tradition;

(b) oral history;

(c) performance;

(d) ritual;

(e) popular memory;

(f) skills and techniques;

(g) indigenous knowledge systems; and

(h) the holistic approach to nature, society and social relationships;

The traditional cultures of South Africa have internal mechanisms of connecting with the dead. As such the Police Station, the memorial and the graves are part of a living heritage. The IMP taps into the local cultures in seeking ways to strengthen the connection between the sites and the local communities.

4. DESCRIPTION OF THE GRAVES AND OTHER HERITAGE RESOURCES

4.1. Ethno-historical context

The following is a reconstruction of the ethno-history in the area in the last 130 years in order to put the Medupi graves into historical context. Before the introduction of commercial farming the area was occupied by African communities of Northern Sotho and Tswana stock. The exact boundaries between these two ethnic groups has not been mapped. From the beginning of the 19th century this was a frontier zone between the abovementioned groups and the northern Ndebele spreading from the southeast. The Ga-Seleka and Shongoane Traditional Authorities 40km to the northeast and east of Medupi are extant political entities marking the western limits of the Ndebele expansion. The area was divided up into farms in the 19th and 20th centuries. Under the new political circumstances some of families moved elsewhere outside the farms, while those that remained were bound by a new farm labour tenancy system.

The following were some of the core families which lived on the Farm, Naawontkomen 509 LQ and Kuipersbult 511LQ.

FAMILY NAME	PRESENT LOCATION
Mogwai	Marapong
Mogotsi	Marapong/ Steilloop
Maropola	Marapong
Moloantoa	Marapong/Hammanskraal
Tibanyane	Marapong
Motolgelwa	Marapong
Molesiwa	Marapong
Serumula	Marapong

The spatial organisation of settlement at Naawontkomen appears to have been typical of commercial farming settlement in having a main farmstead with a brick building being the residence of the farm owner (Fig 1) (Site No 11, Annexures Ia, Ib). Also surviving as a reminder of the settlement are two raised water tanks which

supplied domestic water and a shed for commercial chickens. To the east and west of the farmstead there were workers' houses which do not exist anymore. So is a school for farmworkers' children which was opened in c. 1942. It was located on the western foot of the power plant.



Figure 1: Remains of the Farmhouse on Naawontkomen Farm.

Migration from the farm appears to have been a gradual process beginning around the time of the establishment of Marapong in the 1980s. Marapong was part of the Matimba Power station project, and this together with the nearby Exxaro Mine (the source of the coal) began to employ large numbers of people and providing stimulus for semi-urban development.

Marapong derives its name from a 20th century incident in which a woman travelling between two neighbouring farms in the locality went missing in mysterious circumstances. Her skeleton was later discovered in the area where the township was later to be established, and hence the name, which means *Place of Bones*.

4.1.1. Catalogue of heritage resources including graves

Twenty-three (23) heritage sites have been included in the catalogue. The findings are summarized in the Table below:

HERITAGE TYPOLOGY	Quantity
Preserved grave sites	5
Disturbed burial sites	7
Unidentified graves	3
Settlements/Buildings	4
Sacred pools	2
Reburial site (Jankie Mokau) at Marapong Cemetery	1
Shrine	1
TOTAL	23

4.2. Ranking of the heritage

Four categories are used to show importance of the heritage resources with a colour scheme indicating such importance, *vis-a-vis* threats which have occurred and remedial actions necessary. This has had a bearing on the way the sites have been treated in this IMP.

Figure 3: Ranking criteria.

ITEMS	RANKING	EXPLANATION	NO OF SITES
1	Very High	Burial sites which have been disturbed or are the subject of a grievance to be resolved	7
2	High	The Shrine, graves and burials (Section 36 of NHRA) which require management in consultation with stakeholder. But they are not subject of a grievance	10
3	Medium	Sacred pools, old settlements worth to be preserved	5
4	Low	Heritage sites deemed of less importance. They are disposable and the minimum requirement is to record them.	1
		TOTAL	23

Figure 2: Table of heritage sites.

SITE	AREA	LATITUDE	LONGITUDE	TPOLOGY	DESCRIPTION	PERIOD	REMEDIAL ACTION
1	Kuipersbult 511LQ	S23° 42' 51"	E027° 33' 34"	Burial ground	4 graves, 1 concrete headstone, 3 with stones. Steel palisade: Maapi Leola, Jan Rasekkgwari, Daniel Maropola, Maapi Paulina	20th C	Protection, Management Plan
1b	Kuipersbult 511LQ	S23° 42' 51"	E027° 33' 34"	Burial ground	Possible burial c. 7m northeast of Site 1, not previously known.	20th C	Clear site, extend palisade, Management Plan
2	Kuipersbult 511LQ	S23° 42' 54"	E027° 33' 34"	Burial ground	Village meeting place under a large Marula tree. Graves of Frans Mogwai & Frans Motebele marked by stones	20th C	Protection, Management Plan
3	Kuipersbult 511LQ	S23° 42' 54"	E027° 33' 40"	Burial ground	Isolated grave situated near ruins of a farm workers settlement	20th C	Protection, Management Plan
4	Medupi Plant	S23° 42' 39.4"	E027° 30' 12.4"	Burial ground	Serumula's grave surrounded by topsoil stockpile, possibly several graves at the site	20th C	Protection, Management Plan
5	Medupi Plant	S23° 42' 39.6"	E027° 33' 09.8"	Burial ground	2 infants buried under the floor of house: Johannes Tibanyane, died 1980; Sophia Moatshe (date unknown)	20th C	Family Consultation, Ceremony, Management Plan
6	Medupi Plant	S23° 42' 26.8"	E027° 32' 49.5"	Burial ground	Possible single grave near Old Mogwai homestead	?	Protection, Management Plan
7	Medupi Plant	23°42'36.67"S	27°33'46.40"E	Burial ground	Jankie Mokau exhumed, baby Johannes Magwai, Shangani man	20th C	Consultation, Ceremony, Management Plan
8	Medupi	S23°42'44.92"	E 27°33'49.74"	Sacred Pool	Sacred pool		Management

	Plant						Plan
9	Medupi Plant	S23° 42' 28.3"	E027° 32' 51.3"	Settlement	Old Mogwai homestead	19-20th C	None
10	Medupi Plant	S23° 42' 29.8"	E027° 33' 39.8"	Burial ground	Graves of 4 MK soldiers, 5th burial of Shangani man, Galeboe baby of Martha Magwai	20th C	Consultation, Ceremony, Management Plan
11	Medupi Plant	S23° 42' 40.2"	E0 27° 33' 16.4"	Building	Old farmhouse	20th C	Protection, Management Plan
12	Medupi Plant	S23° 42' 42.5"	E027° 33' 24.5"	Burial ground	4 infant burials, all members of the Mogotsi family	20th C	Consultation, Ceremony, Management Plan
13	Medupi Plant	S23° 42' 41.1"	E027° 33' 31.5"	Sacred Pool	Sacred pool		Protection, Management Plan
14	Medupi Plant	S23° 42' 35.0"	E027° 33' 14.9"	Burial ground	Burial site of Shangani man, Radithini	20th C	Ceremony, Management Plan
15	Medupi Plant	S23° 42' 36.6"	E027° 33' 33.9"	Burial ground	Burial site of 3 Tswana men	20th C	Ceremony, Management Plan
16	Medupi Plant	S23° 42' 13.2"	E027° 33' 31.0"	Burial ground	Burial site of 4 Zimbabweans	20th C	Ceremony, Management Plan
17	Kuipersbult 511LQ	S 23° 43' 05.1"	E 027° 33' 17.6"	Settlement	2 circular setting of stones may indicate foundations of a round houses. 5 stumps long of timber, low straight wall	19-20th C	Protection, Management Plan
18	Kuipersbult 511LQ	S 23° 43' 04.5"	S 027° 33' 17.5"	Burial ground	Possible single grave under route of pylons	19-20th C	Protection, Management Plan

19	Stockpile Area	S 23° 42' 39.4"	E 027° 30' 12.7"	Settlement	3 stumps of timber propped in the ground & scatter of stones might be the remains of a structure.	19-20th C	Protection, Management Plan
20	Kuipersbult 511LQ	23°43'8.00"S	27°33'35.57"E	Burial ground	Grave of Sarah Moloantoa, born 25/05/1848, died 24/12/1953. Located on Farm Kuipersbult 511 LQ		Protection, Management Plan
21	Marapong	S23° 39' 39.6"	E027° 37' 50.9"	Burial ground	New grave of Jankie Mokau in Marapong cemetery	2008	Protection, Management Plan
22	Medupi			Shrine	Shrine for graves missing at Medupi Power Station	2016	

4.3. Statement of Significance of the graves and Shrine

The construction of Medupi Power Station on a burial ground, though it was inadvertent, disturbed the spirits of those interred there. It also stirred so much intense public emotion which brought into focus the relationship between the dead and living, and the onus to respect and protect this connection as “living heritage”. The Shrine built in the precinct of the Power Station is dedicated to those whose remains were misplaced as a result of the development project, so that their spirits can be made to rest again. An existing burial ground next to the Shrine has now been furnished with modern granite dressing. Both these initiatives are the outcome of deep introspection and contrition on the part of all stakeholders in the project, even as there was no malicious intent. It is also an honour to those who have made a spirited effort to seek an explanation and the truth about what happened to the remains of their loved ones. The Shrine, a simple structure of vernacular stonework, is juxtaposed to the imposing power station, creating a cultural landscape of contrasting elements with the message that a modern industrial project of such gigantic scale is operating on peaceful terms with the spirits of the land.

5. CONDITION SURVEY OF SITES



A condition survey provides an assessment of conditions of the physical properties (fabric) of a structure or site. A survey identifies deficiencies and issues that require maintenance or restoration. To provide an informed decision-making process, a condition survey should result in a clear understanding of the current condition of structure or site. In heritage management condition surveys are undertaken periodically. Normally a visual observation of existing conditions suffices, but other detailed, analytical work may be performed. In June 2018 the conditions of the graves and heritage resources within the precinct of the Medupi Power Station are summarised below:



5.1. Condition Survey June 2018

	SITE	CONDITION	REMEDIAL ACTION
1a	Kuipersbult 511LQ		 <p data-bbox="1352 762 1783 799">New granite dressing, June 2018</p>
1b	Kuipersbult 511LQ	<p data-bbox="591 820 927 847">Grave of Nyaka Maropola</p> 	<p data-bbox="1352 820 1783 847">New granite dressing, June 2018</p> 

6	Kuipersbult 511LQ	<p>Single unidentified grave near Old Mogwai homestead</p> 	
2	Kuipersbult 511LQ	<p>Village meeting place under a large Morula tree. Graves of Frans Mogwai & Frans Motebele marked by stones</p> 	
4	Medupi Power Station	<p>Serumula's grave surrounded by topsoil stockpile, possibly several graves at the site</p>	<p>Open passage to grave, apply granite dressing</p>



			
8		<p>Sacred Pool</p> 	<p>No maintenance necessary. Precautions to be taken to prevent damage from physical works ongoing in the area.</p>

			
11	Medupi Power Station	<p data-bbox="591 667 786 699">Old farmhouse</p>  <p data-bbox="591 1185 792 1217">Water reservoir</p>	<p data-bbox="1352 667 2002 850">Structure in a poor state, no intervention recommended. The reservoir perhaps may be repaired and put back into use. Otherwise without being recycled it would be of little value.</p>




20

Grave of Sarah Moloantoa, born 25/05/1848, died 24/12/1953. Located on Farm Kuipersbult 511 LQ



This lone grave under pylons is enclosed by steel palisade but it is not under a regular maintenance plan. Overgrown by grass.

			
21		<p>On the old grave there was a spelling error with respect to the deceased's surname.</p>	<p>New grave of Jankie Mokau in Marapong cemetery (April 2016)</p>



22

The Medup Shrine unveiled in 2016

It is well maintained in the interior. Clearance of an exterior perimeter buffer is necessary. Clear grass and bushes.



6. FUNDAMENTAL PRINCIPLES AND KEY ISSUES UNDERPINNING THE INTEGRATED MANAGEMENT PLAN

The Strategic Objectives of this IMP are based on a number of fundamental principles and key issues which are expounded below.

6.1. Public sensibilities on the desecration of graves

In common law the desecration of graves is one of the offenses affecting public sensibilities and is therefore strongly condemned if it found to be intentional, a result of a criminally negligent act, or unauthorised. The net effect of Section 36 of the National Heritage Resources Act (No 25 / 1999) and the Human Tissues Act (No 65 / 1965) is to protect all categories of graves and the contents therein (human remains and funerary artefacts). In all specialist consultations carried out to date at Medupi Power Station in respect of the disturbed graves, there is absolutely no evidence to suggest that Eskom acted with malicious intent. In fact quite to the contrary, the environmental and heritage screening processes undertaken are clear evidence that due diligence was taken. The graves were not seen because there were no visible markers. This notwithstanding and mindful of the mistake the ethos of IMP is to mitigate the losses incurred.

6.2. Conservation

Conservation is a broad concept which encompasses all the process of looking after a place so as to retain its cultural significance. The process of conservation includes maintenance, preservation, restoration, reconstruction, repair and adaptation, presentation and interpretation. Ceremonies, public programmes, financing and many other associated with keeping a place can be part of conservation.⁴ This IMP is a conservation plan for the Shrine, graves and other heritage resources in the precinct of the Medupi Power Station. In line with the corporate social investment programme as a gesture of goodwill to the affiliated families, Eskom has decided to upgrade all the graves furnishing them with polished granite dressing. Further to that

⁴ The Illustrated Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2004). Articles 1.4 – 1.9, Article 14.

a routine maintenance programme for the Shrine and burial grounds will be rolled out in the Action Plan of this IMP.

The conservation programme encompasses the intangible heritage, i.e. folk narratives that are associated with the graves and as well as the customary practices connected therewith.

6.3. Memorialisation

Where graves have been destroyed or are missing, the erection of a memorial monument has been found to be effective as a form of restoration or compensatory remedy. Memorials have crossed the threshold of definition as heritage. The Medupi Shrine unveiled south of the power plant has been developed to trigger such “purposeful remembrance in the interest of forging a particular historical consciousness and shaping collective memory”⁵.

Traditional cultural practices provide precedence. In general memorials are common worldwide and have evolved a long way. Prototype genres of memorials celebrated military victories with an exclusive tone which tended to alienate the vanquished. Modern memorial sites have taken a conciliatory tone. They are sites of reflection and introspection; they are intended to heal trauma and provide lessons for both victor and vanquished, victim and perpetrator. The cliché, that South Africa is a rainbow nation defines the spirit in which most post-apartheid monuments and memorials have been themed as sites of reconciliation and nation building. They heal the wounds of civil strife and mend fractures of racialized socio-economic development programmes of the past. They are created through a consultative approach in which the views of key stakeholder are respected.

Memorial takes many physical forms; they can be an entire building, often containing a museum or just a simple plaque. Many memorials take the form of a monument or statue, and serve as a meeting place for Memorial Day services. As such, they are often found near the centre of town, or contained in a park or plaza to allow easy public access. South Africa has a number of commemorative monuments conceived

⁵ Marschall, Sabine. 2009. Landscape of Memory: Commemorative Monuments, Memorials and Public Statuary in Post-Apartheid South Africa. Amsterdam: VU University. p2.

pre- and post-1994 which include the Women Monument (Bloemfontein), Voortrekker Monument and Freedom Park (both in Tshwane) post 1994.

The Medupi Shrine and Freedom Park carry the same design concept; that the spirits of deceased from elsewhere can be brought to rest there. Medupi Shrine is symbol of healing and closure graves. It preserves memory of the dead as well as the human mistakes of the past, so that perhaps with the benefit of this experience such mistakes can be avoided in the future.



Figure 3: Medupi Shrine.

6.4. Human Rights

The affected families asserted their human right to respect for deceased members of their families, and a right to demand that a developer accounts for its actions. Eskom has in turn also demonstrated its commitment to uphold those human rights. The Medupi Shrine therefore has become a focal point for the celebration of human rights. What are Human Rights? It is necessary here to provide an overview of the context in which the concept of Human Rights has evolved.

Human Rights are basic rights and freedoms that belong to every person in the world and must be enjoyed for a lifetime, i.e. from birth to death. Human rights are a generally accepted value system encompassing things such as human dignity, fairness, equality, respect and independence. Human rights are important today because there are so many human conflict hot spots in the world in which people are mistreated, repressed, genocide or ethnic cleansing is being committed. The idea of human rights has its roots in many doctrines including religious books such as the Bible. Britain for instance has passed landmark human rights doctrines such as the Magna Carta (1215), the *Habeas Corpus Act* (1679) and the *Bill of Rights* (1689). The Second World War (1939-1945) brought the subject of human rights into sharp focus as public opinion reacted to the mass executions perpetrated by the Nazis. The United Nations formed in 1945 just when the war ended completed the final draft of the *Universal Declaration of Human Rights* which came into force in 1948. This was the first attempt to set global standards for the protection fundamental rights and freedoms shared by all human beings.⁶

In South Africa resistance to apartheid was fundamentally a struggle to regain and protect human rights. The Freedom Charter, one of the earliest manifestos of the ANC, is hailed as a civilized code of conduct, and precursor of the Bill of Rights incorporated into the Constitution of South Africa. Part of the text under the heading “*All National Groups Shall Have Equal Rights*” reads:

All people shall have equal right to use their own languages, and to develop their own folk culture and customs. All national groups shall be protected by the law against insults to their race and national pride. ... All apartheid laws shall be set aside.”

Under the rubric “*All National Groups Shall Have Equal Rights*” part of the text reads:

*All people have equal right to use their own languages, and to develop their own folk cultures and customs.*⁷

⁶ <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>

⁷ The ANC’s Freedom Charter available at

http://www.historicalpapers.wits.ac.za/inventories/inv_pdfo/AD1137/AD1137-Ea6-1-001-jpeg.pdf

Cognisant of the diversity of cultures and religion in the country, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL) was established in terms of Section 181(1)(c) of the Constitution of South Africa. The CRL mediated between Eskom and the aggrieved families in fulfilment of this function to foster peace, tolerance, co-existence and harmony between and among diverse communities and the state entities.

6.5. Negotiation and Conflict Resolution

The key issues in the ICMP arise from a negotiated settlement between Eskom Management and the aggrieved families. Theory has been developed to reveal the anatomy of negotiations and the various possible outcomes. Negotiation is a specialized and formal version of conflict resolution most frequently employed when important issues must be agreed upon. It is "a process of combining conflicting positions into a common position under a decision rule of unanimity, a phenomenon in which the outcome is determined by the process". The aim of negotiating is to build a shared environment leading to long-term trust and may involve a third, neutral party to extract the issues from the emotions and keep the parties concerned focused. A broker is also critical in correcting power asymmetries between a stronger and weaker party that often causes most negotiation processes to founder. In the case in point both parties acted rationally to close gaps of potential conflict, make trade-offs between conflicting values and to prioritize clear goals. In the end the two parties managed to build trust, cooperated and the outcomes as spelt out in the resolutions and recommendation are shared and binding.⁸

6.6. Dealing with Post -Traumatic Stress Disorder (PTSD)

How do people react when something terrible happens? Everyone has their own way of responding to life-threatening or unexpected experiences - you might feel afraid and overwhelmed while a friend who goes through the same thing might feel shocked and grateful to be alive. These thoughts and feelings can be intense and difficult to manage, but for most of us our reactions to traumatic events are completely normal, temporary, and fade over time.

⁸ https://en.wikipedia.org/wiki/Negotiation_theory

If a person has trouble recovering and their feelings about the experience remain present or worsen as time passes, they may have suffering from Post-Traumatic Stress Disorder (PTSD). Post-traumatic stress disorder is an extreme reaction to trauma that can change how a person thinks, feels, and behaves and causes considerable distress or affects their ability to function.

When you have an experience that is extremely terrifying or chronically stressful, your brain overestimates how much danger you're in and your stress systems malfunction. Instead of returning to normal over time, your body stays on high alert and keeps releasing stress hormones. When this happens, different areas of your brain start to make mistakes as they interpret the world around you and tell the rest of your body how to respond. Post-traumatic stress disorder is associated with problems with brain structures and neurotransmitters (the brain's chemical messengers) that usually manage how you respond to fear and stress.⁹

This brings us to the case of Mr Reuben Kekana. His profile is based solely on his testimony and the remedies that have been proposed by Traditional Health Practitioners. In his mind he is bound by a spell after participating in the excavation of the grave of Jankie Mokau, something that he said he did not volunteer to do, but had been subjected to pressure to do. The act / experience has come to haunt him. Furthermore it is a curse that has prevented him from being employed. It is important to underline that Mr Kekana has not been observed by a clinical psychologist. However his behaviour seems to point to some degree of trauma. Traditional Health Practitioners recommended that he undergo an intensive programme of healing and counselling under their supervision.

⁹ https://www.khanacademy.org/science/health-and-medicine/mental-health/anxiety/a/post-traumatic-stress-disorder-article?utm_account=Grant&utm_campaignname=&utm_keyword=&utm_device=c&gclid=Cj0KCQjwjtLZBRDLARIsAKT6fXzjYXReEJuGcXsZFzjLBQcmAkMYOuwap1wRQRHSqGmkKwyDhs9vGV4aAgEUEALw_wcB

6.7. Cleansing ceremonies / ritual cleansing

Meaning and practice vary depending on religious background. The need to hold cleansing ceremonies has been predicated on the belief that the deceased were violated and disturbed from their eternal sleep and this boded ill for those who did it and those (family members or next of kin) if they did not act or seek atonement. Cleansing was thus good for both the wellbeing of the Eskom project as well as that of the next of kin of the deceased. This tradition is rooted in African cultures, but resonates with Christian belief amongst those aggrieved. Cleansing ceremonies have been recognised as one of the significant steps in the programme towards healing and closure. In April and May 2016, each family was performed a ceremony to take the spirits of their loved ones to the Shrine.



Figure 5: Mpepene family ceremony, June 2018.



Figure 6: Grave of Jankie Mokau with spelling corrected, 2016.



Figure 7: Letsebe Group taking spirits from the Matimba Power Station Ash Dump.

6.8. Taking the disturbed spirits to a new resting place at the Shrine

Recognising that protocols at Medupi Power Station are rigorously restrictive, one of the objectives of the plenary ceremonies was to symbolically transfer all the disturbed grave sites on which the power plant and supporting infrastructure had been built to a new resting place at the Shrine. This ritual was performed by a Traditional Practitioner on 14 May 2016.



Figure 8: Plenary cleansing ceremony presided by a Traditional Health Practitioner, 14 May 2016. The ritual lifting and transfer of the disturbed burial sites and the spirits of the deceased to the new Shrine.



Figure 8: The Traditional Health Practitioner presiding at the Shrine in May 2016; the ceremonial bringing of the spirits of the deceased to their new resting place.

6.9. Demand for financial compensation for disturbed or destroyed graves

Section 36 of the National Heritage Resources Act concerning the protection of burials and burial grounds nor other sections of the same Act make provision for compensation in respect of graves that have been accidentally destroyed or damaged as a result of a development.

Yet the affected families felt very strongly that they must be compensated financially for the desecrated graves of their relatives. In order to provide guidance within the ambit of the IMP, we offer a critical discussion on public views on compensation for graves:

The term “reparations” is broadly synonymous and is examined here in order to understand the broader meaning of compensation. The Oxford Advanced Dictionary defines Reparations as: *The action of making amends for a wrong one has done, by providing payment or other assistance to those who have been wronged.*¹⁰ The meaning of reparations has evolved over the years, gaining currency after World War I when conditions of peace were that Germany should pay for war damages / plunder caused to its opponents. Today the word is used in Transitional Justice which refers to cases of gross human rights violations which are often brought before the International Criminal Court (ICC). It is important to qualify that in the case of Medupi, Eskom’s actions did not amount to wanton or malicious conduct. It was accidental and with the benefit of field experience we know that the nature of archaeological and historical sites are such that it is possible that hidden or subterranean sites could be overlooked during a study and development works.

Heritage experts consulted were strongly opposed to cash payment as compensation for loss or sense of loss as result of unwitting disturbance / destruction or desecration of graves. This view is predicated on the nature of cultural significance of graves. While graves fall within the definition of cultural property, they must be distinguished from other forms of cultural property such as works of art or buildings. They cannot be subjected to valuation in money terms or liquidated as other cultural assets. What is the price of a grave? It cannot be sold. There is no right

¹⁰ Advanced Learner’s Dictionary

of property in a deceased himself/herself. The right of property to a deceased's grave and the remains therein in customary law is claimed by those who are related to the deceased by association or kinship. Claiming material compensation for emotional injury is not in accordance with any customary practices in South Africa. Furthermore financial reparations for disturbed graves can create a loophole for false opportunistic claims. In professional wisdom, creating such precedence will breed a culture of commercialisation of graves located in areas earmarked for development, and this should be avoided. Where disturbance of graves is not a result of a wilful or malicious action, there is no moral or ethical merit for compensation. This view is in concordance with local culture and custom.

6.10. Mitigation options within the ambit of Eskom's Socioeconomic Development Initiatives

Socio-economic development (SED) is a broad term referring to the process of social and economic development in society that aims to improve the quality of life of those stakeholders directly affected (immediate and surrounding) by a third party's actions, and or is required for the sustainability of the company's value chain.

The key areas covered under SED within Eskom include: community development, health, education, infrastructure development and skills development.

The key SED initiatives currently within Eskom that could be available at any specific time, include:

- 1) Effecting skills development through learnerships, bursaries and internship programmes while limited at this stage due to financial constraints within Eskom.
- 2) Careers / employment, however all external recruitment of Eskom employees (permanent, fixed term contractors and temporary employment services) remains frozen. This applies to the Eskom Company as well as its subsidiaries (including Eskom Rotek Industries (ERI)).
- 3) Eskom development foundation's corporate social investment initiatives, with a focus on socio-economic development programmes primarily on the communities where Eskom operates. The support focuses on enterprise

development in the economic sector and education, health care, energy and the environment, rural school infrastructure development and welfare in the social sector.

Based on the above SED undertakings within Eskom, these are available to the affected families in the following way:

6.10.1. Effecting skills development through learnerships, bursaries and internship programmes

The Medupi Environmental Monitoring Committee (EMC) will help aspiring applicants to get access to Eskom's website to find opportunities. Once they have uploaded their applications, they are considered in terms of Eskom's selection criteria together with all other applicants. However, it is noted that there are currently no opportunities available as and when these are made available, these are then published on Eskom's website: www.eskom.co.za

6.10.2. Careers / employment

From time to time the current EMC may assist job seekers from the affected families to file applications for positions that may arise within Eskom or with its service providers and contractors. However candidates will still be required to meet all the requirements of recruitment as set out in Eskom recruitment regulations or those of other prospective employers. It is important to note that at the present time the construction phase of the Medupi Power Station project is coming to an end, a phase characterised by demobilisation of workers, contractors and other service providers.

However, it must be noted that all external recruitment of Eskom employees (permanent, fixed term contractors and temporary employment services) remains frozen. This applies to the Eskom Company as well as its subsidiaries (including Eskom Rotek Industries (ERI)). See link:

<https://secapps.eskom.co.za/Pages/External-Appointments.aspx>

6.10.3. Eskom development foundation's corporate social investment initiatives

The current EMC may assist affected families to engage with the Eskom Development Foundations in terms of development needs.

There are two sections that the Eskom Development Foundation provides support:

- (a) Economic sector: focus on: enterprise development, the Contractor Academy and Business Incubators across the country. The work in this sector aims to bolster economic growth and development through strategic interventions
- (b) Social sector: focus on education, health and environment. The work in this sector aims to assist the communities in which we operate by supporting initiatives that address challenges in the education, health and environment sectors.

With a focus on socio-economic development programmes primarily on the communities where Eskom operates. The support focuses on enterprise development in the economic sector and education, health care, energy and the environment, rural school infrastructure development and welfare in the social sector.

Eskom Development Foundation NPC

Postal address:

PO Box 1091 Johannesburg 2000

Physical address:

Eskom Megawatt Park2 Maxwell Drive

Sunninghill

Sandton

Tel: +27 11 800 8111

E-mail: csi@eskom.co.za

www.eskom.co.za/csi

Eskom Development Foundation NPC

Reg no 1998/025196/08

6.11. Register of beneficiaries terms and conditions

List of beneficiaries and concomitant terms and conditions are annexed to this IMP (Annexure IIa, IIb, IIc)

6.12. Protocols of public access to the shrine and graves

Access to a public facility, amenity, monument or heritage resource is cherished as one of the basic human rights. Family stakeholders have expressed a desire to be allowed to the Shrine and graves, whenever they so wish. The Shrine and burials are situated in a nature park which holds some wild animals. Restrictions to access are imposed in accordance with Eskom's environmental regulations. The following are protocols for public access:

1. For the purpose of facilitating access, Eskom may keep a register of family members who wish to make repeated visits to the Shrines and graves. All families members in the register would not need to serve prior notice to visit the graves and shrine. The security guard may require visitors to present their identity documents.
2. Family members who wish to visit the graves and shrine, but are not in the register must book an appointment 3 days (72 hours) in advance.
3. Family members shall be allowed entry into the park at reasonable times of the day throughout the week. Reasonable times means 6.00am to 6.00pm from August to April and 7.00am to 5.00pm from May to July.
4. Requests from family members to hold night vigils must be submitted three days (72 hours) in advance in order to allow Eskom Management to put in place the necessary security and safety protocols.
5. In line with the provisions of the Constitution of South Africa, any citizen(s) as individuals or in groups shall be allowed to visit the Shrine and graves provided that 3 days (72 hours) prior notice is given to Eskom Management.
6. Family members may visit the Shrine and graves as individuals or may be organised in groups not exceeding twenty members (a bus load). When the number of visitors exceeds 22, Eskom must be given prior notice so it can put in place the necessary security and safety arrangements.

7. Both vehicular and pedestrian entry will be allowed, provided that with vehicular traffic, light vehicles only up to a 22 seater bus will be allowed. Both vehicles and pedestrians will be confined to designated roads and pathways.
8. Eskom will display a map at the entrance gate clearly showing the entrance, routes and parking area. Eskom will also erect signage in three languages (English, Afrikaans and Sepedi)
9. Eskom may at its discretion direct that some visitors, whether they are family members, or other citizens be accompanied by a Security Guard.
10. Eskom may at the request of family members organise one (1) annual plenary commemoration event (one day). This may coincide with the heritage month (September). Eskom will be obliged to provide transport for up to 3 members from each of the affiliated families from the Community Library in Marapong and back to the same pick-up point.
11. None of the terms and conditions outlined above should impose any severe restrictions on people with physical disabilities.
12. Visitors to the Shrine and graves will observe environmental regulations relating to the control of litter, fires and other potential environmental hazards.
13. General access regulations issued in terms of Eskom's environmental policy will be observed, and they are annexed to this IMP (Annexure III).

6.13. Truth, healing and closure

The Truth and Reconciliation Commission which was launched in South Africa in 1996 to investigate human rights infringement on both sides of the South African conflict particularly during the apartheid era from 1948 to 1994 has been seen worldwide as an important model for seeking the truth in order to achieve healing and closure. There is no doubt that the aggrieved families with respect to the Medupi graves have been demanding a TRC, albeit of a much smaller scale. Such sentiments have been exhibited by Mr Daniel Letsebe, for instance, first to unravel the truth about what exactly happened and to determine culpability. In the course of a decade it has become clear to the complainants as with those who testified before the TRC in 1996 is that the truth is elusive. There is no universally acceptable scientific standard of evaluating the truth. To refer specifically to the case of the Medupi graves, there was no evidence of intent by those directing the projects and their subordinates to destroy the graves or an attempt to cover up. As to how and

where the human remains were disposed nobody has absolute answers. At that level the truth is unreachable. But “justice and healing do not necessarily follow on from truth. Closure doesn’t require truth”.¹¹

Healing is a psychological process of self-restoration borne out of learning from a bad experience. Forgiveness is seen as a crucial element of healing from the past. Choosing to forgive is an internal decision. Forgiveness is not synonymous with forgetting.

Closure doesn't always mean every painful memory is wiped from your brain, it is an acceptance of the past and a commitment to move forward with forgiveness and hope that the mistakes of the past will not be repeated.¹²

In the case of the Medupi graves, both the aggrieved families, and some Eskom official in charge of the project have testified, with a view that this would start a process towards healing of the aggrieved families. To a very large extent this objective has been achieved.

6.14. Administrative arrangements

The socio-economic interventions proposed in this IMP should be incorporated into the socio-economic toolkit for application under Eskom’s Corporate Social Investment (CSI) programmes at Medupi Power Station.

During the transition from the construction phase to generation, Eskom Management should ensure proper handover of the corporate social investment commitments as they relate to the families affected by the handling of graves. This entails a succession plan, proper handover / takeover of the function; ideally the retention for a reasonable period of the core staff which had been involved in brokering a settlement with aggrieved families.

¹¹ Review – The Truth Commissioner – can he deliver truth, healing and closure?
<https://sluggerotoole.com/2016/02/09/review-the-truth-commissioner-can-he-deliver-truth-healing-and-closure/> (Documentary on the Northern Island Conflict)

¹² What Closure Really Looks Like: How to Heal After a Breakup. Found at:
<https://verilymag.com/2014/09/heal-and-find-closure-after-a-breakup>

It is proposed that a Task Team be set up to oversee the implementation of the IMP, in particular application of the socioeconomic toolkit and monitoring the proposed socioeconomic interventions. The Task Team of six members may be constituted as follows:

- Three members of staff from Eskom Management including a Task Team Coordinator or Chairperson of the Task Team.
- Three members elected by the aggrieved families including an appointed spokesperson.

Meetings can be called on an *ad hoc* basis if there are matters requiring urgent attention. Otherwise the Task Team meets twice a year to discuss matters on an agenda which is pre-circulated.

7. STRATEGIC OBJECTIVES OF THE IMP

The Strategic Objectives of the IMP emanate from the Eskom's Vision and fundamental principles and key issues expounded in Section 6 of this IMP. Strategic Objectives (SOs) denote the highest goals of the IMP. The IMP follows a Logical Framework Analysis (LFA) in which key actions emanate from the Strategic Objectives. The LFA is a tracking tool to make sure that all the Strategic Objectives have been fulfilled.

Strategic Objective 1: Undertake comprehensive documentation of grievances of families affiliated to the graves at Medupi Power Station and implement appropriate remedial measures. Attend to those that were affected by the manner in which the graves were handled.

Strategic Objective 2: Through comprehensive documentation, provide a full account of all the graves including those that were disturbed and other heritage resources within and in the precinct of the Medupi Power Station.

Strategic Objective 3: Prepare and implement a short term plan for the rehabilitation of graves within and in the precinct of the Medupi Power Station.

Strategic Objective 4: Roll out a comprehensive programmed for counselling, healing and closure for all those affected by the treatment of graves at Medupi Power Station.

Strategic Objective 5: Prepare and implement a long-term plan for the co-management of the Shrine, graves and other heritage resources within and in the precinct of the Medupi Power Station with the involvement of the local communities.

7.1. Risk Assessment

Risk assessment is general appraisal of factors that are likely to affect the preparation and implementation of the Integrated Heritage Management Plan. These may include the political and socio-economic environment or the state of the heritage itself. Risk management is the identification, assessment and prioritization

of risks which has to be supported by a systematic application of resources to mitigate, monitor the probability of impact of the risk, and at the same time maximize the realisation of opportunities.

A number of risks have been identified including:

(i) Stakeholders

Family stakeholders might not share the same views on how to manage the process towards healing and closure. Negotiating power sharing and establishing a common rapport is a process which requires tactful diplomacy. The issue of graves and the treatment of human remains is an emotive one. There is a strong pattern of unpredictable behaviour among the negotiating family members. There is a high level of literacy among members of the aggrieved. Among the claimants there are some who can barely read or write, presenting communication barriers. Poor literacy correlates with poverty.

(ii) Local socio-economic environment

As mentioned above the grievance on graves has been located in an environment characterised by low socio-economic performance. A tendency for a number of often disparate grievances to be conflated has been observed. This means that solving one problem might not result in closure of the other grievances.

(iii) The nature of healing and closure

Healing for trauma and emotional injury takes place in the mind. Different people would respond differently to the same prescription. It is personal experience whether one is dealing with a group or individuals. The remedies that have been prescribed in this IMP cannot therefore guarantee total healing or closure.

8. IMPLEMENTATION OF THE IMP

Implementation refers to the processes that must be undertaken towards achieving the Strategic Objectives. Action Categories, Specific Actions, Expected Outcomes, Performance Indicators, Stakeholders, Lead Parties and Timeframes are listed for each Strategic Objective below. The Action Plan lists all actions that need to be completed over the period of time in which the IMP will be implemented.

The purpose of the Action Plan is to guide effort and ensure that all work conducted as detailed in Table of actions, can be measured to comply with the SMART (Specific, Measurable, Achievable, Relevant, and Time-bound) criteria required by the National Treasury of South Africa.

LEGEND	STATUS
	Milestone achieved
	Pending and ongoing with potential risks
	Routine Actions / long term

Figure 11: Actions to Implement the Integrated Management Plan.

Strategic Objective 1: Undertake comprehensive documentation of grievances of families affiliated to the graves at Medupi Power Station and implement appropriate remedial measures. Attend to those that were affected by the manner in which the graves were handled.						
<i>Action Category</i>	<i>Specific Action</i>	<i>Expected Outcomes</i>	<i>Performance Indicators</i>	<i>Stakeholders</i>	<i>Lead Parties</i>	<i>Timeframe</i>
1. Document grievance	1.1 Establish a Committee with Family representatives and representative from Eskom	Administrative arrangements	EMC can communicate with affected family members	Families, LIHRA, SAHRA, CRL, Eskom, Traditional Authority	Eskom, families	2014-15
	1.2 Institute grievance procedure	Appeasement	5 families came forward	Families, LIHRA, SAHRA, CRL, Eskom	Eskom officials, family reps	2014 - 2015
	1.3 Special case Rueben Kekana	Trauma counselling & healing for R Kekana	Healing & Closure	Family, Eskom	Family, Eskom. THP	2016- July 2018
	1.4 Retrospective claim	Resolve claim: Elsie Mpepene	Healing & Closure	Family, Eskom	Families, Eskom	2016- July 2018

	1.5 Retrospective Claims	Resolve claims: D Letsebe, C Letsebe, S Maropola, M Mogwai, S Moatshe, S Lefawane	Healing & Closure	Families, Eskom	Families, Eskom	106 – Aug 2018
--	--------------------------	---	-------------------	-----------------	--------------------	-------------------

Strategic Objective 2: Through comprehensive documentation, provide a full account of all the graves including those that were disturbed and other heritage resources within and in the precinct of the Medupi Power Station. Take remedial action for graves that have been disturbed

<i>Action Category</i>	<i>Specific Action</i>	<i>Expected Outcomes</i>	<i>Performance Indicators</i>	<i>Stakeholders</i>	<i>Lead Parties</i>	<i>Timeframe</i>
2.1. Document all the graves disturbed	Create catalogue of disturbed graves	Catalogue of disturbed graves	Catalogue	Families, LIHRA, SAHRA, CRL, Eskom, Traditional Authority	Eskom, families	2014-15
2.2. Document all the graves undisturbed and other heritage resources	Create catalogue of undisturbed graves	Catalogue of undisturbed graves	Catalogue	Families, LIHRA, SAHRA, CRL, Eskom	Eskom officials, family reps	2014 - 2015
2.1. Establishment of Shrine for disturbed graves	Construct a granite wall/plaque inside enclosure in which the names of the deceased were to be inscribed Construct individual memorial plaques for the families behind the main granite wall	Memorialisation	Kgoro (Stone Enclosure and Memorial stone with names of deceased)	Eskom, families, LIHRA, CRL SAHRA	Eskom officials, family reps	2016

Strategic Objective 3: Prepare and implement a short term plan for the rehabilitation of graves within and in the precinct of the Medupi Power Station.

Action Category	Specific Action	Expected Outcomes	Performance Indicators	Stakeholders	Lead Parties	Timeframe
3.1. Condition survey of all heritage sites	Physical inspection	State of Conservation Report	Catalogue of disturbed graves	Families, LIHRA, SAHRA, CRL, Eskom, Traditional Authority	Eskom, families	June 2018
3.2. Rehabilitation of Burial Grounds	Erect granite dressing	Family satisfaction	Catalogue of undisturbed graves and other heritage resources	Families, LIHRA, SAHRA, CRL, Eskom	Eskom officials, family reps	June 2018
3.3. Burial Ground yet to be rehabilitated	Granite dressing for Serumula's grave	Appeasement and family satisfaction	Rehabilitated grave	Family, Eskom	Families, Eskom	2018
	Open passage to the grave site	Accessibility	Passage to the grave	Family, Eskom	Family, Eskom	2018

Strategic Objective 4: Healing and Closure						
Action Category	Specific Action	Expected Outcomes	Performance Indicators	Stakeholders	Lead Parties	Timeframe
4.1. Family Cleansing ceremonies	Family ceremony, Francinah Mokawe Family ceremony, Lucas & Sinah Mogotsi Family ceremony, Stephen Tibanyane Family ceremony, Martha Magwai Family ceremony, Norah Mogwai	Families perform rituals to appease the deceased and for emotional healing of family members	Families satisfaction	Family, Eskom	Family, Eskom	March-April 2016
4.2. Plenary Cleansing Ceremony	Plenary cleansing all families	All families attend	Families satisfaction	Families, Eskom	Families, Eskom	14 May 2016
	Ceremonial transfer of all disturbed sites, symbolically taking them to the Shrine	All families attend	Families satisfaction	Families, Eskom		14 May 2016
4.3. Counselling and healing for	Employ THP	Healing & closure	Certification, graduation and closure ceremony	Family, Eskom	Family, Eskom	2016- July 2018

Reuben Kekana						
4.3. Family Ceremonies, Retrospective Claims	Family ceremony, Elsie Mpepene	Healing & closure	Families satisfaction	Eskom, Family	<i>Family, Eskom</i>	22 June 2018
	Family ceremony, Daniel & Caroline Letsebe Meriam Mogwai Solomon Maropola Sophia Moatshe September Lefawane	Healing & closure	Families satisfaction	Eskom, Families	Eskom, Families	August 2018
4.4. Memorialisation	Construct Kgoro (stone enclosure) with local material	Physical anchoring of memory of the deceased	Kgoro is a physical structure	Families, LIHRA, SAHRA, CRL, Eskom	Eskom, families	March 2016
		Physical anchoring of memory of the deceased	Granite wall is a physical structure	Families, LIHRA, SAHRA, CRL, Eskom	Eskom, families	April 2016
4.5. Memorialisation: Retrospective Claims	Elsie Mpepene	Healing & closure	Family satisfaction	Eskom, Family	Eskom, Family	22 June 2018

4.6. Memorialisation	Letsebe, Mogwai, Maropola, Moatshe, Lefawane	Healing & closure	Family satisfaction	Eskom. families	Eskom. families	Aug 2018
----------------------	--	-------------------	---------------------	-----------------	-----------------	----------

Strategic Objective 5: Prepare and implement a long-term plan for the co-management of the Shrine, graves and other heritage resources within and in the precinct of the Medupi Power Station with the involvement of the local communities.

<i>Action Category</i>	<i>Specific Action</i>	<i>Expected Outcome</i>	<i>Performance Indicators</i>	<i>Main Stakeholders</i>	<i>Lead Parties</i>	<i>Timeframe</i>
5.1. Management Arrangement	Handover: Eskom transition from GCD to Generation	Continuity, succession plan	Socio-economic interventions unaffected	Eskom, Families	Eskom, Families	2019
	Appoint Task Team	Effective management of socioeconomic interventions	Socio-economic interventions unaffected	Eskom, Families	Eskom, Families	2019
5.2. Information plaques	Directional signs	Safety, presentation	Directional signs erected	Eskom	Eskom, Families	2018
	Information / interpretation panels	Presentation, Education	Information panels erected	Eskom	Eskom, Families	2018
5.3. Public access	Finalise access arrangements	Satisfaction from families	Access rules published	Eskom, Families	Eskom, Families	2018

protocols						
5.4. Public programmes	Eskom pledge to fund 1 annual plenary ceremony	Satisfaction from families	1 st plenary ceremony in 2019	Eskom, Families	Eskom, Families	2019
5.4. Periodic condition survey of Shrine and Burial Grounds	Biennial condition survey	Monitoring tool in place	Biennial condition reports	Eskom, Families	Eskom, Families	2020
5.5. Cleaning of burial grounds General maintenance	Outsourcing seasonal cutting of grass	Graves are well maintained	Clean burial grounds, trimmed grass	Eskom	Eskom, Families	Seasonal routine/ into the future
5.6. Corporate social investment programme	Establish Socioeconomic Interventions and Assessment Toolkit	Socio-economic package ready	Performance assessment toolkit in place	Eskom, Task Team	Eskom, Families	2019
	Identify suitable candidates for award of Bursaries	Start the socio-economic interventions	Candidates list	Eskom, Task Team	Eskom, Task Team	

	Identify suitable candidates for skills development	Continue socio-economic interventions	Candidates list	Eskom, Task Team	Eskom, Task Team	2019
	Identify suitable candidates for short-term or long-term employment	Continue socio-economic interventions	Candidates list	Eskom, Task Team	Eskom, Task Team	2019
	Accept Fundable Business Plans	Continue socio-economic interventions	Candidates list	Eskom, Task Team	Eskom, Task Team	2020

9. MONITORING AND EVALUATION

A comprehensive Monitoring, Evaluation, Learning and Intervention (MELI) should be put in place for the IMP. Monitoring is an ongoing process of collecting evidence to show progress or lack of it. Evaluation is appraisal of the degree of success in the implementation of the IMP. The reference point is the indicators which set the baseline to measure effectiveness. During evaluation it is important to take into account unforeseen outcomes which might turn out to be critical in influencing outcomes when compared to those that had been anticipated. Learning refers to lessons and insights that accrue from the results of the monitoring and evaluation. Intervention is appropriate evidence-based action that must be taken to overcome obstacles or challenges faced during the implementation of the IMP. The MELI is a system of adaptive management which allows custom variation of the IMP to make sure that its objectives can be achieved with changing circumstances. It is standard practice to hold a workshop midstream to inform stakeholders on the status of implementation of the IMP.

10. GLOSSARY

Conservation: All efforts to retain the cultural heritage and significance of a site. It includes maintenance and may include preservation, restoration, reconstruction and adaptation. It will usually be a combination of several of these strategies.

Cultural landscape: The Cultural Landscape Foundation³⁵ elaborates further: '*Cultural Landscapes give us a sense of place... They are part of our heritage and part of each of our lives. A Cultural*

Landscape is a geographic area that includes cultural and natural resources associated with an historic event, person or group of people... Cultural Landscapes are works of art, texts and narratives of cultures, and expressions of regional identity. They also exist in relationship to their ecological contexts.'

Cultural significance: Historic, scientific or social value of past, present or future generations.

Heritage: Heritage is our legacy from the past. It includes those places, objects, languages, memories or cultural activities that have aesthetic, historic, scientific or social significance or some other special value bestowed on them by society.

Intangible heritage: Heritage associated with a place that is not expressed physically. It includes aspects such as symbolic meaning, values, activities like dancing, storytelling and music-making, memory and routine.

Integrated Management Plan: A management framework, consisting of a central Operational Management Plan and Specific Plans, all of which guides the conservation of a specific area, avoiding negative impacts on the resources of the area, and where avoidance is not possible, minimising the negative impacts through the implementation of mitigation measures.

Interpretation: The process of deriving and communicating meaning and understanding of the values and significance of heritage in a manner that enhances the national as well as universal significance and the spirit of resistance against and liberty from slavery. These multi-layered stories are associated with the diverse and numerous heritage attributes of the site.

Landscape: A collection of natural and cultural features that characterise a particular place and thus present multiple layers in the story or narrative of the place and its people.

Living heritage is the practices, values, stories, and memories which are embodied in local people. These practices remain alive today and need to be valued and safe-guarded.

Mitigation: Any action to reduce the negative impact of an intervention or activity.

Pilgrimage is a memorial visits to a symbolic and/or sacred site.

Public Programmes are planned activities which are initiated and managed by heritage authorities in order to engage the Public in interaction and dialogue on heritage issues

Risk: A hazard measured against vulnerability. In other words, the degree to which loss is likely to occur, as a function of the nature of particular threats in relation to particular circumstances.

Stakeholders: People with an interest or concern in the Medupi graves

11. REFERENCE

ANC. 1955. The Freedom Charter.

Huffman, T. N. 2007. A Handbook of the Iron Age. Cape Town: UKZN Press
The National Heritage Resource Act (25 of 1999).

Marschall, Sabine. 2009. *Landscape of Memory: Commemorative Monuments, Memorials and Public Statuary in Post-Apartheid South Africa.* Amsterdam: VU University.

Phillipson, D. W. 2005. *African Archaeology.* Cambridge: University of Cambridge Press.

Schalkwyk, J. 2005. Archaeological and Heritage Resources 258 18/11/2005: In Environmental Scoping Report for the proposed establishment of a New Coal-Fired Power Station in the Lephalale Area, Limpopo Province.

Shongwe, A. 2008. The key role that Eskom plays towards Corporate Social Responsibility (CSR) and sustainability in South Africa: A Dissertation submitted in partial fulfilment of the requirements for the Degree of Master of Business Administration. University of KwaZulu Natal.

World Archaeological Congress. 1989. Vermillion Accord on Human Remains. 1989 WAC Inter-Congress held in South Dakota (USA).

Legislation and Policy

Human Tissue Act (No 65/1983).

National Environmental Management Act, 107 of 1998.

National Heritage Resources Act (No 25 of 1999).

Regulations relating to the Management of Human Remains, gazetted in 2013.

Regulations National Heritage Resources Act (1999), gazetted in 2000.

The Burra Charter: The ICOMOS Australia Charter for Places of Cultural Significance

UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003).

Websites

<https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>.

The ANC's Freedom Charter available at
http://www.historicalpapers.wits.ac.za/inventories/inv_pdfo/AD1137/AD1137-Ea6-1-001-jpeg.pdf

<https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>

https://en.wikipedia.org/wiki/Negotiation_theory

<https://www.khanacademy.org/science/health-and-medicine/mental-health/anxiety/a/post-traumatic-stress-disorder->

[article?utm_account=Grant&utm_campaignname=&utm_keyword=&utm_device=c&gclid=Cj0KCQjwjtLZBRDLARIsAKT6fXzjYXReEJuGcXsZFzjLBQcmAkMYOuwap1wRQRHSqGmkKwyDhs9vGV4aAgEUEALw_wcB](https://www.khanacademy.org/science/health-and-medicine/mental-health/anxiety/a/post-traumatic-stress-disorder-article?utm_account=Grant&utm_campaignname=&utm_keyword=&utm_device=c&gclid=Cj0KCQjwjtLZBRDLARIsAKT6fXzjYXReEJuGcXsZFzjLBQcmAkMYOuwap1wRQRHSqGmkKwyDhs9vGV4aAgEUEALw_wcB)

What Is Corporate Social Investment? Found at: <https://bizfluent.com/about-4676602-what-corporate-social-investment.html>

Review – The Truth Commissioner – can he deliver truth, healing and closure?
<https://sluggerotoole.com/2016/02/09/review-the-truth-commissioner-can-he-deliver-truth-healing-and-closure/> (Documentary on the Northern Island Conflict)

What Closure Really Looks Like: How to Heal After a Breakup. Found at:
<https://verilymag.com/2014/09/heal-and-find-closure-after-a-breakup>

12. ACKNOWLEDGEMENTS

12.1. Members of the Local Community

- Mr Lazarus Seadisa, Traditional Doctor, Community Leader
- Claimants/members of families of the deceased
- Other informants as listed in Annexure II

12.2. Stakeholders

- Medupi Graves Task Team
- Commissioner Kgositso Sedupane and Sheila Khama: Cultural, Religious and Linguistic Rights Commission (CRL)
- Commissioner Richard Botha: CRL Right Commission
- Mr Wiseman Rikhotso: Department of Environmental Affairs (DEA)
- Mr Mandla Mona: Department of Environmental Affairs (DEA)
- Chief Seleka: Ga-Seleka Traditional Authority

12.3. Independent Monitors/Others involved

- Mr Philip Dukas: NCC Group
- Advocate Tanya Venter: EMC Chairperson
- Lizl Koekemoer: NCC Group
- Susan Slubert: NCC Group
- Ms Anne Marie Ludik: Martin Funerals
- Mr Peter De Villiers: Martin Funerals
- Mr Frank Teichert: Archaeologist

Eskom Officials

- Mr Philip Dukashe (former Project Director)
- Dr Sifiso Mazibuko
- Ms Zandi Shange
- Mr Musa Langa
- Mr Emile Marell
- Mr Dovahani Mudzielwana

- Mr Ntshavheni Phidza
- Mr Dave Lucas: Eskom
- Ms Jainthree Sanker
- Ms Mums Boshoman
- Ms Lebohang Ramono
- Mr Thabo Khoza
- Ms Rosetta Rammutla
- Ms Tink Holl
- Mr Patrick Seloba

12.4. Heritage Experts

- Ms Itumeleng Masiteng: SAHRA Burials Unit
- Mrs Nkosazana Machete, SAHRA
- Mrs Thinga Tshivhase, SAHRA Burials Unit
- Mr Dumisani Sibayi, SAHRA Head Office
- Prof Innocent Pikirayi, University of Pretoria, Department of Anthropology and Archaeology
- Mr Tshimangadzo Nemaheni: Freedom Park
- Dr Tlou Setumu: Robben Island Museum
- Associate Prof Shadreck Chirikure: Archaeology, University of Cape Town
- Dr Webber Ndoro: Formerly with the Africa World Heritage Fund, now with the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), Rome.
- Mr Elton Sagiya: Curator, Great Zimbabwe World Heritage Site
- Mr Isaac Monthla: Curator Polokwane Museum