

MEMORANDUM OF UNDERSTANDING

entered into between

ISIVUMELWANO SOKUSEBENZISANA

Esingenelwe Phakathi kuka

TENDELE COAL MINING PROPRIETARY LIMITED

("Tendele" / "Mine")/("Tendele/ Mayini")

Herein represented /Lapha emelwe ngu

Jan du Preez/by Jan du Preez

**MPUKUNYONI TRADITIONAL COUNCIL AND MPUKUNYONI TRADITIONAL
AUTHORITY representing the Mpukunyoni Community**

UMKHANDLU WOBUKHOSI BAKWAMPUKUNYONI

EMELE UMPHAKATHI WAKWAMPUKUNYONI

("MTC")/("MTC")

herein represented by

[REDACTED]

and

THE 30 IZINDUNA OF THE 30 ISIGODI IN THE MPUKUNYONI AREA

IZINDUNA ZEZIGODI EZINGU 30 ZENDAWO YAKWAMPUKUNYONI

("IZINDUNA")

[REDACTED]

And **kanye**

THE ROYAL HOUSE /INDLUNKULU

herein represented by

[REDACTED]

MPUKUNYONI COMMUNITY MINING FORUM (MCMCF)

UHLAKA LWEZOKUXHUMANA PHAKATHI KOMPHAKATHI WAKWAMPUKUNYONI

KANYE NEMAYINI

[REDACTED]

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1. INTRODUCTION/ISINGENISO

- 1.1. **WHEREAS** Tendele, the Inkosi, Izinduna of the 30 Izigodi, Izinduna, the Traditional Authority, the Royal House, MCMF and the Mpukunyoni Community are collectively referred to as "the Parties".
LAPHA iTendele, Inkosi, Izinduna zezigodi ezingu 30, Umkhandlu wobukhosi, Indlunkulu, MCMF, kanye nomphakathi wakwaMpukunyoni behlangene babizwa ngokuthi "Izinhlango"
- 1.2. **WHEREAS** the Inkosi is the traditional leader presiding in and over the Mpukunyoni area and is the chairperson and representative of the MTC, was mandated by the Izinduna of the 30 Izigodi and Royal House representative, as COGTA advised to form a legitimate MTC to sign this agreement as per the attached signatories.
LAPHA Inkosi njengomholi womkhandlu uhlala aphinde abe ngaphezu kwendawo yakwaMpukunyoni aphinde abe Usihlalo kanye nelunga lomkhandlu wakwaMpukunyoni (MTC), wagunyazwa izinduna zezigodi ezingu 30 kanye nabamele iNdlunkulu, njengoba kweluleka umnyango wakwa COGTA ukuthi benza umkhandlu (MTC) esemthethweni ukuthi bangasayina isivumelwano njengoba kunanyathiselelwe ikhasi elinabasayinayo
- 1.3. **WHEREAS** the Mpukunyoni Community ("Community" or "Mpukunyoni Community") refers to all the people that reside in the areas that are under the control of the Affected Indunas as outlined below and although the Mpukunyoni Community comprises of a larger Community as represented by the Izinduna of the 30 Izigodi, this agreement specifically deals with the Community living in the 8 mining areas, i.e. the areas where the mine has a mining licence, and/ or any other area which may be covered in the current mining license areas, and these Communities are the under control of the Affected Indunas.
LAPHA Umphakathi wakwaMpukunyoni ("Umpakathi" noma "Umpakathi wakwaMpukunyoni") kushiwo bonke abantu abahlala ezindaweni eziphethwe ilezinduna ezisezigodini ezithintekayo njengoba kuchazwe ngezansi futhi nakuba umphakathi wakwaMpukunyoni ukhanwe umphakathi Omkhulu njengoba umelwe izinduna zezigodi ezingu 30, Lesivumelwano siqondene ngqo nalomphakathi ohlala ezigodini ezingu 8 zokumayina, okungukuthi izindawo lapho imayini inegunya lokusebenza khona nelempakathi ingaphansi kwezinduna eziphethe lezizigodi ezithinteka ngqo
- 1.4. **WHEREAS** the "Affected Indunas" are the head traditional leaders duly appointed by Inkosi in accordance with the customs and applicable rules. The "Affected Indunas" preside in and over those areas where the Mine is currently operating (KwaQubuka and Luhlanga (that falls under the KwaMyeki area), Esiyembeni, Machibini and Dubelenkunzi) and shall mean, Induna J.M Gumede, Induna M.M Gumede, Induna N P Gumede and Induna M.W Mncwango, which are duly herein represented by Ndunankulu N. Mkhwanazi and furthermore include the Indunas of future mining areas, namely Emalahleni (with-in KwaMyeki), Mahujini, Ophondweni, Tholokuhle, Mvutshini, Gwabalanda, Area 3 (within Esiyembeni) and/ or any other area which may be covered in the current mining license areas.
LAPHA "Izinduna ezithinteka ngqo" Abaholi abayizinhloko zomdabu ngokuqondile ezikhethwe Inkosi ilandela imisebenzi kanye nemithetho okumele bayigcine. "Izinduna ezithinteka ngqo" Eziphethe lezizigodi lapho imayini isebenza khona kumanje (KwaQubuka kanye nakwaLuhlanga (Ezingaphansi kwesigodi sakwaMyeki), Esiyembeni, Machibini kanye naseDubelenkunzi futhi okubuye kusho ukuthi uNdunankulu N Mkhwanazi, Induna JM Gumede, Induna M.M Gumede, Induna M.W Mncwango, kanye nenduna N.P Gumede, esazobekwa ngokusemthethweni bonke ngokwemisebenzi yabo bamelwe uNdunankulu N Mkhwanazi, ngaphezukwalokho kubuye kubandakanye izinduna eziphethe ezindaweni ezintsha zokumayina okuyisEmalahleni (ngaphakathi kwesigodi swakwaMyeki), Mahujini, Ophondweni, Tholokuhle, Mvutshini, Gwabalanda, kanye no Area 3 (Esiyembeni) kanye nanoma isiphi isigodi okungenzeka sibe yinxenye yegunya lokumayina lamanje

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- 1.5. **WHEREAS** Tendele, the Mine, the Inkosi, Ndunankulu, the Traditional Authority, the Royal House, the Affected Indunas have previously signed a comprehensive Road Map agreement that established the MCMF.

LAPHA iTendele, iMayini, Inkosi, uNdunankulu, Umkhandlu wesizwe, Indlunkulu, izinduna ezithinteka ngqo phambilini basayine usomqulu ohlanganisiwe wesivumelwano sendlela eyaphambili basungula iMCMF.

- 1.6. **WHEREAS** the Mine has advised all Parties that if it does not obtain at least two of the future mining areas in Emalahleni, Ophondweni and Amajonjon, (**"future mining areas"**) it will close by December 2018.

LAPHA imayini yaluleka zonke izinhlangano ukuthi uma ingaphumeleli ecaleni elisenkantolo elifakwe iGet Foundation ingatholi okungenani izindawo ezimbili ezintsha zokumayina okuyisEmalahleni, Ophondweni kanye naseMajonijoni (**"Izindawo ezintsha zokumayina"**) Imayini izovalala ngo Disemba 2018.

- 1.7. **WHEREAS** the Parties previously agreed on a Protocol dealing with relocations as signed on 7 April 2011 (**"the 7 April 2011 Protocol"**) and in order to assist the mine to secure the future mining areas (and all other future mining areas) the Mine and MTC agreed to amend the Protocol.

LAPHA izinhlangano phambilini zavumelana ngalenqubomgomo ukutholakala kwezindawo ezintsha zokumayina futhi nasesiikhundleni sokulekelela imayini ukuthola izindawo zokumayina ezintsha (kanye nazozonke izindawo ezintsha zokumayina) IMayini kanye neMTC bavumelana ngokuchibiyela inqubomgomo.

- 1.8. **WHEREAS** the Parties acknowledge that the Road Map inter alia provides for a platform for all Communication between the Parties and provides for a mechanism to address issues of the past as policies moving forward.

LAPHA izinhlangano ziyavumelana ngokuthi usomqulu wesivumelwano somhlahlandlela eya phambili siyinkundla yakho konke ukuxhumana Phakathi kwezinhlangano futhi unikeza ikhambi lokubhekana nezinkinga esezadlula nkukhanda imithetho yokuya phambili.

- 1.9. This document is subject to the constitution of the Republic of South Africa and relevant laws that govern the mining sector in South Africa. Should any word or statement contained in this document contradicts the Constitution and the relevant laws, the Constitution and the relevant laws shall prevail.

Losomqulu uhambisana nomthethosisekelo was South Africa kanye neminye imithetho ehambisana nayo ebusa ukusebenza kwezimayini eSouth Africa. Uma kungukuthi amanye alamagama noma isitatimende siyaphambana nokushi umthethosisekelo noma imithetho ehambisana nayo, Ingaloyomthetho kanye nomthetho sisekelo kuyothatha indawo yawo.

2. NOW THEREFORE THE PARTIES AGREED AS FOLLOWS:

NGAKHO KE, NJENGAMANJE IZINHLANGANO ZIVUMELANA NGALENDELA ELANDELAYO:

- 2.1. Once the actual physical relocation at two of the three future mining areas have been concluded, the Parties will jointly review all the agreements signed between the Parties.

Uma kuwukuthi ukususwa kwabantu sekwenzekile futhi sekuqediwe ezindaweni ezimbili kwezintathu imayini ehlongoza ukusebenzela kuzo, zonke izinhlaka ziyobuyekeza zonke izivumelwane esisayindwe izinhlaka zonke kubandakanya.

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- 2.2. In order to ensure a way forward in respect of relocation processes and compensation, the Parties agree to replace the 7 April 2011 Protocol with a new Protocol as outlined in **Annexure A ("New Protocol")**.

Ukuze kuqinisekiswa Indlela eya phambili mayelana nezinhlelo zokususwa kwabantu kanye nokunxephezela, izinhlangano ziyavumelana ukususa inqubomgomo eyayibekwe ngo 7 Ephreli ifaka inqubomgomo entsha njengoba ichaziwe **KUSICHASISELO A** ("Inqubomgomo omusha")

- 2.3. **The objective of the agreed New Protocol is to ensure that:**

Inhlosongangi yenqubomgomo omusha ukuqinisekisa ukuthi:

- 2.3.1. Relocation happens in a sustainable and responsible manner, promoting mutual understanding amongst all parties (including people to be relocated as well as those affected otherwise) to be affected by relocation. The Mine requires the new mining areas to ensure the future of the Mine and the Parties would like the Mine to survive in order to protect employment and opportunities to the Community.

Ukususwa kwabantu kwenzeka ngendlela eyokwazi ukuthi abantu bazimele nokwenza ngendlela engenakusolwa, egqugquzela ukuqonda Phakathi kwazo zonke izinhlangano (Kubandakanya abantu abazosuswa kanye nalabo abathinteka ngokusuka kwabanye) abazothinteka ngokusuka kwabantu. Imayini idinga izindawo ezintsha zokumayina ukuqinisekisa ikusasa lemayini kanti nezinhlangothi ziyafisa ukuthi imayini ibe khona ukuze kuvikeleke imisebenzi kanye namaye amathuba omphakathi.

- 2.3.2. Understanding and communication plus transparency of programs, timelines and commitments are facilitated.

Ngokuqonda, uuxhumana kanye nezinhlelo ezivulelekile, kanye nezikhathi ezinqunyiwe, kanye nezibophezelo zenziwe.

- 2.3.3. DAC communities are relocated in a proper and orderly way and that the relocation process is aligned with the applicable legislation in this regard and with the new Protocol as outlined in Annexure A.

Umpakathi WABASUSWA ususwa ngendlela efanele nehlelekile nokuthi Uhlelo lokususwa kwabantu luyahambisana yini nemithetho kulokhu okuqondiswe kuyinqubomgomo omusha njengoba ichaziwe **KUSICHASISELO A**.

- 2.3.4. Peace and stability is maintained throughout all activities.

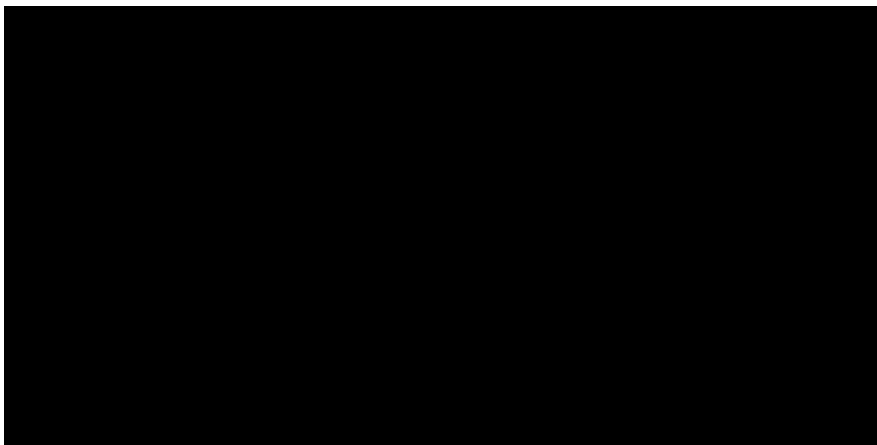
Ukuthula kanye nozinzo kuyagcinwa kuze kuyophela amagxathu okususewa kwabantu

- 2.3.5. All Parties are committed to securing the future of the Mine and will act in good faith to do all things required to ensure the future of the mine.

Wonke amaqembu azimisele ukulekelela ekutholeni izindawo ezintsha zokumayina nokuthi zisosebenza ngokuqotho ekuqinisekeni ukuthi iMayini inekusasa.

SIGNATORIES

ABASAYINAYO



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Annexure A: The Resolution of Mpukunyoni Traditional Council on Relocation of the Directly Affected Communities within its jurisdiction authority.

ISITHASISELO A: Isinqumo somkhandlu wobukhosi bakwaMpukunyoni ngokususwa kwemiphakathi ethinteka ngqo engaphakathi kwemigcele ephethwe ilobubukhosi.

1. Objective/*Inhloso*

- a. The objective of this procedure is to ensure that communities are relocated in a proper and orderly way and that the protocols for relocation process are aligned with legislation in this regard and with principles and protocols agreed with the Mpukunyoni Traditional Authority represented by 30 Izinduna, Mpukunyoni Traditional Council, Royal Family (collectively referred to as MTC) and the Mining Company.

Inhloso yalenqubo ukuqinisekisa ukuthi imiphakathi isuswa ngendlela efanele nehlelekile nokuthi inqubo migomo yokususwa kwabantu iyahambisana nemithetho yesishayamthetho nokuthi ngokwemigomo kanye nenqubo migomo okuvunyelwane ngayo nomkhandlu wobukhosi bakwaMpukunyoni omelelwe izinduna ezingu 30, Umkhandlu wobukhosi bakwaMpukunyoni, Indlunkulu (behlange ababizwa nge MTC) kanye nenkampani emayinayo.

- b. It is further important that any relocation process be carried out in accordance with the approved EMPR of the Mining Company and traditional protocols of the MTC as outlined below. *Kubuye kuqhubeke kubaluleke ukuthi noma ngabe iyiphi inqubo yokususwa kwabantu yenziwa ihambisana emithetho egunyaziwe ye EMPR ephethe ukusebenza kwemayini kanye nenqubo migomo yomdabu eshaywe yi MTC njengoba ichaziwe ngezansi.*

- c. This Protocol will apply from the date an agreement is signed between the Mining Company ("effective date") and will not set any precedent in respect of relocation agreements signed prior to the effective date. The MTC will assist Tendele Mining Company ("Tendele") to ensure that the Community understand that this Protocol does not set any precedent in respect of previous relocations/relocation agreements.

Lenqubomgomo iyoqala ukusebenza ngokusuku okuyosayinwa ngalo isivumelwano Phakathi kweMayini ("usuku esayinwe ngayo") futhi ngeke isibenze ukubuka izindaba ezimayelana nezivumelwano ezasebenza ngaphambi kosuku lokuqala ukusebenza kwalenqubomgomo. MTC iyolekelela iMayini iTendele ("Tendele") ukuqinisekisa ukuthi umphakathi uyakuqonda ukuthi lenqubomgomo angeke isetshenziswe ukubheka noma ngabe ikuphi ukususwa kwabantu okwedlule kanye nezivumelwano ezedlule.

2. Scope/*Okungenzeka*

- a. This procedure is applicable to the relocation of the Directly Affect Communities (DAC) located within 500 meters of a blasting area at a pit in respect of the valuation and compensation of their Homesteads, Fields, Graves, Upset, Trauma', Businesses, Planted Trees bearing fruits, Planted Crops, New Sites, Fencing, Traditional Protocols, Moving cost to a new land and the underlying principle of any relocation will be that DAC's will not be worse off than before the Mining Company embarked on its relocation project.

Lenqubo izosetshenziswa ukususa imiphakathi ethinteka ngqo (DA) eyakhele ebangeni elingaphakathi kwamamitha angu 500 endaweni okuqhunyiswa kuyona kususelwa ekucwaningweni nasekunxephezeleni kwemizi, amasimu, amathuna, Ukuphatheka kabi kanye nokuhlukumezeka ngokomqondo, amabhizinisi, izihlahla ezitshaliwe ezikhiqiza izithelo, izitshalo ezilinyiwe, iziza zokwakha ezintsha, ukubiya, ukugcinwa kwamasiko, izindleko zokususwa kuyiwa endaweni entsha kanye nayoyonke ke imigomo ebandakanyekayo yanoma ukuphi ukususwa kwabantu.

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3. Responsibility/**Kungumsebenzi kabani**

- a. It will be the responsibility of the MTC and the Mining Company to ensuring the adherence to the principles and guidelines as prescribed in this Protocol.

Kuyoba umsebenzi obhekene ne MTC kanye neMayini ukuqinisekisa ukuthi ukuthi kuyahanjiswa nemigomo kanye nezinkambiso ngokugunyazwa kulenqubomgomo.

- b. MTC has a legal obligation to act in the best interest of the Community, and previously undertook to assist Tendele to remain strong and continue to employ people.

MTC Kungumsebenzi wayo ngokusemthethweni ukuthi isibenzele ukufeza izintshisekelo zabantu futhi abawusebenzisile phambilini ukulekelela iTendele ukuthi libe namandla futhi liqhubeke nokuqasha abantu.

- c. In respect of Tendele, the MTC signed a Road Map during 2017 that amongst others established the Mpukonyoni Community Mining Forum ("MCMF") that acts inter alia as the communications forum in respect of the 8 current mining areas or any other mining areas to be identified and the MTC and the Mine is responsible to ensure that the Mine adheres to Protocols and MCMF will assist in implementing protocols.

Mayelanan neTendele, iMTC yasayina usomqulu owumhlahlandlela eya phambili ngo 2017 ukuthi Phakathi kwezinye izinto kususngulwe uhlaka olubizwa nge Mpukonyoni Community Mining Forum ("MCMF") olusebenza njengohlaka lwezokuxhumana ezigodini eziwu 8 lapho imayini isebenza khona kumanje kanye nanoma iyiphi enye indawo eyokhonjwa njengendawo yokumayina bese kuthi iMTC kanye neMayini kube umsebenzi wabo ukuqinisekisa ukuthi inqubo migomo iyagcinwa.

4. Procedure/**Inqubo elandelwayo**

- a. Any Mining Company may from time to time identify potential mining areas based on exploration results and will inform the MTC and the local induna and traditional communities about the processes.

Noma ngabe iyiphi inkampani yemayini ingakhomba ngezikhathi ezahlukahlukene indawo engamayineka isusela emiphumeleni yokuhlonza bese yazisa iMTC kanye nenduna yendawo, kanye nomphakathi ngenqubo ebandakanyekayo.

- b. In respect of Tendele, the MTC has been informed about mining in Emalahleni, Ophondweni and Amajonjoni.

Mayelana neTendele, iMTC yazisiwe mayelana nokumayina Emalahleni, Ophondweni kanye nakwaMajonijoni

5. Relocation process/**Uhlelo lokususwa kwabantu**

- a. The Inkosi and MTC will be informed that a future mining area has been identified

Inkosi kanye Nomkhandlu wesizwe (MTC) bayokwaziswa ukuthi indawo yokumayina entsha ibonakele

- b. It has been agreed that the Road Map will be amended and the Counsellor in a particular area will be a member of the MAC, and the Counsellor will be informed that a future mining area has been identified.

Kuvunyelwene ukuthi usomqulu owumhlahlandlela eya phambili (Road Map) uyobuyekizwa bese kuthi ikhansela laleyondawo liyobailunga lekomidi lesigodi, futhi MCMF kanye nekhansela bayokwaziswa ukuthi indawo yokumayina ibonakele.

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- c. The Induna of the future mining area will be informed that a future mining area has been identified

Induna yendawo iyokwaziswa ukuthi indawo yokumayina entsha ibonakele

- d. The Road Map established Mining Area Committees ("MAC"), and the relevant role players shall convene at the MAC and be introduced to the mine representative and the existing evaluation procedures, protocols and relocation agreements explained to them and then to the Directly Affected Communities (DAC), that will elect a DAC Committee. The MAC in the future mining area will be informed that a future mining area has been identified

Usonqulu owumhlahlandlela eya phambili wasungula ikomidi lesigodi endaweni yokumayina ("MAC") bese kuthi abantu abanamagalelo athize bahlangane kule MAC bese beyathulwa kulabo abamele imayini baziswe nenqubomigomo ekhona yokucubungula izindlu, imithetho elandelwayo kanye nezivumelwano zokususwa kwabantu zichazwe kubona .Ikomidi lesigodi endaweni yokumayina entsha iyokwaziswa ukuthi indawo yokumayina entsha ibonakele

- e. The Induna will call a Community Meeting and the Community of a particular Izigodi will be informed that a future mining area has been identified

Induna iyobiza Umhlangano womphakathi bese umphakathi walesosigodi waziswa ukuthi indawo yokumayina entsha ibonakele

- f. The Induna will call a meeting of the Directly Affected Community ("DAC") Community that live within 500 meters of the future mining area and the DAC will be informed that a future mining area has been identified

Induna iyobiza Umhlangano womphakathi othinteka ngqo ("ABASUSWA") Umphakathi ohlala ebangeni elingaphakathi kuka 500 wamamitha ezindaweni ezintsha zokumayina kanye nabasuswa bayokwaziswa ukuthi indawo entsha yokumayina ibonakele

- g. The DAC will be requested to elect a DAC Committee within 7 days of the above meeting taking place and it has been agreed the Road Map will be amended and the Induna and the MAC Chairman and the MCMF Chairman will be part of the DAC Committee to ensure fairness and adherence to the Protocol.

ABASUSWA bayocelwa ukuthi bakhethe ikomidi LABASUSWA futhi bayolikhetha ikomidi LABASUSWA ezinsukwini eziwu 7 zalemihlangano engahlala ebanjwa emavikini futhi kuvunyelwene ukuthi usonqulu owumhlahlandlela eya phambili (Road Map) uyobuyekwezwa bese induna kanye nosihlalo wekomidi lesigodi kanye nosihlalo weMCMF bayoba inxenye yekomidi LABASUSWA ukuqinisekisa ukuthi ubulungiswa buyenzeka nokuthi inqubomgomo iyalandela.

- h. The Mine will give a written notice to the various entities as required and each activity iro above will be conducted within 1 week of receiving the notice. If an activity as outlined in the Relocation Process is not executed within the time frame it will be deemed that the activity has been done, and the Mine will then be allowed to go to the next step. If an Induna does not call a meeting, the MTC will call a meeting.

Imayini iyonikeza izinhloko ezahlukeneyo ezidingekayo Isaziso esibhaliwe ngegxathu ngalinye elizokwenzeka mayelana nalokhu okubalwe ngenhla Okuyokwenziwa evikikini elilodwa emva kokuthola lesisaziso. Uma izinto obekumele zenzeke njengoba kuchaziwe ngenhla zohlelo lokususwa kwabantu zingenziwe esikhathi ezibekelwe sona, kuyothathwa ngokuthi lezinto sezenziwe, ngakho imayini iyovunyelwa ukuba ithathe igxathu elilandelayo. Uma induna ingawubizi umhlangano, iMTC iyona eyobiza umhlangano.

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6. Once an area has been earmarked for mine development then there would be no land allocation to people since the local economic development has been proposed on that land, the relevant role players (Inkosi, Mpukunyoni Traditional Council Member and Affected Community Members) concerned will be engaged in discussion regarding the process that will be followed. Uma indawo isize yakhonjelwa ukuthi imayini izosebenza khona, ngeke kubekhona umhlaba oyobuye unikezelwe kubantu njengoba Kuyobe sekunesiphakamiso sokuthuthukisa leyondawo ngokwezomnotho, Izinhlaka ezinendima okumele ziyidlale okuyi (Inkosi, Mamalunga e MTC kanye namalunga omphakathi athinteka ngqo) kuyofanele babandakanywe ezingxoxweni mayelana nohlelo oluzolandelwa
- a. Where land has been earmarked for mine development, the responsibility to allocate land for relocated families, will be the MTC and respective Induna's responsibility. Lapho umhlaba usubekelwe waphinde wakhonjelwa ukusebenza kwemayini, Umsebenzi wokwabela abasuswa umhlaba uyokwenziwa I MTC kanye nenduna yalesosigodi.

7. Disputes/Iziphikiso

If there is a dispute between the DAC Committee and the Mining Company, the MAC in the area will attempt to resolve, thereafter the MCMF will try and resolve, and thereafter the MTC will try and resolve.

Uma kunokuphisana nesinqumo Phakathi kwekomidi lama DAC kanye neMayini, iMAC endaweni iyoza ukulekelela ukuphuma nesixazululo, emva kwalokho iMCMF nayo iyoza ukulekelela ukuphuma nesixazululo, bese kuthi emva kwalokho iMTC nayo iyoza ukulekelela ukuphuma nesixazululo.

- a. In the state whereby, the Mine Company and DAC Committee shall deadlock in their relocations terms and conditions, then the MTC will call a meeting with the DAC only, within 7 days of been informed of a dead lock.

Esimweni lapho, iMayini kanye nekomidi lamaDAC befika kwangqingetshe emibandeleni kanye nasemigomweni yokususwa, iMTC iyobe isibiza Umhlangano nama DAC kuphela ezinsukwini eziwu 7 abaziswe ngazo ukuthi izingxoxo zifike kwangqingetshe.

- b. The MTC will inform the DAC that the Mining Company shall be allowed to negotiate with the individual household to find a way forward with or without the task teams as outlined below iMTC iyobe isitshela ama DAC ukuthi imayini ivunyelwe Ukuxoxisana nomuzi ngawodwa ukuze kutholakale indlela eya phambili likhona noma lingekho ithimba leskhashana elichazwe ngezansi.

- c. If required a task team will be created and each task team to consist of DACs rep, MCMF, MAC, MTC/Royal House rep, Mine employees' rep, and the task teams to visit each and every household of the proposed DAC's household.

Uma kudingeka kuyomele kube nethimba lesikhashana eliyokwakhiwa bese kuthi ithimba ngalinye libe nomele ama DAC, MAC, MCMF, MTC/omele Indlunkulu kanye nomele abasebenzi baseMayini bese lelithimba livakashela umuzi nomuzi emizini ephakanyiswe njengeyabasuswa.

- d. The MTC and the Induna of a particular area will pro-actively assist the Mine in meeting the individual households.

iMTC kanye neNduna yalesosigodi bebukela iphambili bayolekelela iMayini ukuhlangana nemizi ngamunye ngamunye.

8. Support shall lie with the MTC assisting the Mine Company and relocated people to find new areas within the jurisdiction of MTC since it is a relocated person right to choose a new location after being relocated.

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Ukwesekela kulele kuyo iMTC ukusiza imayini kanye nomphakathi osusiwe ukuthola indawo entsha engaphakathi komncele we MTC, njengoba kuyilungelo lalowo osusiwe ukuthi azikhethelwe indawo azokwakha kuyo emva kokususwa.

9. The following principles and protocol will be adhered to for evaluation purposes for DAC to be relocated

Lemigomo kanye nenqubomgomo elandelayo iyolandelwa ngezinjongo zokukalwa kwamanani ezindlu ukuze kusuke amaDAC.

- a. Any structure to be relocated will be replaced by the Mining Company with a new structure better or improved structure after evaluating the old structure, in the Mpukunyoni Area on land allocated by the MTC.

Noma ngabe isiphi isakhiwo esiyosuswa siyobuyiselwa iMayini ngesinye isakhiwo esisha esinobuncono noma isakhiwo esithuthukisiwe emva kokukalwa kwamanani esakhiwo esidala, endaweni yakwaMpukunyoni esizeni esiyobe sinikezwe lowomuntu yi MTC.

- b. Should this option not be accepted, the mine will pay out the cash it would have spent replacing an existing homestead (price based on prevailing building rates at the time and having obtained three quotes which will include a local expert) after evaluation and ensuring that living conditions of the relocated household be the same or better and improved than before the relocation.

Uma lesisiphakamiso singamukeleki, imayini iyokhokha isamba semali eyobe izoyisebenzisa ukubuyisela umuzi okade ukhandiwe (Inani lakhona liyobe lisuselwa emananini ajwayelekile ngalesosikhathi emva kokuba sekutholakale izilinganiso mali ezintathu kubandakanya uchwepheshe wezokwakha endaweni) emva kokukalwa kwamanani ezindlu kuqinisekiswa nokuthi zakhiwa ngesimo esincono kunakuqala ngaphambi kokuba zisuswe.

- c. Improvements to a property or land within the homestead will be evaluated but will exclude the value of the land itself and no money will be paid for the value of the land. Maximum amount allocated for new land allocation and levelling will be capped at R20 000.00 per homestead.

Ukuthuthukiswa kwesakhiwo noma komhlaba ongaphakathi komuzi kuyokalwa inani lakhona kodwa kungafaki inani lomhlaba futhi ayikho imali eyokhokhelwa ukubiza komhlaba. Imali eyisilinganiso esiphezulu eyobekelwa ukunikezelwa kwesiza esisha kanye nokusiqondisa iyobekwa enanini elingu R20 000.00 umuzi ngamunye.

- d. Moving cost for goods, furniture, livestock such as goats, sheep, chicken, cows and people be capped to the value of R 13 000.

Izindleko zokuthuthwa kwazimpahla, ifenisha, imfuyo engenge zimbuzi, izimvu noma iziklabhu, izinkukhu, izinkomo kanye nabantu iyobekwa enanini elingu R13 000.00

- e. An upset allowance includes payment for psychological uncertainty of relocating to a new location, the loss of familiar environment, loss of living nearby clinics, churches, schools, tared roads, bus stops, the costs of amenities and services (Installation of water lines, installation of electricity and access roads) and in respect of Tendele Mine, (as the mine is not in the position to provide employment), each family will be compensated to the value of R100 000.00

Isinxephezelo sokuphatheka kabi ngokususwa kubandakanya inkokhelo yokungahlaliseki komqondo ngenxa yokususwa uya endaweni entsha, ukulahlekelwa indawo obese uyijwayele, ukulahlekelwa imitholampilo eseduzane nawe, amasoto, izikole, imigwaqo eyityela, izitobhi zamabhasi, izindleko zenqalasizinda (Ukufakelwa kwamapayipi amanzi, ukufakelwa ugesi kanye nemigwaqo engenela emakhaya) futhi mayelana neMayini Itendele (Njengoba imayini ingezukukwazi ukunikezela ngezikhala zomsebenzi) Umuzi ngawodwa uyonxephezelwa ngemali ewu R100 000.00

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- f. A Procurement Task Team reporting into the MTC and Mine to be established, comprising of 2 TC/Royal House nominees, MAC and DAC Chairman in the area, 2 MCMF Nominees and 2 Mine Nominees.

Kuyoba nethimba eliyosungulwa elibhekelele ukuqokwa kwezinkampani ezihweba emayini eliyobe libika kuyi MTC kanye neMayini, eliyobe likhandwe amalunga amabili asuka eMkhandlwini wobukhosi(MTC) noma amele indlunkulu, amalunga amele iMAC,kanye nosihlalo wamaDAC, namalunga amabili amele iMCMF kanye namalunga amabili amele iMayini.

- i. The Procurement Task team to review business opportunities in the new mining areas including participation for temporary projects like fencing the mine gravel roads, community guardians, construction, and removal of topsoil, clearing the mining area, soft stripping, water supply lines to newly relocated homesteads, relocated existing municipal services and etc and to take into account the Mine's SLP commitments and procurement policies.

Lelithimba lezokuhweba nemayini lizobuyekeza amathuba amabhizinisi ayoqhamuka ezindaweni ezintsha zokumayina kubandakanya ukuthi babeyinxenye yokubheka amaphrojekthi esikhashana afana nokubiya, ukukhandwa kwemigwaqo ewumgubane yemayini, izivande zomphakathi, umsebenzi wokwakha, kanye nokususwa komhlabathi ongaphazulu, ukususwa kwezihlahla endaweni yokumayina, ukususwa komhlabathi othambile, ukufakwa kwamapayipi amanzi emizini esendaweni entsha, ukubuyiselwa kwenqalasisinda kamasipala ebikade ikhona njll. Nokuqinisekisa ukuthi iMayini iyakwenza konke ekuthembise uMphakathi nokulandela ingqumbomgomo yeMayini yozokuhweba.

- ii. The Task Team to investigate procurement opportunities in the new mining areas and the Mine will act in good faith and available opportunities will be allocated as follows: 20% DAC Community, 15% Community that lives outside 500 m blast zone, but within 1 km of the blast zone, and 15 % to the Royal House and Mpukunyoni Traditional Authority, 15% to Community that lives within the 8 Mining Areas, and 35% to Mpukunyoni Community areas.

Ithimba lesikhashana liyophenya ngamathuba akhona okuhweba ezindaweni ezintsha zokumayina bese imayini isebenza ngokunobulungiswa bese kuthi lawomathuba ahlukaniwa ngalendlela elandelayo: 20% uyonikezwa kumaDAC, 15% uyonikezwa kulomphakathi ongaphandle kwebanga elingamamitha angu 500 kusuka endaweni yokuqhumisa, kodwa abangaphakathi kwebanga eliyikhilomitha elifodwa, 15% uyonikezelwa kuyiNdlunkulu, noMkhandlu wobukhosi bakwaMpukunyoni Kanye no15% nomphakathi owakhele lezindawo ezingu 8 zokumayina Kanye 35% nezinye izakhamuzi ezakhele wonke umphakathi wakwaMpukunyoni.

- iii. The training provided shall be a job market related training and will consider the Mining & Mineral Sector Career Guide and will take into consideration that "mining" is a wasting asset and also consider relevant education that can empower the communities to be marketable to job market and will also take into account the Mine's SLP obligations.

Uqeqesho olunikezelwayo kumele kube ilolo eluhambisana nesimo sokuqasheka futhi oluyobheka imiyalelo ebekelwe ukuthuthukiswa ngokwezezimayini kanye nezokumbiwa phansi futhi kuyobhekwa ngokwemisebenzi engaqondene nemayini kuphela njengoba kudingeka abantu baqeqeshwe ngendlela yokuthi bakwazi ukuqasheka kwezinye izindawo futhi kubukwa nesibophezelo se SLP yemayinini esisemthethweni.

- g. The evaluation of the property will also consider the bricklayers, carpenter, tile fitter, electricity connection, water pipe tuber, plaster and for traditional huts will also consider all building requirements and will be included in the rate per square meter.

Ukubhekwa kwamanani ezindlu koyobe kubukwa noMakhi, ofaka osilinga, ukufakwa kamathaylizi, ukufakelwa kukagesi, ukushubhwa kwamapayipi amanzi, ukuplastela kanye

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nezindlu zesintu ziyobhekwa bese kubandakanywa enanini lokususwa kwezindlu ngokobubanzi bazo (rate per square meter)

- h. The planted crops and fruit bearing trees will be compensated considering the harvest at market related prices and unplanted fields will be compensated with R5000.00 since the relocated people will be given land for crops in the new relocated land within Mpukunyoni Traditional Council and land for crops belong to the clan or Mpukunyoni Traditional Council not to individuals therefore none is allowed to sale since none has bought from Mpukunyoni Traditional Council. It is compensation for crops and not a price to sell the land. If there are Kraals in operation, capped at R 2750.

Izitshalo ezilinyinwe kanye nezihlahla ezinezithelo ziyobhekwa ukuze zinxephezelwe kubukwa isivuno kanye namanani asezimakethe kanye namasimu angatshaliwe ayonxeshelwa ngo R5000.00 njengoba abantu abasusiwe beyophinde banikezwe umahlaba wokulima ezindaweni ezintsha ezingaphansi koMkhwandlu wobukhosi bakwakwaMpukunyoni futhi umhlaba wokulima ungowesizwe noma Umkhandlu wesizwe sakwaMpukunyoni ngakho akekho umuntu ovumeleke ukuwudayisa njengoba engekho owawuthenga emkhandlwini wesizwe sakwaMpukunyoni. Lokhu kungukunxephezela izitshalo hhayi inani lokudayisa umhlaba. Uma kunezibaya ezisebenzayo, inani lakhona libekwe ku R2 750.

- i. The issue of trauma caused by the uncovering of the graves of the beloved ones of the relocated DACs is to be compensated and capped at R2000 per household. The traditional protocol, exhumation and reburial of the grave are in the rates below.

Odabeni lokuhlukumezeka ukubangelwa ukumbiwa kwamathuna alabo abathandiweyo babasuswa bayonxephezelwa ngenani elibekwe ku R2000 umuzi ngamunye. Ukugcinwa kwesiko lesintu, ukumbiwa kanye nokuncwatshwa kabusha kufakwe enanini lemali elingezansi.

- j. Traditional Protocols for customary rituals to relocate the homestead will be 1 cow 1 goat, 1 tent, groceries and ritual requirements that will be paid for ceremonial purposes capped at a total value of R15 000 (taking into consideration the current value of a cow of R 9000 and a goat of R 1500).

Ukugcinwa kwesiko lokwenza umsebenzi wokususwa komuzi kuyoba inkomo eyodwa, imbuzi eyodwa, iTende, igilosa kanye nezinye izimfanelo eziyokhokhwa ukugcina lelosiko zona zibekwe enanini lemali ewu R15 000 (Kubukwa inani lenkomo kulesisikhathi samanje okungu R9000 kanye nembuzi okungu R1500).

- k. The graves of the head of the family (household) shall be compensated with a cow, goat and R5000.00 for ritual purposes. Every grave there after within the household will be compensated at a rate of R4000 plus a goat per grave to be relocated.

Ithuna lekhandla lomuzi liyonxephezelwa ngenkomo, kanye nembuzi kanye no R5000.00 wokwenza umsebenzi. Onke amathuna emva kwalokho ngaphakathi komuzi ayonxephezelwa ngenani elingango R4000 nembuzi ithuna ngalinye elisusiwe

- l. The Mine will pay the actual cost and or not more than the capped amount as outlined above and relocation rates will be reviewed annually taking into account market conditions and inflation.

Imayini iyokhokha izindleko eziyinani elibekiwe elingeke libe ngaphezulu kwalelo okugcinwe kulo elihambisana nalamanani achazwe ngenhla bese kuthi amanani okususwa kwabantu ayobuyekizwa unyaka nonyaka kubukwa isimo sezimakethe sangalesosikhathi kanye nokwenyuswa kwemali ngokwesimozimali sezimakethe.

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