Tendele
COAL MINING

"TM26"

15 May 2019

Ophondweni Directly Affected Community (as listed below) (DAC)
Umphakathi wabathinteka ngqo waso-Ophondweni (DAC)

Dear Ophondweni DAC,

Ngyabingelela Mphakathi othinteka ngqo waso-Ophondweni

RE: Formal Offer to the Ophondweni DAC "Group of 15"

RE: Incwadi shloniphekile yesiphakamiso sokugcina ku Mphakathi othiteka ngqo waso-Ophondweni

Following the meeting with the Ophondweni Group of 15 in the presence of the DMR on 16 April 2019 (attendance register attached), this letter serves as a Formal Written Offer ("Offer"), to the Ophondweni DAC members listed below. It is also note that DMR stated if the Mine and Community cannot find common ground and a way forward, they (DMR) will have no choice but to withdraw and terminate the Section 54 process, and the Mine will then have the choice of requesting arbitration process (that will simply apply the law and look at commercial values in the area) and or hand the matter over to ITB the land holders to follow a legal process.

Emva komhlangano obuphakathi kwethimba labasuswa abawu 15 Kanye nethimba le DMR obungomhlaka 16 Ephreli 2019.Lencwadi iyisiphakamiso sokugcina esibhaliwe esenzelwe umphakathi othinteka ngqo abasohlwini olulandelayo ngezansi. Kuzokhumbuleka ukuthi umnyango wezokumbiwaphansi ukubeke kwacace ukuthi uma imayini nomphakathi bengafinyeleli kwisisombululo bona bengumnyango bazohoxa base bengamula isigatshana somthetho wezokumbiwphansi isigaba 54, Imayini iyobe isithatha isinqumo noma udaba iludlulisela enkantolo nokuyilapho kuyosetshenziswa umthetho olawula intengo yempahla endaweni noma belidlulisele kwi ITB okuyona engamele umhlaba endaweni okuhlongozwa ukumayinwa kuyo nalapho kuyoba sekulandelwa izindlela zomthetho.

Lot No.	Family	Head of Family
23A	Sikhosana	
39	Xulu	Sheila
40	Zulu	Bonginkosi
42	Langa	Nomthandazo
43	Xulu	Lucky
56	Mdluli	Mandla
59	Mabuza	Madangazela
61	Mdletshe	Bonginkosi
64	Mthethwa	Tholakele
67	Dubazane	
69	Jobe	Raymond
109	Mthethwa	Blazi
112	Buthelezi	Mzwandile
113	Nkabinde	Mahhemu
116A	Buthelezi	Dennis

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The value of the offer made by the Mine will differ from homestead to homestead (as each homestead is unique), but each offer will be based on the same Protocol (see attached) that will be used in the negotiations. This is the protocol prior to the changes outlined in this letter.
Isilinganiso sesiphakamiso esenziwa yiMayini sizohluka umuzi nomuzi (njengoba imizi ingafani), nokho isiphakamiso ngasinye siyoncika kunqubomgomo eyodwa (inanyathelisiwe) okuyiyona esetshenziswayo eziingxoxweni.Lenqubomgomo enanyathiseliwe yenziwe ngaphambi kwezinguquko esezenziwe kulencwadi.

In the above meeting, Tendele explained and the DMR confirmed that the "upset allowance" or "base line payment" does not exists in law. Nevertheless, and in order to finalize the relocation process, we have increased our offer in terms of the "upset allowance" from R148 000 to R200 000-
Emhlanganweni ongenhla,IThendele lichazile nomnyango wakuqinisekisa ukuthi isinxephezelo asikho emthethweni. Kodwa-ke ukuze kuqedelwe izingxoxo zokususwa sinqume ukusinyusa isiphakamiso sesinxephezelo sisuka ku R148 000 kuya R200 000-.

In order for the Mine to make a fair offer the following steps need to take place.
Ukuze iMayini ikwazi ukwenza isiphakamiso esinobulungiswa,lokhu okulandelayo kumele kwenzeke

1. A Mine representative be allowed to measure the DAC Homestead (understand the size of each dwelling, the improvements, gardens, etc), to complete an information sheet.
   Ukuvunyelwa komele iMayini ukukala izindlu (ukuqonda ubukhulu bezindlu, okwenziwe ngaphezulu, izingadi, nokunye) ukulekelela ukugcwalisa kwephepha lokuqoqa ulwazi.
2. All family graves be shown to the Mine.
   Ukukhonjiswa komele imayini onke amathuna omndeni
3. One on one negotiations to take place between the Home owner and the Mine.
   Ukuqala kwezingxoxo phakathi komele ikhaya neMayini
4. A calculation sheet to be used in the negotiations (see attached).
   Ukusetshenziswa kwephepha eliqoqa ulwazi ngekhaya uma kuxoxiswana
5. A formal offer to be made and to be negotiated.
   Ukwenziwa kwesiphakamiso kuphinde kuxoxiswane kabanzi
6. Agreements to be signed (see basic draft agreement attached)
   Ukusayinwa kwezivumelwano (isibonelo sohlaka lwesivumelwano sinanyathiselwe)

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Please note that the offer on this letter will also be extended to the 52 families/houses including those who have already signed the contracts This offer concludes the matter only for the 67 houses, and individual agreements will now be negotiated with families separately.

Lesiphakamiso siyodluliselwa emindenini ewu 52 ebivese isisayinile. Lesivumelwane siqondene nemizi ewu 67, nenokuthi kuyoxoxiswana nomndeni ngamunye othintekayo.

It is hereby noted that the offer has been made to the concerned group that represents the families specified above with an understanding that the said group will convey the message/offer to their constituency which in this case is the families concerned. The group has not accepted the offer pending their consultation with the families that they represent.

Kubalulekile ukuphawula ukuthi lesiphakamiso senzelwe idlanzane elingathokozile kanye nemindeni evela ohlwini ngokuqonda ukuthi bayodlulisela umlayezo kubantu ababamele nokuyimindeni yabo. Idlanzane elikasamukeli isiphakamiso nokusalindwe ukuthi baxoxisane nemindeni abayimele.

If individual negotiations are not concluded with all the Ophondweni DAC Community (67 houses) and if the Mine is not able to start Mining and all agreements are not signed by ~~16~~ 31 May 2019, the entire offer to the Ophondweni DAC Community will lapse. The Mine's funding is obtained from commercial banks will terminate on ~~16~~ 31 May 2019, if we can't demonstrate our ability to relocate families and start mining.
Uma ukuxoxisana nemindeni ethintekayo kungasongwa nalabo abathinteka ngqo noma izivumelwane zingasayinwa ngomhlaka ~~16~~ 31 Meyi 2019 lesiphakamiso esenzelwe abasuswa baso Ophondweni siyophelelwa isikhathi. Imayini iboleka imali emabhange ezophelelwa isikhathi ngomhlaka ~~16~~ 31 Meyi 2019 uma singakwazi ukuqinisekisa ukuthi abantu bazosuka ukuze kuqalwe ukumayina.

Regards,

Obhalile,

Lucky Mkhwanazi

Tendele Mine

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	TOTAL HOUSE VALUE			R421 350
	ADDITIONAL PROTOCOL ITEMS			
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.	R20 000	1	R20 000
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 njengezimbuzi, izimvu noma iziklabhu, izinkukhu,izinkomo kanye nabantu iyobekwa enanini elingu R13 000.00	R13 000	1	R13 000
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, amasonto,izikole,imigwaqo eyitiyela, izitobhi zamabhasi, izindleko zengqalasizinda (Ukufakelwa kwamapayipi amanzi, ukufakelwa ugesi kanye nemigwaqo engenela emakhaya) futhi mayelana neMayini lTendele (Njengoba imayini ingezukukwazi ukunikezela ngezikhala zomsebenzi) Umuzi ngawodwa uyonxephezelwa ngemali ewu R100 000.00	R100 000	1	R100 000
J	Traditional Protocols for customary rituals to relocate the homestead will be 1 cow 1 goat, I 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).	R15 000	1	R15 000

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H2	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 sell since none has bought from Mpukunyoni Traditional Counci Amasimu angatshaliwe ayonxeshezelwa ngo R5000.00 njengoba abantu abasusiwe beyophinde banikezwe umhlaba 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.	R5 000	1	R5 000	It is common practice in the Mpukunyoni area that when you are allocated a new site and you wish to plough; new fields get allocated to you. R5 000 is not a compensation for ownership of fields but any other developments that one could have made e.g. equipping the land for ploughing suitability.
H3	Kraal Isibaya	R2 750	1	R2 750	The cost for treated logs and fencing for an average kraal.
I	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. Odabeni lokuhlukumezeka okubangelwa ukumbiwa kwamathuna alabo abathandiweyo babasuswa bayonxephezelwa ngenani elibekwe ku R2000 umuzi ngamunye. Ukugcinwa kwesiko lesintu, ukumbiwa kanye nokuncwatshwa kabusha kufakwe enanini lemali elingezansi.	R2 000	1	R2 000	Consultation sessions for trauma counselling may not be stipulated as people's healing rates may differ. However, a 45-65 minutes session for R410 would accommodate five members in each household. Some families do a cleansing ceremony to deal with trauma
H1	The planted crops and fruit bearing trees will be compensated considering the harvest at market related prices Izitshalo ezilinyinwe kanye nezihlahla ezinezithelo ziyobhekwa ukuze zinxephezelwe kubukwa isivuno kanye namanani asezimakethe	R0	1	R0	Negotiation takes place between the Mine and the concerned family on the fruit bearing trees. Each case is treated with its own merits.
K1	The graves of the head of the family (household) shall be compensated with a cow, goat and R5000.00 for ritual purposes Ithuna lekhanda lomuzi liyonxephezelwa ngenkomo, kanye nembuzi kanye no R5000.00 wokwenza umsebenzi.	R15 500	1	R15 500	It is common practice of the area within the defined culture that a cow and a goat be available for a ritual of a head of a family. The R5 000 is for the grocery and other accessories. Baseline for negotiation as some families advise otherwise during the exhumation discussion which may possibly result in consideration of such reasonable concessions.
K2	Every grave there after within the household will be compensated at a rate of R4000 plus a goat per grave to be relocated. Onke amathuna emva kwalokho ngaphakathi komuzi ayonxephezelwa ngenani elingango R4000 nembuzi ithuna ngalinye elisusiwe	R5 500	1	R5 500	If the grave does not belong to the head of family, a goat normally suffices for a ritual whereas the amount of R4 000 helps in the collection of traditional beer ingredients, mielie meal and other necessary things. On the cost of cows and goats, the Mine normally buys such for communities and thus the cost in the area is clearly known to the Mine. If a need for sample invoices arise, the Mine is happy to provide such to the DMR.
	SUB TOTAL 2				
	ADDITIONAL PROTOCOLS TOTAL 1+2				
	TOTAL COMPENSATION			R600 100	

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