

**APPLICATION FOR GRAVE RELOCATION PERMITS, EXHUMATION
AND REBURIAL SERVICES FOR THE SWAZI RAIL LINK PROJECT –
NEW LINK**

**EXHUMATIONS AT NEWSTEAD FARM NEAR LOTHAIR IN
MSUKALIGWA LOCAL MUNICIPALITY MPUMALANGA,
UNDERTAKEN IN TERMS OF SECTION 36 OF THE NATIONAL
HERITAGE RESOURCES ACT (NO 25/1999)
FEBRUARY 2019**

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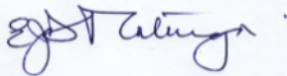
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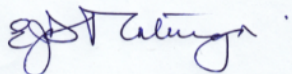
	Name	Signature	Date
FIELD WORK & REPORT	E. Matenga		11/03/2019

DECLARATION OF INDEPENDENCE

Dr Edward Matenga an independent consultancy: I hereby declare that we have no interest, be it business, financial, personal or other vested interest in the undertaking of the proposed activity, other than fair remuneration for work performed, in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999).

DISCLAIMER

All possible care was taken to identify and document heritage resources during the survey in accordance with best practices in archaeology and heritage management. However it is always possible that some hidden or subterranean sites are overlooked during a survey. The researcher will not be held liable for such oversights and additional costs thereof.



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TABLE OF CONTENTS

1. INTRODUCTION.....	6
1.1. Brief description of the scope of the project.....	6
2. LOCATIONAL DETAILS AND HISTORY	7
2.1. Location and setting.....	7
2.3. The burial ground	10
3. LEGAL FRAMEWORK	13
3.1. Protection of Graves and Burial Grounds.....	13
3.2. International best practices.....	13
4. METHODOLOGY	14
4.1. Archaeological salvage of graves	14
5. FINDINGS	15
5.1. Summary of Findings.....	15
5.2. Reburial.....	16
5.3. Family ceremonies and rituals.....	16
6. CATALOGUE OF GRAVE AND FINDINGS.....	17
ANNEXURE I: LAYOUT MAPS OF THE BURIAL GROUNDS.....	19

EXECUTIVE SUMMARY

1. Transnet SOC Ltd appointed Mbofho Consulting and Project Managers (MCPM) to apply for a permit from the South African Heritage Resources Agency (SAHRA) for the exhumation and relocation of one (1) grave of Linah Khumalo from a burial ground on the Farm Newstead. Transnet SOC Limited (hereinafter referred Transnet) is a government (state) owned company (SOC) and is the custodian of South Africa's railway, ports and pipelines, and in the capacity responsible for delivering reliable freight transport and handling services that satisfy customer demand. Transnet in collaboration with Swaziland Railway identified the construction and upgrade of the railway line between Davel in Mpumalanga and Richards Bay in KwaZulu- Natal, connecting via the Swaziland rail network, as a strategic project. The aim of the project is to unlock the potential of a multinational strategic rail corridor and divert general freight traffic off the dedicated heavy haul Richards Bay coal line which runs from Ermelo through rural Kwa-Zulu Natal to Richards Bay.
2. The proposed development entailed the relocation of approximately 88 graves located on three burial grounds near Lothair on the farms Bloemakrans Portion 1, Bloemkrans Portion 12 and Newstead Farm.
3. On Newstead Farm, one (1) grave of three year old Linah Khumalo (Serial No: 5368532) out of 18 graves was the subject of the exhumation and relocation permit application in terms of Section 36 of the National Heritage Resources Act. It represented an infant.
4. The burial represented a three year old infant. With benefit of having been involved in the exhumation of later graves covered by the Human Tissue Act (No 65 / 1983), there is a noticeable difference between grave chambers of adults and those of infants. In adult burials the skeleton lay directly below the gravestones or grave markers. The body in an extended (straight) posture, face up, was either put in a coffin or wrapped in a cloth. The grave shafts were rectangular, while the actual chamber in which the coffin was laid was a narrower rectangle excavated further downwards thereby creating a step or terrace on each of the longer sides of the

shaft. Timber was laid across to cover the chamber before a metal cover was placed over (in some cases) and the grave shaft refilled with soil.

5. On the other hand three-year old Linah Khumalo was buried in a side chamber, a cavity carved in the earth on the side of the shaft. The cavity was empty the remains having apparently decomposed away. The half-dome shaped cavity had a maximum height of 110 cm, 90 cm in horizontal depth and 150 cm in diameter. The entrance was closed by one course of stones at the bottom and the timber at the top. The rationale of this practice was explained; it is embedded in an African worldview expressing emotions about premature / infant mortality and entrenched beliefs about witchcraft. The body is “hidden” in case someone maliciously intends to come and retrieve it (in which case it would difficult to find it).

6. *Summary of Findings*

NO	AGE GROUP	CULTURAL MATERIAL
5638532	3 years old infant	Half-dome chamber, one course stone wall at entrance, timber closing the entrance.

7. *Reburial*

Soil was taken as symbolic representation of the deceased and reburied at a new burial ground on the same farm (GPS Coordinates: Lat: 26°28'41.50"S; Long: 30°36'44.70"E). A map of the burial ground showing the position of the new graves is annexed to this report.

8. *Family ceremonies and rituals*

A budget was provided to cater for the performance of family ceremonies or rituals before and after exhumations. Such performances were deemed to be private affairs and no further details are available.

1. INTRODUCTION

1.1. Brief description of the scope of the project

Transnet SOC Ltd appointed Mbofho Consulting and Project Managers (MCPM) to apply for a permit from the South African Heritage Resources Agency (SAHRA) for the exhumation and relocation of one (1) grave of Linah Khumalo from a burial ground on the Farm Newstead. Transnet SOC Limited (hereinafter referred Transnet) is a government (state) owned company (SOC) and is the custodian of South Africa's railway, ports and pipelines, and in the capacity responsible for delivering reliable freight transport and handling services that satisfy customer demand. Transnet in collaboration with Swaziland Railway identified the construction and upgrade of the railway line between Davel in Mpumalanga and Richards Bay in KwaZulu- Natal, connecting via the Swaziland rail network, as a strategic project. The aim of the project is to unlock the potential of a multinational strategic rail corridor and divert general freight traffic off the dedicated heavy haul Richards Bay coal line which runs from Ermelo through rural Kwa-Zulu Natal to Richards Bay.

The project scope of work encompasses various streams of work, including the upgrading of existing railway sections and construction of an entirely new rail link from Lothair (RSA) to Sidvokodvo in Swaziland.

The proposed development entailed the relocation of approximately 88 graves located on three burial grounds near Lothair on the farms Bloemakrans Portion 1, Bloemkrans Portion 12 and Newstead Farm.

The Consultant is expected to provide the following key specialist services:

- Social Consultation
- Community meetings
- Public legal notices of the intended relocations
- Permit applications to the relevant authorities
- Obtain relevant permits
- Determination of wake fees to next of kin
- Exhumation and relocation action plan

Exhumation and relocation of graves is managed in terms of the following pieces of legislation and regulation:

- *Sections 36 of the National Heritage Resources Act (NHRA) (No 25 of 1999),*
- *The Human Tissues Act (No 65, 1983); and*
- *Regulations relating to the management of Human remains (Gazette 36473, Notice R363)*

Consent to move the graves must be duly granted by the affected families or persons affiliated to the graves. Where graves have not been identified permission for exhumation and relocation is granted under Section 36 of the NHRA.

The issue of graves may provoke intense emotions, and in due respect of public sensibilities, a comprehensive public participation process underpins success of this project.

2. LOCATIONAL DETAILS AND HISTORY

2.1. Location and setting

Newstead Farm (GPS coordinates: 26°30'00.1"S, 030°37'39.5"E¹) is situated 25 km southeast of Lothair and 15 km north of Amsterdam (Figure 1). The burial ground was located on the north side of the R31 highway which trends north from Amsterdam and ends in a T junction with the N17 highway from Ermelo to the Swaziland border. One kilometre north of the burial ground there is a fork (Y) junction with a direct link road to Lothair offsetting from the R31. The Westoe Dam is a significant landmark in the vicinity; the dam wall can be seen 300 m away to the south across the R31. It was built in 1968 on the Usuthu River. The river is also an important geographical landmark forming the northern border between Swaziland and South Africa, becoming the Maputo River and a southern-most section of the border between South Africa and Mozambique.

¹ Location of the burial ground

Newstead Farm specialises in agroforestry with primary processing plants situated on the farm.

The major population centres are Lothair and Amsterdam 25 km and 15 km distance to the northwest and southeast respectively. Lothair established in 1878 by Scottish immigrants and is believed to be named after Benjamin Disraeli's novel of the same name published in 1870.² Benjamin Disraeli was twice the Prime Minister of Great Britain (1868, 1874-1880).

Amsterdam was established by Scottish settlers in 1868. Initially called Roburnia in honour of the Scottish Poet, Robert Burns, the name was changed to Amsterdam in 1882 after the Dutch capital city in gratitude for Dutch moral support during the first Anglo-Boer War (1880-1881).³

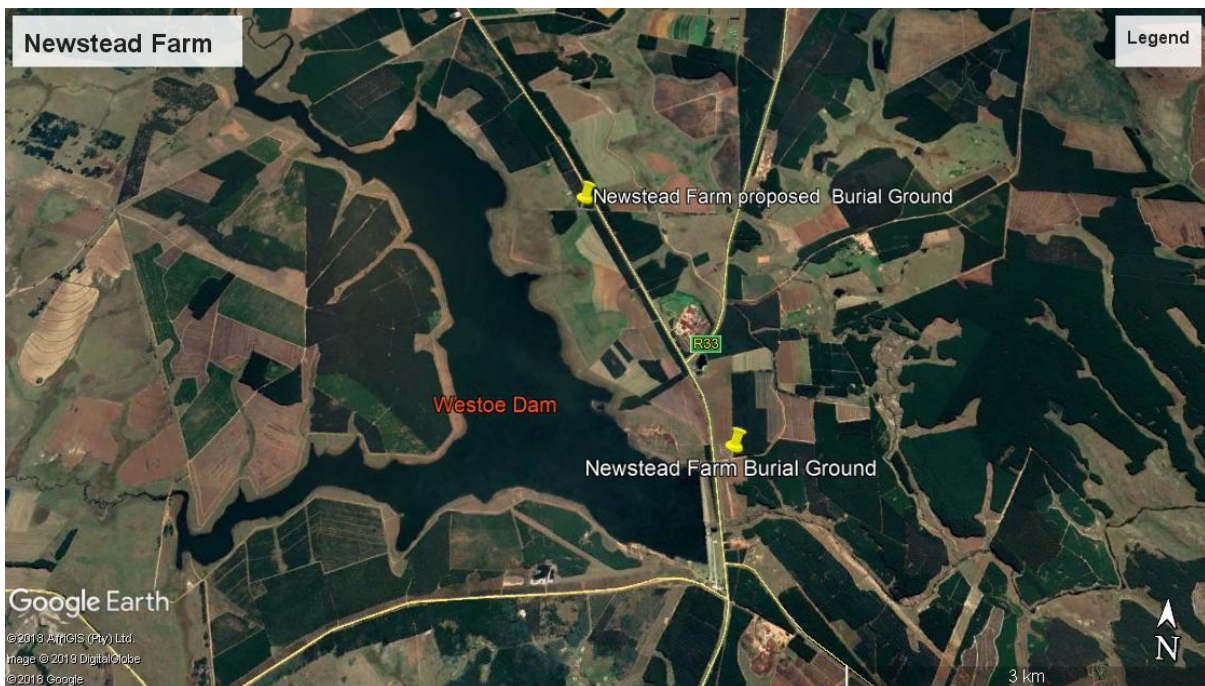


Figure 1: Google-Earth Map shows the location of the burial ground on the Newstead Farm

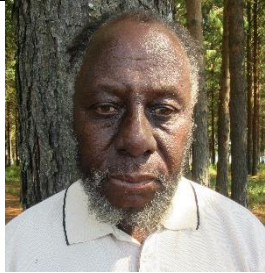


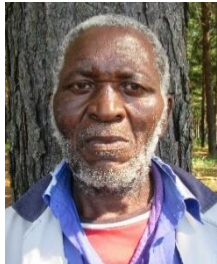
² Lothair. Found at: <https://www.goodreads.com/book/show/844190.Lothair> Consulted March 2019.

³ Amsterdam, Mpumalanga. Found at: https://en.wikipedia.org/wiki/Amsterdam,_Mpumalanga Consulted March 2019.

2.2. Brief history of the Khumalo Family

Mr Petros Khumalo, patron of the family born in 1952, was a second generation worker (now retired) and resident on Newstead Farm. The family is of Zulu stock. Petros's father, Albert Khumalo born in 1922, was working on the farm. The deceased is Petros's sister (Table 1, Figure 2).

Table 1: Representatives of the Khumalo family

SURNAME	Khumalo	FIRST NAME	Petros	CLAIM NO	
 Petros Khumalo		 Emelina Kumalo		 Freda Shoba	
 Tholo Thabethe					
PLACE OF BIRTH	Newstead farm		PROVINCE	Mpumalanga	
ADDRESS	Newstead Farm		TOWN	Lothair	
CELL	076 865 5674 / 072 379 9171		EMAIL	-	
NO OF GRAVES	Eighteen (18)				
PROPOSED REMEDIAL ACTION	Traditional family ceremony with all necessary provisions. From A to B				
INFORMANT IDS					
DECEASED DOCS	X				
RECORDED BY	M.A Silidi / E. Matenga	INSTITUTION	Mbofho Consulting &Project Managers		
DATE	24 April 2018				

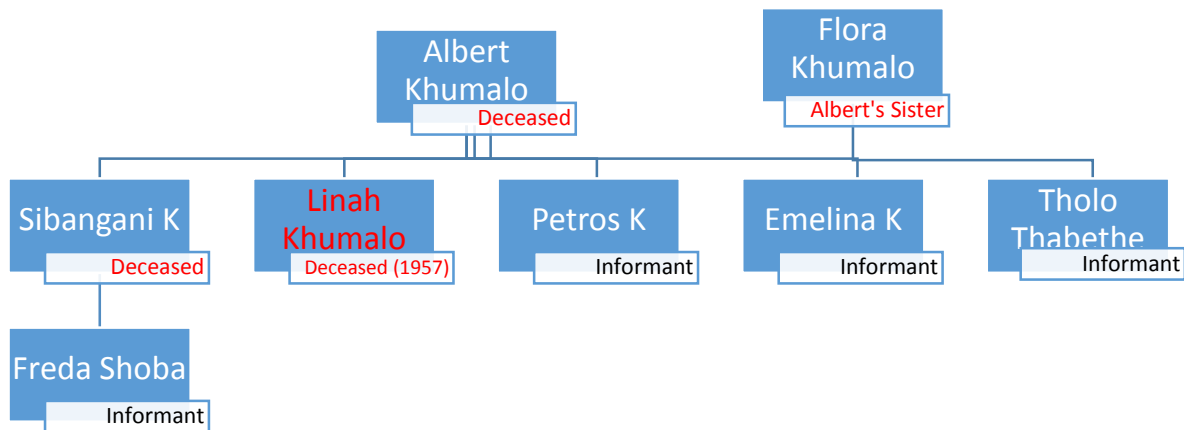


Figure 2: Kinship matrix of informants and the deceased - Linah Khumalo (Grave Serial No: 5368532) who died in 1957. Exhumation undertaken in terms of Section 36 of the National Heritage Resources Act.

2.3. The burial ground

The Burial Ground on Newstead Farm held eighteen (18) individual graves (Figure 3, Table 2, Annexure I). One of the deceased, Linah Khumalo (No 5368532), died in 1957. The burial was therefore more than 60 years old. Section 36 of the National Heritage Resource applied with respect to this grave, under which an exhumation permit was issued by SAHRA to pave way for exhumation and relocation.



Figure 3: The burial ground on Newstead Farm holding 18 graves a majority of them members of the Khumalo family.

Table 2: Photo documentation of Linah Khumalo's grave.

PHOTO DOCUMENTATION

NAME: Linah Khumalo, Serial No: 5368532



3. LEGAL FRAMEWORK

3.1. Protection of Graves and Burial Grounds

Section 36 of the NHRA provides for the protection of certain graves and burial grounds. Graves are generally classified under the following categories:

- Graves of victims of conflict;
- Graves younger than 60 years;
- Graves older than 60 years, but younger than 100 years;
- Graves older than 100 years; and
- Graves of individuals of royal descent
- Graves that have been specified as important by the Ministers of Arts and Culture.

This study is however mindful of public sensibilities about the sanctity of graves and burial grounds whether they are protected by the law or not.

3.2. International best practices

The **World Archaeological Congress (WAC)** has set international ethical standards for the treatment of human remains. In 1989 the WAC Inter-Congress in South Dakota (USA) adopted the **Vermillion Accord on Archaeological Ethics and the Treatment of the Dead**.

Accordingly:

- (i) Respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.*
- (ii) 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.*
- (iii) Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.*

- (iv) *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.*
- (v) *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.*
- (vi) *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.*

4. METHODOLOGY

4.1. Archaeological salvage of graves

Over time an appropriate methodological toolkit has been developed for handling graves unearthed accidentally and seen as standing in the way of a proposed development. SAHRA recommends salvage of the graves and re-interment in a formal cemetery unless there are strong objections from local communities or the next of kin of the deceased where they have been identified.

In most archaeological salvage operations time tends to be a limiting factor; there is no time available for a meticulous operation prioritising documentation and lifting the skeleton with the bones in their respective positions.

While every effort was made to find and collect all the human remains, time constraints precluded detailed investigation of many other aspects of human burials and mortuary practices of great interest to science. These include isolating the burial shaft from its natural surroundings, detailed documentation of the soil fill and examination of the skeleton itself for specific attributes such as age, gender and other physical and cultural characteristics of the deceased.

5. FINDINGS

A photo documentation of the attributes of the burial are presented in a Catalogue in Section 7 of this report.

The burial represented a three year old infant. With benefit of having been involved in the exhumation of later graves covered by the Human Tissue Act (No 65 / 1983), there is a noticeable difference between grave chambers of adults and those of infants. In adult burials the skeleton lay directly below the gravestones or grave markers. The body in an extended (straight) posture, face up, was either put in a coffin or wrapped in a cloth. The grave shafts were rectangular, while the actual chamber in which the coffin was laid was a narrower rectangle excavated further downwards thereby creating a step or terrace on each of the longer sides of the shaft. Timber was laid across to cover the chamber before a metal cover was placed over (in some cases) and the grave shaft refilled with soil.

On the other hand three year old Linah Khumalo was buried in a side chamber, a cavity carved in the earth on the side of the shaft. The cavity was empty the remains having apparently decomposed away. The half-dome shaped cavity had a maximum height of 110 cm, 90 cm in horizontal depth and 150 cm in diameter. The entrance was closed by one course of stones at the bottom and the timber at the top. The rationale of this practice was explained; it is embedded in an African worldview expressing emotions about premature / infant mortality and entrenched beliefs about witchcraft. The body is “hidden” in case someone maliciously intends to come and retrieve it (in which case it would difficult to find it).

5.1. Summary of Findings

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5638532	3 years old infant	Half-dome chamber, one course stone wall at entrance, timber closing the entrance.

5.2. Reburial

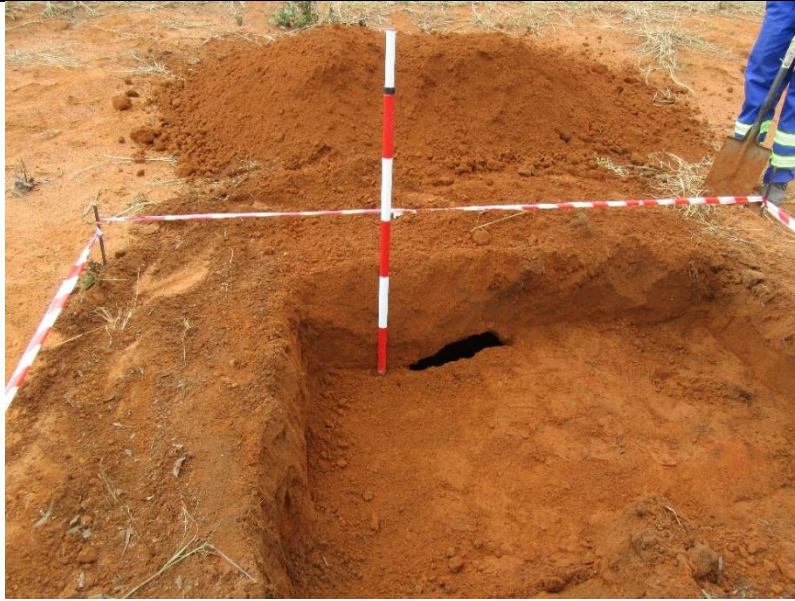
Soil was taken as symbolic representation of the remains and reburied at a new burial ground on the same farm (GPS Coordinates: Lat: 26°28'41.50"S; Long: 30°36'44.70"E). A map of the burial ground showing the position of the new graves is annexed to this report (Annexure I).

5.3. Family ceremonies and rituals

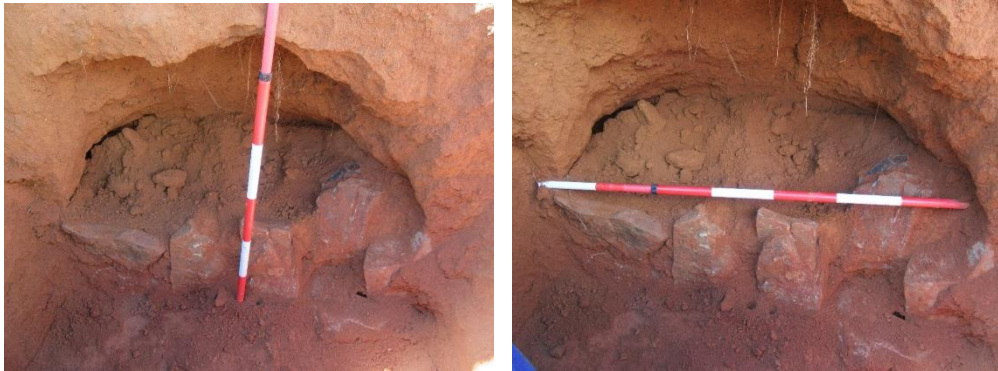
A budget was provided to cater for the performance of family ceremonies or rituals before and after exhumations. Such performances were deemed to be private affairs and no further details are available.

6. CATALOGUE OF GRAVE AND FINDINGS

NAME OF DECEASED	SERIAL NUMBER	DATES
Linah Khumalo	5368532	20/05/1954 - 12/12/1957
OBSERVATIONS  		



At 40 cm a cavity began to show on the western wall of the trench.



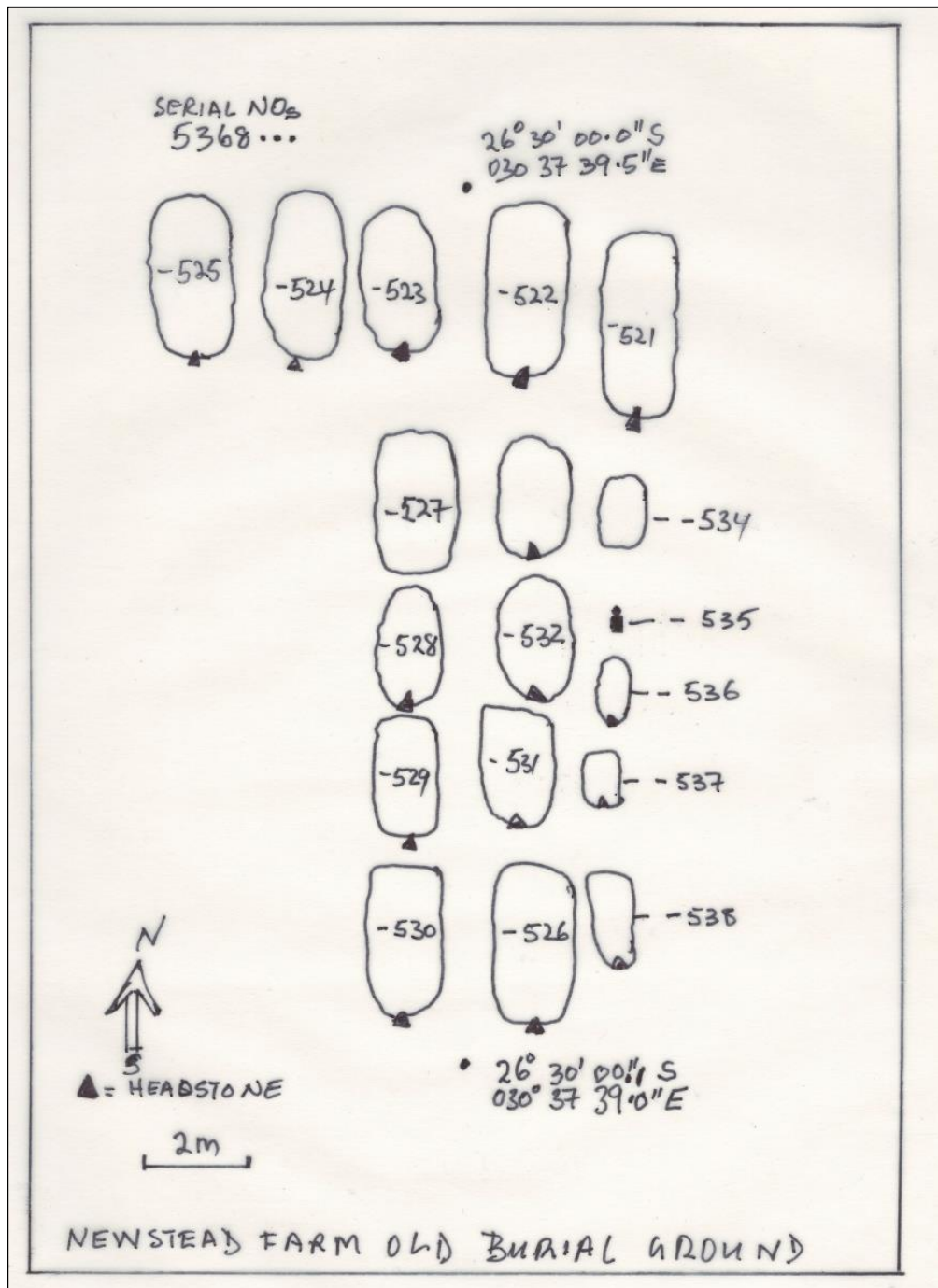
The housing was a dome chamber, a semi-circle in horizontal layout, 150cm diameter x 90 cm horizontal depth x 110 cm high. Lining of stone at the entrance.

FINDS

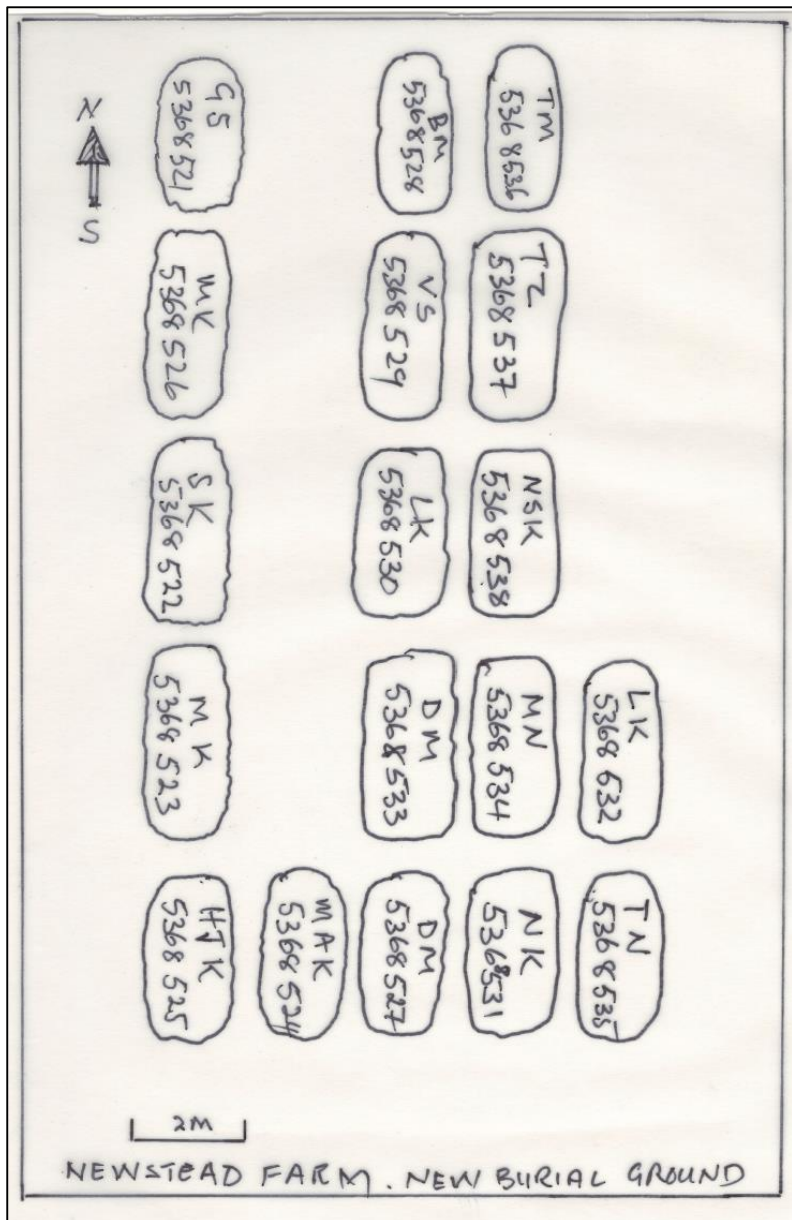


Splinters of decomposed timber found in the chamber. No human remains found.
Timber splinters & soil taken for reburial.

ANNEXURE I: LAYOUT MAPS OF THE BURIAL GROUNDS



i) Layout map of old burial ground, Newstead Farm.



ii) Layout of new burial ground on Newstead Farm.

7. REFERENCES

Republic of South Africa. 1999. The National Heritage Resources Act (No 25/1999)

World Archaeological Congress. 1989. Vermillion Accord on Archaeological Ethics and the Treatment of the Dead.

Lothair. Found at: <https://www.goodreads.com/book/show/844190.Lothair> Consulted March 2019.

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