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AMAFA Permit Application: Proposed Exhumation and Relocation of thirty-five (35) Graves to be impacted by the Lower Umkhomazi Bulk Water Supply Scheme Phase 1: Vulamehlo Municipality of the Ugu District, Kwazulu-Natal, South Africa.

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## TECHNICAL SUMMARY

Property details	
Province	Kwazulu- Natal
Magisterial District	Ugu District
Topo-cadastral map	3030
Coordinates	S 30°.08'39.01" E 30°.36'.08.07
Closest town	Craigie burn CBD
Farm name	

Development criteria in terms of Section 38(1) of the NHR Act	Yes	No
Construction of road, wall, power line, pipeline, canal or other linear form of development or barrier exceeding 300m in length	Yes	
Construction of bridge or similar structure exceeding 50m in length	Yes	
Development exceeding 5000 sq. m	Yes	
Development involving three or more existing erven or subdivisions	Yes	
Development involving three or more erven or divisions that have been consolidated within past five years		No
Rezoning of site exceeding 10 000 sq. m	Yes	
Any other development category, public open space, squares, parks, recreation grounds		

Development	
Description of development	Lower Umkhomazi Bulk Water Supply Scheme Phase 1: Ngwadini Advance Work
Project name	Lower Umkhomazi Bulk Water Supply Scheme Phase 1: Ngwadini Advance Work
Developer	Umgeni Waters
Heritage consultant	Millennium Heritage Group (Pty) Ltd
Purpose of the study	Permit Application to relocate thirty-five (35) burials to be impacted by the proposed Ngwadini Dam development.

Land use	
Previous land use	Vacant land
Current land use	Vacant land

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# INTRODUCTION

This proposal seeks to obtain a permit to exhume and relocate 35 graves to be impacted by the proposed Lower Umkhomazi Bulk Water Supply Scheme Phase 1. The project is part of the Ngwadini Advance Work Project in Vulamelo Municipality, Ugu District, KwaZulu-Natal. Umgeni Water attained environmental and heritage authorizations to proceed with the development of the Lower Umkhomazi Bulk Water Supply Scheme Phase 1: Ngwadini Advance Work which encompasses the construction of an off-stream earth embankment storage dam in the Ngwadini River Valley, a tributary of the Umkhomazi perennial stream (Fig 1). The study area is located 51 km Southwest of Durban Central Business District (CBD), roughly 15,11 Kilometers Northwest of Craigie Burn CBD, and 3.8 kilometers West of Kwa-Qiko residential sites within the Ngwadini River valley.

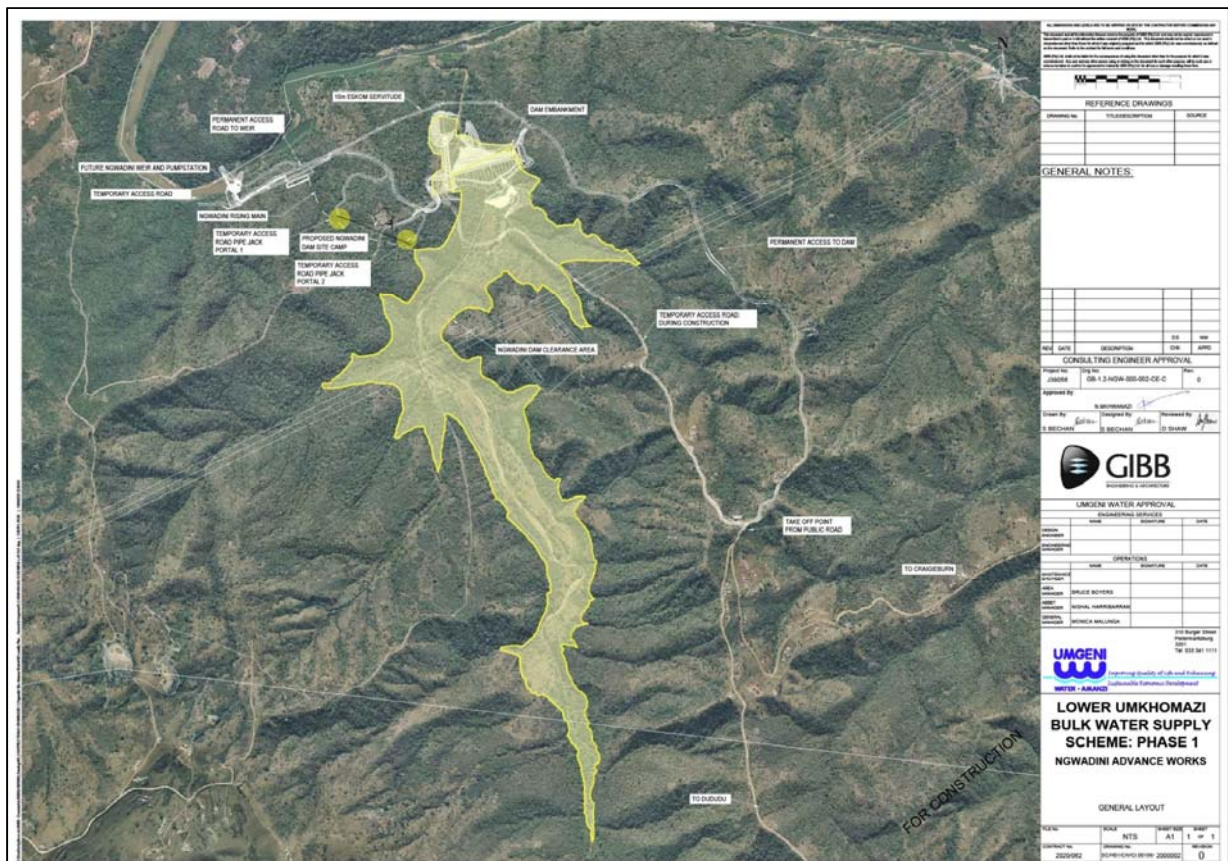


Figure 1: Proposed Ngwadini dam plan drawing adapted from Google earth Map.

Topographically, the proposed Ngwadini dam construction site is characterised by undulating ridges with exposed granite outcrops, valleys and floodplains currently covered by natural vegetation and varied undergrowth dominated by species of grass cover (add source). Previously, the area was settled by populations that left homesteads whose remains are distributed on both sides of the Ngwadini Riverbank. Oral traditions posit that the valley was widely known as elephant hunting grounds by the late Inkosi Bele (add source). A confirmatory field visit performed in October 2021 with members of families and relatives of the deceased identified remnants of settlements and associated burial grounds. This open vast land is currently used for firewood collection and as grazing land by the local communities.

As part of the environmental authorization process for the proposed Lower Umkhomazi Bulk Water Supply Scheme Phase 1: Ngwadini Advance Work, a heritage impact assessment study was conducted and approved (eThembeni Cultural Heritage, 2006). The HIA recorded grave sites within and adjacent to the proposed development footprint. In 2021, Millennium Heritage Group (PTY) LTD was appointed by Umngeni Water to apply for permits to facilitate grave exhumation as part of the project. As part of the application processes, we conducted a confirmatory field visit accompanied by representatives of the Inkosi and members of the affected families. It was confirmed that 35 graves will be affected by the proposed development, thereby motivating their relocation following the provisions of the National Heritage Resources Act (1999), Kwazulu-Natal Heritage Act (No10 of 1999), Kwazulu-Natal Research Institute Act (5 of 2018), the Human Tissue Act (1983) and other ancillary regulations. Given high levels of sensitivities involved, grave relocation is generally preceded by consultative and technical processes that fulfill legislative provisions and cultural requirements of the relatives of the deceased. The relevant family and next of kin permissions were obtained to support this application.

## **PROJECT DESCRIPTION**

The proposed development will entail the following:

- (a) River Diversion works consisting of a 13.5m high upstream cofferdam, 3.5m high downstream cofferdam, 105m long excavated diversion channel and a 4.5m, 250m long

concrete diversion conduit closed off on the upstream side with two approximately 2m wide by 4.5m high stoplogs;

(b) Outlet Works located near the middle of the valley against the right abutment, comprising:

1. A wet and dry well multi-level Intake Tower, 52 m high with two 800mm diameter pipe stacks, trash racks, fine screens, emergency gates; intake butterfly valves, flow meters, isolating butterfly valves, 1 No 200mm diameter outlet sleeve valve for low flows and 2 No 500mm diameter outlet sleeve valves designed to release up to 1.7 m<sup>3</sup>/s. This system can also be used to draw down the reservoir level during an emergency, and
2. A 15t Gantry crane in a Control Building on top of the Intake Tower for installation and removal of fine screens, emergency gates, flow meters and valves;

(c) Concrete faced rockfill embankment dam with an approximately 300 m long crest length, 52 m high with different material zones. The plinth at the base of the concrete face will be founded on ground table rock in an excavation about 30 m wide at its base up to 15m below original ground level. Grouting will be through the plinth into the foundation bedrock. The underlying geology is granitic-gneiss;

(d) An approximately 30m long clay core rockfill embankment on the right abutment of the dam with a height of 18m. This embankment is separated from the concrete faced rockfill embankment by a concrete retaining wall;

(e) An approximately 20 m long clay core rockfill embankment on the left bank between the spillway structure and left bank.

(f) Foundation treatment for concrete structures where required;

(g) An 80m long, four-span bridge providing access from the right abutment to the top of the Intake Tower.

(h) A 40m free discharging side channel spillway with 10m wide, 170m long trapezoidal chute and flip bucket discharging water into a pre-excavated plunge pool against the left abutment.

(i) A 17m long, single-span bridge providing vehicular access across the spillway to the left abutment.

(j) Paved access roads along the embankment crest and downstream face and to the Intake Tower access bridge including culverts, gabions, drains, down-pipes, erosion protection, guardrails etc.

(k) Short sections of permanent gravel access roads either side of the dam crest to complete the permanent access road to the dam wall and on to the Ngwadini Abstraction Works (ie to finalise the permanent access roads established under the Advance Works Contract).

(l) Design, detailing, fabrication, procurement, installation and Tests on Completion of:

2. Hydro-mechanical and mechanical equipment and Plant;
3. All pipe work and linings
4. Electrical installations, systems control and instrumentation and Plant;
5. Dam monitoring instrumentation;
6. Flow measuring instrumentation; and
7. Computerised operation and recording systems and data management.

(m) Provision of temporary electrical, water and sewerage services relating to the *Works*.

(n) Provision of permanent electrical, control and instrumentation services relating to the *Works*. These include a solar-powered backup system.

(o) Protection of the environment, rehabilitation and landscaping.



(p) Erection of temporary and permanent fencing and gates and removal of temporary fencing.

(q) Obtaining and treatment of construction materials (rockfill, filters, clay and concrete aggregate) from quarries and borrow areas.

(r) Testing on Completion of the *Works* at various stages, training of Employer's personnel and providing Operating and Maintenance Manuals.

(s) Environmental and OH&S compliance.

(t) Liaison and coordination of construction activities with Advance Works Contractor and Abstraction Works Contractor (see 'Features Requiring Special Attention' in SC C.3.7.7 below).

(u) Remedying of defects in the *Works* during the 12 months Defects Liability Period.

## **LEGISLATION**

Grave exhumation and relocation processes are covered by the following legal instruments:

### *Kwazulu-Natal Heritage Act (Act No 10 of 1997)*

In terms of the Act, section 27 (1) (G) protects graves as heritage resources with high significance. The Act established the following typology of graves or burial grounds that must be protected:

- (i) Ancestral graves
- (ii) Royal graves and graves of traditional leaders
- (iii) Graves of the victims of conflict
- (iv) Graves of important individuals
- (v) Historical graves and ceremonies older than 60 years and
- (vi) other human Tissue Act (Act no 65 of 1983) as amended.

*National Heritage Resources Act of 1999*

In terms of the National Heritage Resources Act (1999) the following sections are applicable to burials which are heritage resources with high intangible and spiritual values.

*Burial grounds and graves*

Subsection 36(3)

No person may, without a permit issued by SAHRA or a Provincial Heritage Resources Authority:

(c) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

(d) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in detection or recovery of metals.

Subsection 36(6) Subject to the provision of any law, any person who during development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority-

(a) carry out an investigation for obtaining information on whether such grave is protected in terms of this Act or is of significance to any community; and

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to plan for the exhumation and re-interment of the content of such grave or, in the absence of such person or community, make any such arrangement as it deems fit.

*The Human Tissues Act (65 of 1983)*

This Act protects graves younger than 60 years. These falls under the jurisdiction of the National Department of Health and the Provincial Health Departments. Approval for the exhumation and reburial must be obtained from the relevant Provincial MEC as well as the relevant Local Authorities. Public consultation is essential in all this.

#### *Additional legislation*

The exhumation and relocation of graves also triggers other legal instruments. These include the Health Act 61 of 2003, the Burial Ordinance of 1965 (Ordinance 18 of 1965), Ordinance on Exhumation (Ordinance no 12 of 1980, Local Authorities Notice 126, Cemetery and By-law no. 1262, Sections 42-46), Removal of Graves and Dead Bodies Ordinance (Ordinance 7 of 1925) and the Human Tissue Act (Act no 65 of 1983 as amended).

Guided by these legal instruments and results of social consultation processes, this proposal will adopt the approach and methodology outlined below.

### **APPROACH AND METHODOLOGY**

A combination of approaches was used to identify the burials as part of the permit application process. This included a desktop study including the HIA study conducted by e-Thembeni Cultural Heritage in 2006. Because a long time had elapsed, we performed confirmatory field visits and had several meetings with the Kwa-Qiko local community and their Inkosi. We were given family representatives to help us identify the graves for documentation. In addition, the Inkosi gave us two members of the Kwa- Qiko village, Mr. Bhekukwenza Bueleni Latha and Mr. Sbonga Bele to work with. During the surveys, graves were identified, and documented including recording their GPS coordinates and photography. A site recording form was completed which included a general description, condition of the burials and any other observable details. The coordinates were plotted on the map of the proposed development as shown in Fig 2 below.

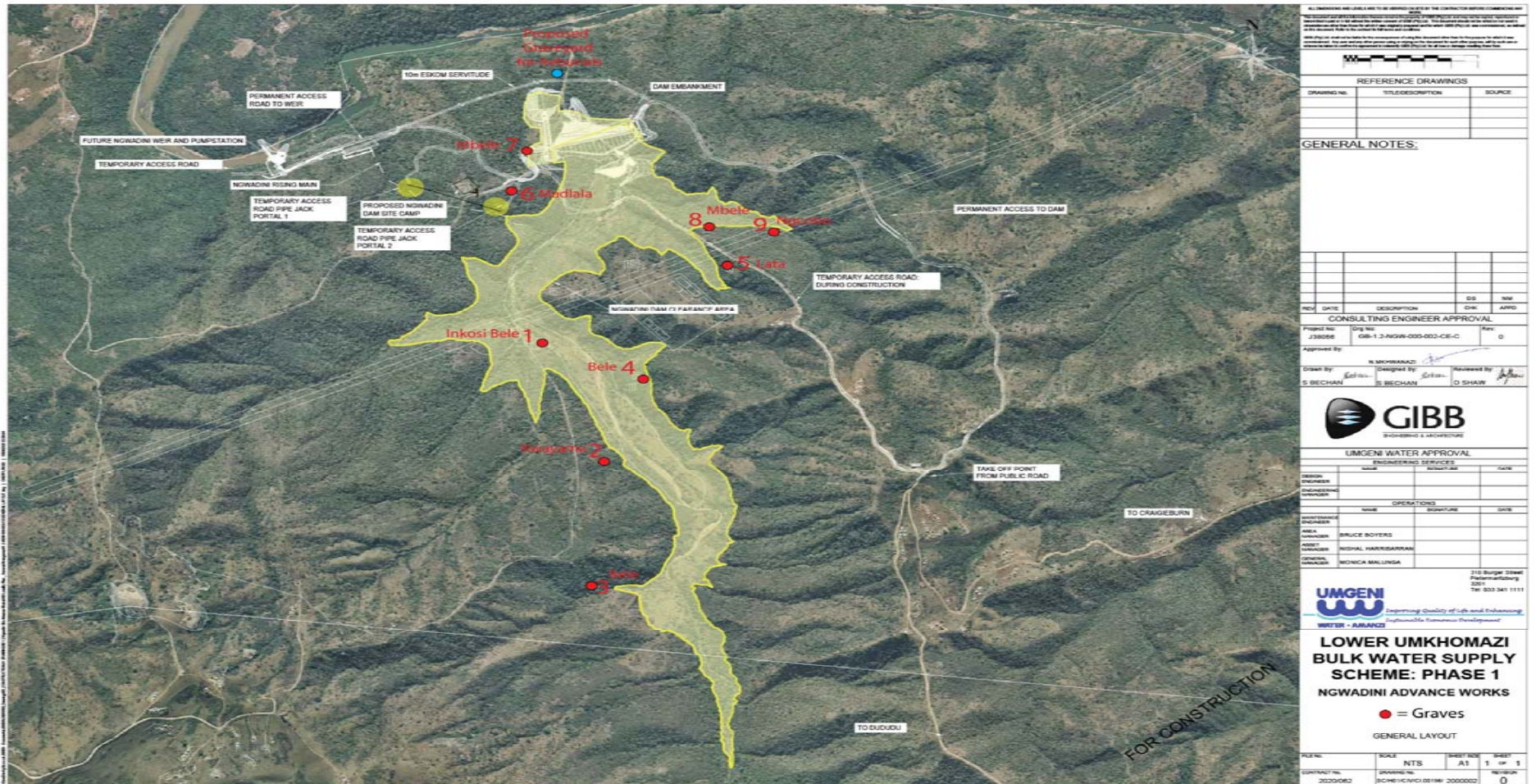


Figure 2: Location of the confirmed 8 graveyards (with 35 individual graves in total) to be exhumed and reburied as part of the project. Map supplied by GIBB.

## DESCRIPTION OF THE BURIALS SITES

Fieldwalking with family members and the next of kin resulted in the confirmation of 33 graves located within eight burial grounds. Of the original reported number of 35, only two could not be verified. Nevertheless, caution required that we had to treat the locations seriously and are including the two as part of the application process. The burials are comprised of those belonging to the ruling family (the Bele family) and those belonging to ordinary people. All these burials are located within the proposed development footprint (the dam and supporting infrastructure such as access roads). A detailed description of the burials is provided below.

### Graves of Inkosi

1. Bele family graveyard (Number of confirmed graves = 4; GPS Coordinates 30°08'39.01"S 30°36'08.07"E)

The Bele family graveyard is situated next to an old settlement positioned roughly 80 meters to the west of Ngwadini Riverbank. Prominent vegetation around the graveyard includes *Syringa* and *Lantana camara* (Verbenaceae) tree species that are commonly associated with human settlements. As noted by the Bele family, the graveyard was part of the homestead of late Chief/Inkosi Manyenyeza Bele who reigned in the 60s. The graveyard contains four graves of members of the royal family. These are easily identifiable, and they are well maintained. They are characterised by grave dressing comprised of granite tombstones, cement plastering, flowerpots, and fencing which secures the yard. As previously recommended, these graves should be exhumed and relocated since they are situated within the footprint of the proposed development.

#### (a) Inkosi Manyenyeza Bele grave

The grave of Inkosi Manyenyeza Bele has a granite tombstone with granite outlines as grave dressings. The headrest has the following inscription: Inkosi Manyenyeza Bele, Wazalwa Nco 1924, wa kothama Nco 1971.





**Figure 3:** Grave of the late Inkosi Manyenzeza Bele

(b) Ngitheni Mambambo Bele grave

1.

The second grave contains the remains of Queen Ngitheni Mambambo Bele who was born in 1880 and died in 1964. It is scripted 'sohlala sikukhumbula njalo' which basically translates to 'we will always remember you'

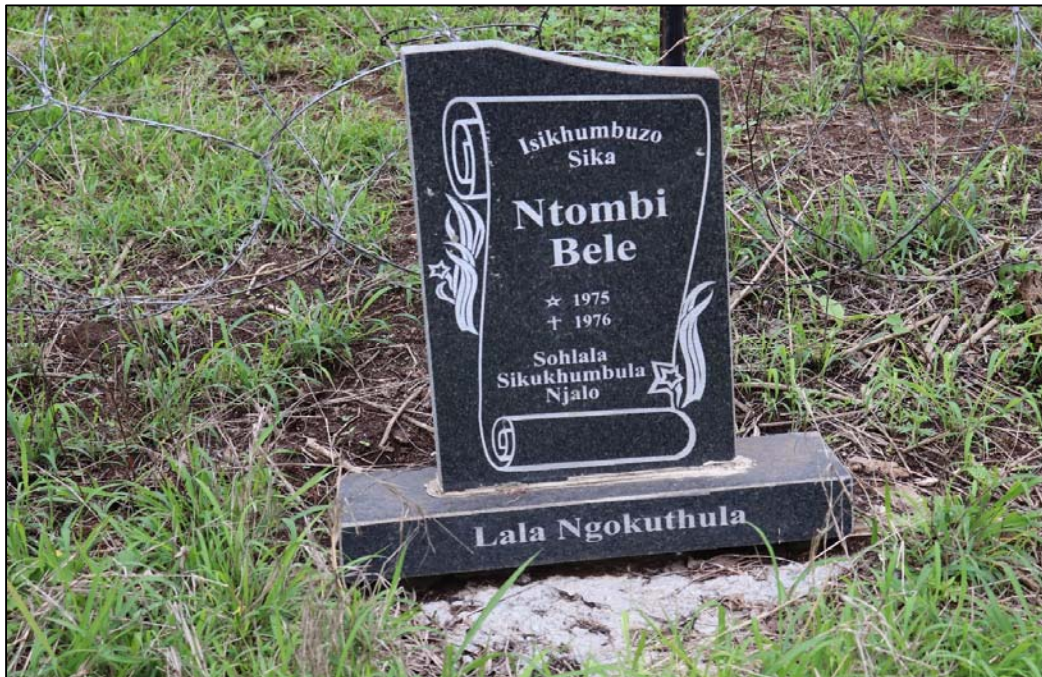




**Figure 4:** Grave of the Queen Ngitheni Mambambo

(c) Ntombi Bele grave

The third grave contains the remains of Ntombi Bele who was born in 1975 and died in 1976. It is scripted 'sohlala sikukhumbula njalo, lala ngokuthula' which basically translates to 'we will always remember you, rest in peace'



**Figure 5:** Grave of Ntombi Bele

(d) Zibuse Bele grave



The fourth grave contains the remains of Zibuse Bele who was born in 1958 and died in 1961. It is scripted 'sohlala sikukhumbula njalo, lala ngokuthula' which basically translates to 'we will always remember you, rest in peace'



**Figure 6:** Grave of the late Zibuse Bele

#### Graves of commoners

2. Kweyama family graveyard (Total Number of graves = 3; GPS Coordinates 30°08'57.08"S 30°36'17.07"E)

The Kweyama family graveyard is situated within the remains of an old settlement which is 122 m to the west of Ngwadini River. The graveyard is covered by overgrown Tamboti (*Spirostachys Africana*) vegetation, but it was possible to identify the three graves. The Kweyama family graves are indicated by mounds of soil with overgrown vegetation. Nevertheless, these graves should be exhumed and relocated since they are situated within the footprint of the proposed Ngwadini dam.





**Figure 7:** Cluster of Three graves that belongs to the Kweyama Family, overgrown vegetation

3. Kwazi Bele family graveyard (Total Number of graves = 3; GPS Coordinates 30°09'16.07"S 30°36'08.05"E)

The Kwazi Bele family graveyard is situated within the remains of an old settlement which is 437 m to the west of Ngwadini River. The old homestead is characterised by dilapidated house floors, and remnants of kitchen utensils such as metal and clay pots, Coca-Cola, and gin bottles. The graveyard is covered by overgrown Acacia species vegetation. Basically, the graves are indicated by raised mounds of soils. *Dichrostachys cineria* and *Tambotie trees* are growing in the area. These graves must be exhumed and relocated since they are situated within the footprint of the proposed Ngwadini dam.





**Figure 8:** Cluster of Three graves of the Kwazi family indicated by soil mounds.



**Figure 9:** View of the three burial grounds





**Figure 10:** Remains of a house in proximity to the identified cluster of three graves

4. Bele family graveyard (Total Number of graves = 5; GPS Coordinates 30°08'44.08"S 30°36'19.09"E)

The Gabade Bele family graveyard is situated within the remains of an old settlement which is 82 m to the east of Ngwadini River. The old homestead is characterised by dilapidated house floors, and remnants of kitchen utensils such as metal and clay pots. Not all the graves are marked: most are characterised by eroded mounds of soil and are situated within the footprint of the proposed development.

(a) Gabade Bele grave

This grave belongs to Gabade Bele who is believed to have been murdered by his family in the 1970s. He was a very close friend of Mr Lata, our local guide.





**Figure 11:** Single grave of Gabade Bele, indicated by mound of soil as grave dressing, overgrown vegetation.



**Figure 12:** Cluster of four graves of the Bele family indicated by soil mounds, these graves are located roughly 200 metres west of the grave of Gabade Bele, in proximity to dilapidated homestead ruins.



5. Lata family graveyard (Total Number of graves = 10; GPS Coordinates 30°08'34.02"S 30°36'25.05"E)

The Lata family graveyard is situated within an old settlement which is 384 m to the east of Ngwadini River. The old homestead used to be inhabited by Mr Lata, our field guide, and his family before they relocated to a new site. It is comprised of the house remains, two bottom grinding stones, gin bottles, grinding stones, pottery sherds, metal scrap, old batteries. The graveyard contains graves of the deceased members of the Lata family. Among these include Balekani Lata (his father), Madlamini Lata (mother), Mamveka Lata (grandmother), Umvonono Lata (grandfather), Twabane Lata (nephew), and Madanisa Lata (nephew). The graveyard is well maintained. All the graves are characterised by soil mounds and there is clear evidence of maintenance which is occasionally done by Mr Lata. Like all the surveyed graves, these should be exhumed and relocated since they are situated within the footprint of the proposed Ngwadini dam.



**Figure 13:** Cluster of six graves indicated by soil mounds as grave dressings.



**Figure 14:** cluster of four children's graves indicated by bottles and glasses

6. Madlala family graveyard (Total Number of graves = 4; GPS Coordinates 30°08'17.06"S 30°36'05.08"E)

The Madlala family graveyard is situated within an old settlement which is 347 m to the west of Ngwadini River. The graveyard is covered by overgrown vegetation, and it is part of an old homestead that used to be inhabited by Madlala family, before they relocated to a new site in 1989. It is comprised of the house remains, bottles, among other debris. All the graves are not marked, and are characterised by eroded mounds of soil, and are situated within the footprint of the proposed development.





**Figure 15:** Grave of the late Mr. Madlala



**Figure 16:** Cluster of three Madlala graves, adjacent to *Agave* sp. Plant. The site is marked by *Euphorbia terucali* trees.



7. Mbele family grave. (total number of grave= 1; GPS Coordinates 30°08'12.09"S 30°36'08.09"E)

A single grave indicated by soil mounds, the surrounding vegetation include *Acacia* trees and *Dichrostachys ceneria* bush. The graves belong to Mahlokohloko Mbele.



**Figure 17:** Grave of the late Mahlokohloko Mbele with overgrown bush on top

8. Mbele family graveyard (Total Number of graves = 2; GPS Coordinates 30°08'17.06"S 30°36'05.08"E)

The Mbele family graveyard is situated within an old settlement represented by hut remains and foundations. The site is located on top of a promontory ridge roughly 300m to the east of Ngwadini River bank. The graveyard is comprised of two graves characterised by soil mounds.





**Figure 18:** Two graves associated with two children from the Mbele family

9. Ngcobo family graveyard (Total Number of graves = 1; GPS Coordinates 30°08'22.05"S 30°36'29.00"E)

The Ngcobo family graveyard is situated within an old settlement which is 347 m to the west of Ngwadini River. The graveyard is made up of a single grave which is characterised by a mound of soil, and it lies in the footprint of the proposed development.



*Figure 19: Graves of the Ngcobo family*

**Proposed reburials graveyard** (GPS Coordinates 30°08'09.00" S 30°36'08.05"E)

The developer and affected families have already agreed on a new burial place to accommodate the exhumed human remains. The new site is located 200 m away from the dam wall. The process of exhumation and reburial will be done in consultation with the local community, particularly the immediate families of the deceased working collaborating with leaders from the Qiko and Zembe Tribal Authorities. We discussed the grave relocation steps with the community, who gave their inputs as part of proposal development.

**SCOPE OF WORK**

Because all 35 burials sites fall within the proposed development footprint, of the dam and access gravel roads the recommendation from eThembeni Cultural Resources Management (2006) was that they must be relocated following consultation. Based on this, and the results of our confirmatory field visit and stakeholder engagement, the aims of this proposal are to:

- To individually document the burials

- To acquire all necessary authorizations (permits) from relevant government departments such as Amafa-Kwazulu Natal, the Ugu District Municipality Environmental Health section and the South African Police Services for exhumation, handling of human remains and reinternments.
- To exhume and relocate the burials following legal and cultural protocols

## **GRAVE RELOCATION STEPS**

The relocation of burials follows several steps that are all complementary. These balance the requirements of the Kwazulu-Natal Heritage Act (No. 10 of 1997) or National Heritage Resources Act and the cultural practices of the families and communities associated with the graves. It is important to keep in mind that interested and affected families are all known and have been working with the developer for more than five years. The following steps will be followed:

### *1. Establishing the context of the burials*

According to the National Heritage Resources Act of 1999, if the burial grounds are older than 60 years and are situated outside a formal cemetery administered by a local authority the provisions of the act apply. This is the case with the burials on the proposed development. Based on the provisions of Section 36 (3b) it is important to establish if the burial site or graves are of a victim of conflict or not.

### *2. Determining the age of the burials*

The National Heritage Resources Act gives a distinction between burials older and younger than 60 years. If the graves are younger than 60 years, this triggers the provision of Section 2(1) of the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925) as well as the Human Tissues Act (Act 65 of 1983) and to the local, regional municipality by laws. In cases of graves younger than 60 years, an undertaker must be contracted to deal with the exhumation and reburial. This will include public participation, organizing cemeteries, coffins, and so on. A provision must also be left for the performance of cultural practices by the families and communities. Permits are required to perform this work.

However, should the graves be older than 60 years old or of undetermined age, the National Heritage Resources Act of 1999 states that an archaeologist must be in attendance to assist with the exhumation and documentation of the graves. In terms of the Kwazulu Natal Act, graves older than 60 years and those of the Inkosi and royal families are protected in terms of the act, therefore a permit should be sought from AMAFA for their exhumations, the rest of these graves fall within the Tissue Act and it becomes the responsibility of the Department of Health.

### **3. Identification of the families and relatives of the descendants**

The second most important step is to identify the descendants of the deceased. This was done as part of the social impact facilitation. In addition, we had three meetings with families and next of kin. The community through the Inkosi provided us with local guides who knew where the graves were located and who was buried where. In this case, some steps such as advertising for 60 days as allowed for by the National Heritage Resources Act of 1999 do not apply. This process of identification will be comprised of the following:

(a) Archival and documentary research

Archival and documentary searches were performed to identify the descendants and family members of the deceased or any other person/ community by tradition concerned with such graves or burial grounds. This process was done and families have given their consent (see attached documents).

(b) Direct consultation with local community

In harmony with South African statutory requirements, a community consultative process was undertaken led by Umngeni Water. The area where the proposed development falls is historically associated with the Kwa Qiko community who were relocated in advance of dam construction. The last family left the area in late 2015 (source). In preparation for permit

application processes, a detailed heritage consultation programme was conducted. The consultation involved chiefs and local communities. During the consultation, stakeholders were asked if they had any sacred sites or those associated with living heritage in the areas proposed for the dam development. The process fed into the proposal development process. The following families Bele, Kweyama, Lata, Mbhele and Ngcobo families have been identified as descendants of the graves buried within the Ngwadini River valley (see attached consent forms). All decedents of the bereaved family members were traced to be residing at nearby Qiko village, while others reside in Durban and Pietermaritzburg. An initial consultative meeting with Qiko village Inkosi and the affected families was held on the 26 March 2021.

The initial meeting was followed by another meeting held on the 26 September 2021, at Inkosi royal palace, (see attached minutes). Another meeting with affected family members was held on the 6 of October 2021(see attached minutes). At these meetings, the proposed Ngwadini dam establishment project including its phases and implementation strategies were related to the Inkosi and the affected families. Consequently, the purpose of the meetings was to discuss the future of all 35 graves that fall within the proposed dam development corridors and associated activities such as access gravel road upgrade. They were given enough time to consult with other family members mostly those who work in another Provinces such as Gauteng. The main aim of this was to reach a decisive agreement among affected families so that they collectively could provide family permission to Umngeni Water to start with permit application processes. During these meetings families gave written consents and signed the affidavits (attached as a supporting document to this application) giving permission for Umngeni Water, through Millennium Heritage, to proceed with the proposed permit application for the exhumation and reinternment of their beloved family members. Subsequently they further suggested that the remains of their beloved members must be reburied at designated areas not affected by the dam development activities identified by the Local Inkosi. Others chose to conduct their reburials at their current homesteads within the Kwa-Qiko Village.

(c) Placement of notices in local newspapers and or local radio



By law notices of the intention to relocate must be put up for a period of 60 days. For all graves affected by the dam development, family members and the next of kin of the deceased are known. They were consulted and signed the consent forms giving permission for the burials to be exhumed. In this regards, there is no need to advertise in local newspapers and local radio.

#### 4. Identification of alternative burial grounds

The Kwa- Qiko Inkosi and tribal council identified a new grave yard to accommodate the reburial of the exhumed human remains. The proposed area is located on an undulating section, 200m below the proposed dam wall on the northern section of the Ngwadini River (GPS Coordinates 30°08'09.00"S 30°36'08.05"E).

#### 5. Permit application to AMAFA/SAHRA

Given that family consent was obtained, this proposal seeks a permit to exhume and rebury the remains of:

Name of the Deceased	Gender/years	Year of Burial
1. Amayi Bele	Female +-39 years	1984
2. Enginess Bele	Female +- 62 years	1939
3. Gababe Bele	Male +-48 years	1971
4. Sgidla Bele	Male +-90 Years	1931
5. Squtha Madlala	Female (78)	1969
6. ZiBhebhu Madlala	Male (95)	1971
7. Babili Madlala	Male (93)	1950
8. Velaphi Madlala	Male (NA)	1968
9. Mkuzeni Msani	Male (Died after birth)	1939
10. Mbelekwa Mbele	Male +-70years	2006
11. David Ngcobo	Male +-47 years	1981
12. Mvonono Latha	Male +-95 years	1960
13. Mahadebe Latha	Female +-50years	1940
14. Balekani Latha	Male +-79years	1979

15. Linda Latha	Male--5years	1997
16. Thobani Latha	Male--35years	2005
17. Rea Latha	Female--100years	1982
18. Madanisa Latha	Female--49years	1947
19. Bazibile Latha	Female--78years	1978
20. Mhlengi Latha	Female--2years	2004
21. Mqobi Latha	Male--14 years	1984
<b>Royal Burial ground</b>	<b>Royal Burial ground</b>	<b>Royal Burial ground</b>
22. Inkosi Manyenyeza Bele	Male--47 years	1971
23. Queen Ngitheni Mambambo Bele	Female--84 years	1964
24. Zibuse Bele	Male--3 years	1961
25. Ntombi Bele	Female-- 1 years	1976

In terms of the Kwazulu Natal Act, 11 highlighted in green, are graves older than 60 years, and those that represent the Inkosi and royal family a permit is currently sought from AMAFA for their exhumations. Subsequently, the rest of the burial grounds triggers the provision of Section 2(1) of the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925) as well as the Human Tissues Act (Act 65 of 1983) and to the local, regional municipality by laws.

#### 6. Exhumation and graves relocation

Once the permit has been received from AMAFA/ SAHRA, exhumations may begin. This follows steps below:

##### i. Documentation

The exhumation of any human remains is preceded by historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of drawings and photographs. This record will be archived for future research.

ii. Exhumation

The process of exhumation must be conducted by a qualified Professional Archaeologist as stipulated in the permit. The responsibilities of the archaeologist include guiding the process, identification, classification and onsite analysis and recording of grave goods and remains. All accompanying grave goods including tombstones must be part of the new burial.

iii. Reburial

The remains from each grave will be placed in an individual casket or other suitable container, permanently marked for identification. Also, the site, layout and the design of the area for reinternment should consider the historical and culture associated with, and the design of, the original grave or graveyard. The remains from each grave is buried individually and marked with grave marker and surrounds. Cultural ceremonies may be performed as part of the process.

## **CONCLUSION**

In conclusion, a lot of groundwork has already been done in preparation of the exhumation and reburial. This includes social facilitation processes and engagement with affected communities. Umngeni Water has gone as far as agreeing with the community about the alternative burial grounds while the community and affected families have given their consent. In preparation for permit application processes, a confirmatory fieldwork was performed, guided by family members and their representatives. Once the permit is received, the exhumation process will begin led by local cultural protocols and the provisions of applicable statutory provisions.

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