

**ARCHAEOLOGICAL SURVEY FOR
DEEERS CONSOLIDATED MINES,
KOFFIEFONTEIN MINE,
A DIVISION OF CENTRAL MINES**

**SURVEY UNDERTAKEN
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SUMMARY OF FINDINGS

An archaeological survey was undertaken of the Mining area and game farm of the De Beers Consolidated Mines, Koffiefontein Mine, a division of Central Mines. The survey was undertaken on 17 and 18 October 2001. No archaeologically sensitive areas were identified within the mining area, as this area has been mostly disturbed. However, various sites of archaeological importance were identified on the game farm. These are discussed in detail in the report, but as no development is scheduled to take place in the area they are not in any immediate danger of disturbance. Appendices include information on the black eagles nesting in the Koffiefontein pipe and SAHRA contact details.

INTRODUCTION

The archaeological survey was undertaken to determine whether any sites could be disturbed by mining activities and to determine what steps, if any, need to be taken to preserve the archaeological sites discovered.

THE MINING AREA

This area consists of the Koffiefontein and Ebenhaezer pipes, the mining and administration buildings, the tailings dump, the slimes dams and settling dams and the old hostel buildings (Fig. 1). Areas identified for more detailed survey from a map of the mine consisted of the area around the Ebenhaezer pipe (Fig 2), the area of the settling dams and the area near the hostels. The various areas will be discussed below.

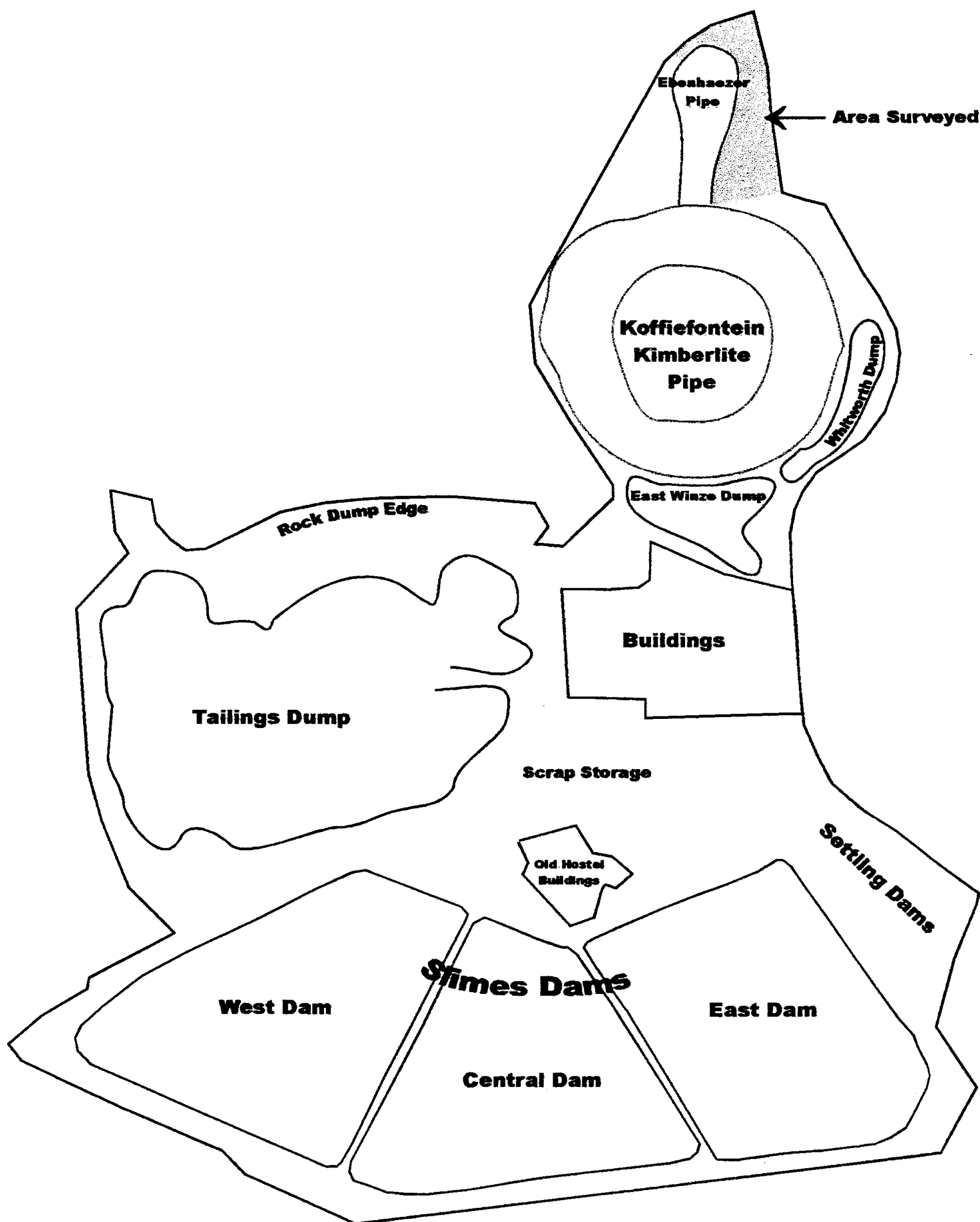


Fig. 1. Map indicating main areas surveyed in the mining area.

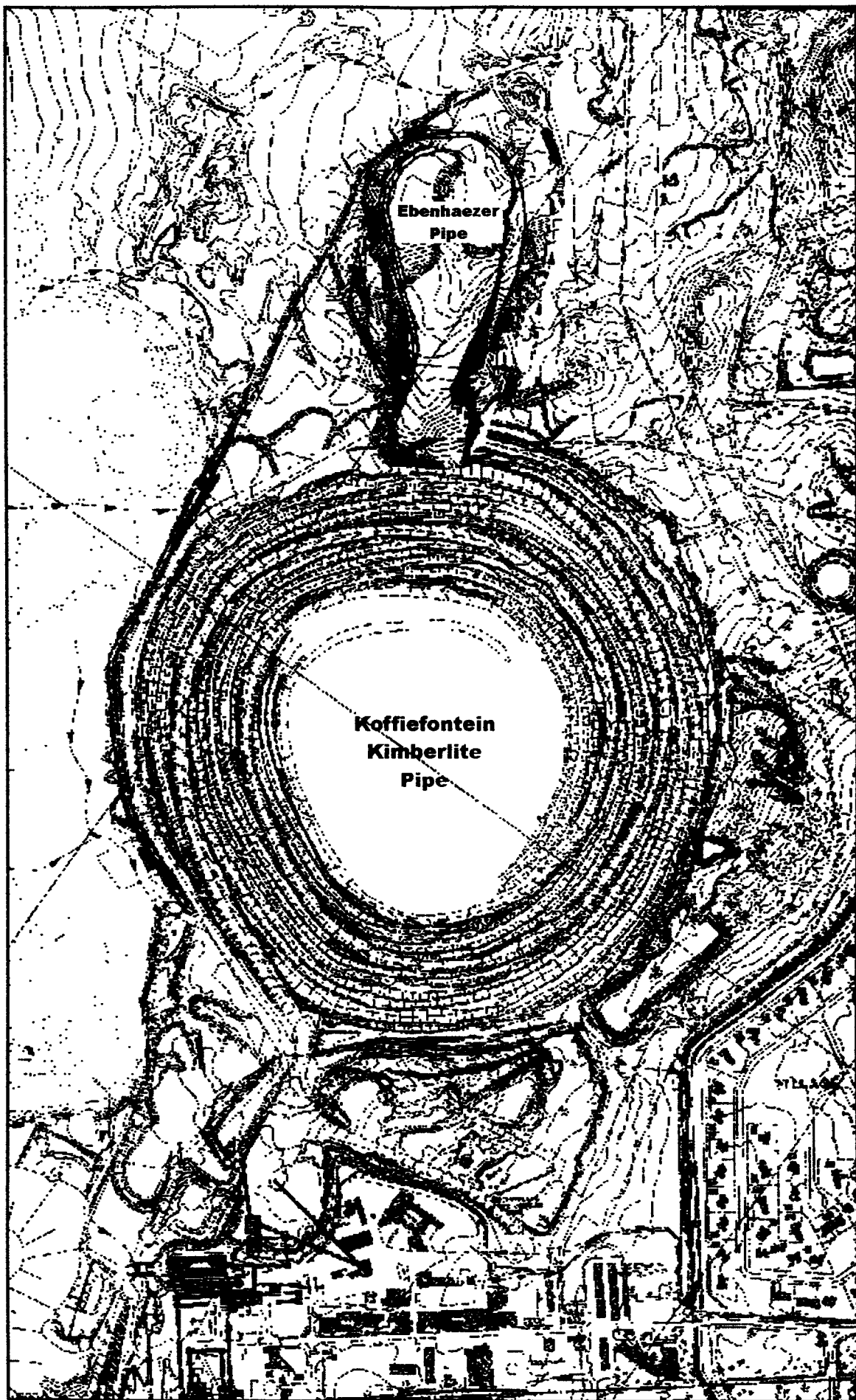


Fig. 2. Detail of the Koffiefontein and Ebenhaezer Pipes.

Koffiefontein and Ebenhaezer Pipes:

The Koffiefontein pipe:

Any material of archaeological significance was mined out long ago when the first claims were mined in the 1870s (McGill n.d.) in the top few meters of soil. However, what is of significance in the hole is the fact that a pair of black eagles nest in the cliffs that make up the sides of the hole. Although this is not archaeological a short report is included as appendix 1 as nest sites of black eagles should be conserved.

A significant find was made earlier in 2001 when the remains of three skeletons were dug up from the Whitworth dump. These skeletons came from about 10m down in the dump. A report on the skeletons was written by J.B.C. Botha and was submitted to the police in Koffiefontein. All of the skeletons were male. The Whitworth dump was probably started when mining commenced in about 1877 and it ceased being used as a dump in 1932. It is probable that the skeletons were either buried before the dump commenced (if they were below the land surface as it was at the time) or otherwise they were buried in the dump during its use. The skeletons do not relate to the Anglo-Boer War as buttons, found with one of the skeletons, indicate that this is not the case. The buttons are regimental, and come possibly from one of two Irish regiments. One of these was discontinued in about 1870 and the other changed their buttons in 1881 (Fiona Barbour, personal communication, see report attached to this document). It is unlikely that these people were killed in action. One of the skeletons is of a man of probably between 40 and 60 years old (J.B.C. Botha's report) and likely to no longer be in active service, if this was the skeleton from which the buttons came. It is rather possible that the man was buried in his best (or only) coat, and that this was an ex-regimental garment.

If the dump was being used as a burial ground at one stage, which the three burials suggest, more skeletons could be uncovered. Care must therefore be taken when excavating in this area.

The Ebenhaezer Pipe:

The top soil has been removed from around this pipe to a depth of up to about 4 m in some places. The maxilla and skull of a horse was discovered about 2 m below the surface on the northern side of the pipe. Nearby a mandible of a horse was visible in the section. These could belong to the same animal as they occurred in reddish soil which had been washed into an old gully. Two gullies are visible in the northern area of the pipe on aerial photographs of the mine taken in the 1960s. Other bones found in the gully sand include bird and young bovid. The sand in the gullies was washed in, as layering of the sand by water is visible in the section.

Part of the western edge of the pipe was surveyed and tortoise bones and fragments of stone ware were discovered. Stone ware was used for storage of food in the 19th and early 20th centuries. It was used domestically. The presence of fragments indicates that there was possibly some European settlement in the vicinity. This could very well have been destroyed when the top soil was removed as the fragments were found in the disturbed soil around the edge of the pipe.

The area to the north of the Ebenhaezer pipe was inspected in more detail, but nothing was found on the west side of the gantry. Most of the area on the east side of the gantry was disturbed. An old red brick structure (referred to as the "washing area") is located to the north of the Ebenhaezer pipe. This structure is probably older than 60 years, and will need the permission of the South African Heritage Resource Agency (SAHRA) (see Appendix 2 for details) should the mine wish to demolish it, as structures older than 60 years are protected by legislation.

On the west-north-west side of the Ebenhaezer pipe there are dumps up to the edge of the mining property. This area therefore has no significance archaeologically.

The mining, administration and old hostel buildings areas:

These areas have all been disturbed and are of no significance archaeologically. The area to the north of the old hostel buildings has no buildings on it at present, but it has been

disturbed in the past. The area was not surveyed on foot as it is unlikely to contain anything of archaeological significance.

The slimes dams and settling dams:

These areas are also disturbed from an archaeological point of view, and contain nothing of archaeological significance. It is likely that stone artefacts once occurred in the area, as artefacts were found in the game farm at the base of the koppie on the other side of the fence. However, any artefacts that might have occurred were covered over by the dams.

The tailings dump:

Nothing of archaeological significance is preserved in this area.

The Eskom Dump - The Guard House:

This structure was apparently erected about 100 years ago (Fig. 3). It was used as a guard house during the Second World War for the internment camp which was located adjacent to the building (Fig. 4). It was restored a few years ago and used as a pub, but is no longer in use



Fig. 3. The Guard House.

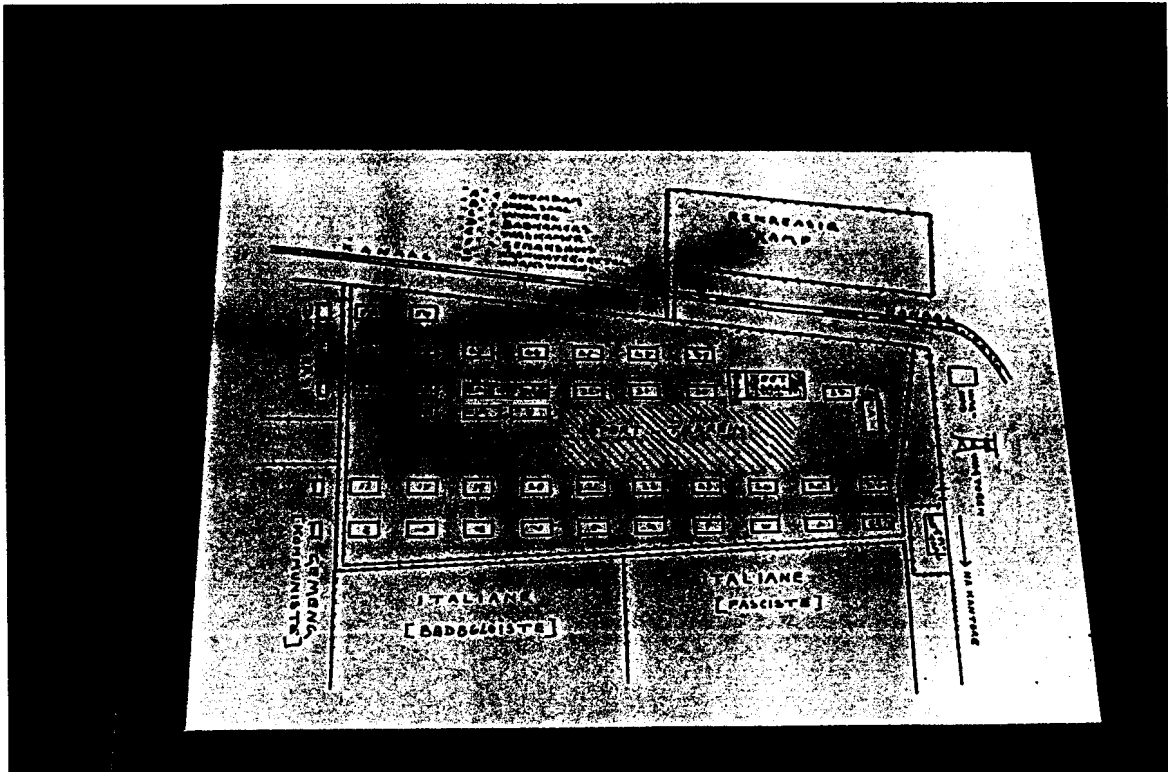


Fig. 4. Plan of internment map. The guard house is situated towards the top right of the plan, just below the canal.

General impression:

The only area likely to have contained anything of archaeological significance is the area between the northern side of the Ebenhaezer pipe and the fence demarcating the edge of the mining area. This area was surveyed on foot and nothing was discovered, and in fact much of it has been disturbed. The rest of the property has been heavily disturbed by mining activity, and as such has nothing of archaeological significance preserved on it.

Recommendations:

Three recommendations are made here:

1. Excavation around the Ebenhaezer pipe: Should the surface area of the pipe be extended to beyond what it is now, then care must be taken when excavating the gullies on the northern side of the pipe. Although the material from the gullies probably dates from the last 40 years and therefore does not have archaeological significance it might be

that some interesting finds are made. Should anything of interest be discovered during excavation a specialist should be brought in.

2. Skeletons: The Whitworth skeletons were not taken out by a specialist and so contextual information was lost. This information is critical if one is to find out more about the mode of burial, age and date of the skeletons. The discovery of skeletons should be reported to the police as was done, but their removal should be done by either a pathologist or an archaeologist. If the burial is older than 60 years, then it can be removed by an archaeologist, but if it is younger than that a pathologist should be brought in. The police should certainly not remove the skeletons as they do not know how to do it properly and information is lost, as was the case with the Whitworth skeletons. The buttons for instance cannot be related to a particular skeleton, and as the report on the buttons indicates, a wealth of information can be gathered from contextual material which could have provided more information about a particular skeleton.

3. The guard house is also protected under the National Heritage Act as the structure is older than 60 years. It should be maintained, and any further extensions to the building must receive prior authorisation from SAHRA.

THE GAME FARM

The game farm is not going to be developed, but an archaeological survey was carried out of it nevertheless. An exhaustive survey was not carried out, but known sites were visited (Fig. 5). The game farm is well-known to the managers at the mine as culling takes place on the farm at least once a year. It is therefore unlikely that any major sites will be unknown to the managers. There are several sites of archaeological and historical importance on the game farm and these will be detailed below. A few of the koppies on the game farm were examined, but none had rocks suitable for engravings on them. Some Middle Stone Age artefacts were found in the areas between the koppies. It seems that there is a light scatter of these artefacts over much of the farm.

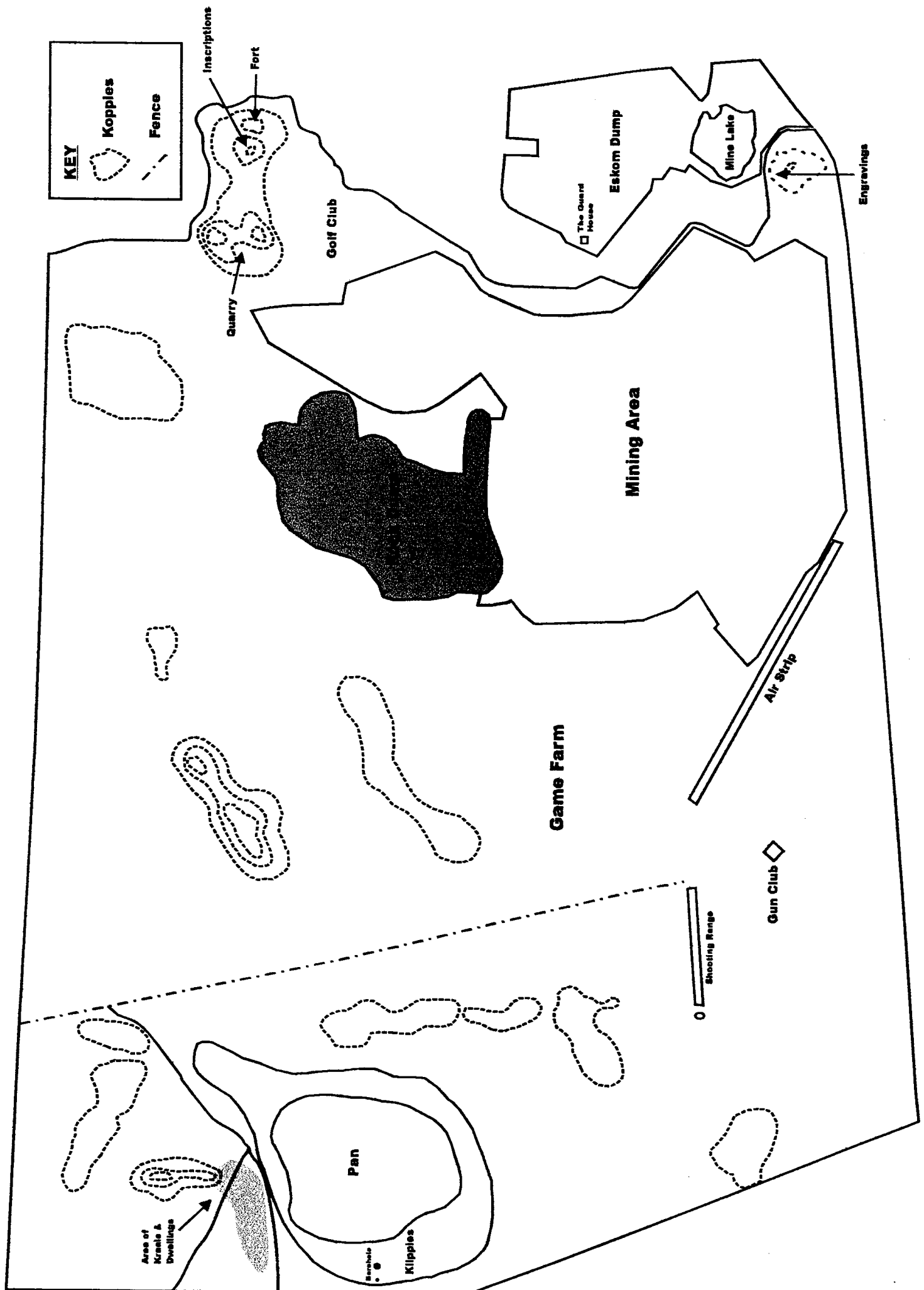


Fig. 5. The Game farm with sites indicated.

Engravings behind the mine manager's house (29° 25'417"S, 25° 00'761"E):

These four engravings occur on a koppie behind the mine manager's house (Fig. 6). Two engravings occur towards the base of the koppie and two towards the top. These engravings are well executed, and one in particular is unusual. The engravings have been pecked, and some occur in outline while others have been filled in.

Rock engravings and paintings are believed to be part of the religious experiences of the Bushman or San (Lewis-Williams 1981). The images are depictions by San shamans of their experiences while in trance. San shamans were believed to cure sickness, make rain and control game movements. They would also fight evil spirits and were powerful individuals. The shamans would go into an hallucinatory state during a trance dance. During their excursion to the spirit world they would often become half human and half animal, taking on the characteristics of powerful animals.

The engraving at the base of the koppie is of a black wildebeest in outline (see Fig. 7). Near it is an engraving of a warthog with its tail in the air (Fig. 8). This engraving is filled in. The two engravings near the top of the koppie consist of two eland. Both of these engravings are significant.

The eland was the most symbolically significant animal in Bushman (San) ritual and was depicted the most often. Unlike most other animals the male has more fat than the female, and this fat was supposed to be very powerful, containing supernatural potency. San shamans used eland power to pass from this world to the spirit world. The transition between these two states is often represented by an eland (Dowson 1992).

The engraving nearest the top of the koppie is of an eland in outline, but with the nose filled in (Fig. 9). Above the eland a series of scratch marks have been made. These are probably more recent and could indicate that the site was used over a period of time. One nineteenth century bushman informant explained that the rain animal had to be cut for the rain (Dowson 1992), and it could be that these scratches represent a similar sort of ritual.

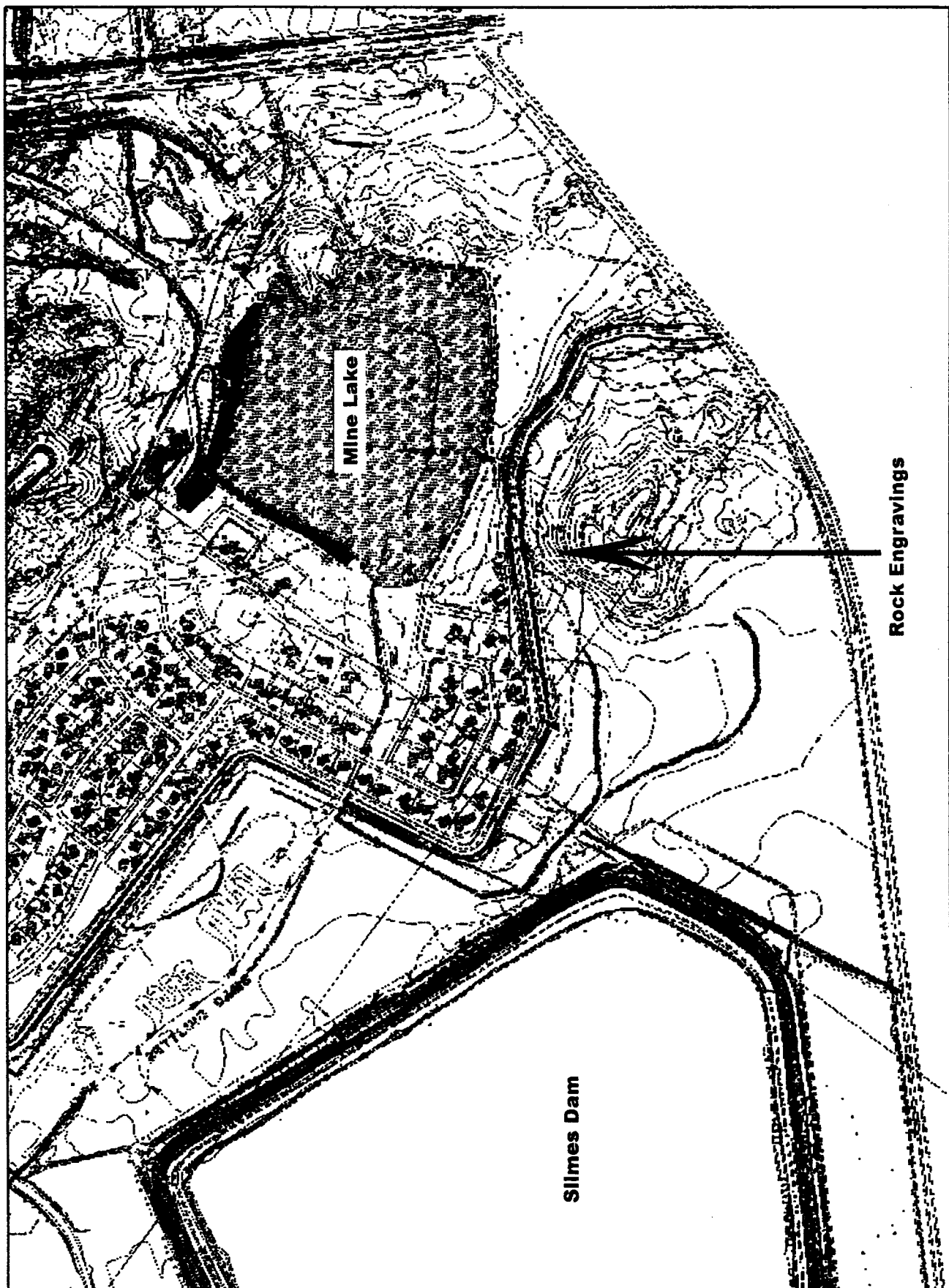


Fig. 6. Location of engravings on koppie overlooking the mine lake.



Fig. 7. Engraving of a wildebeest.



Fig. 8. Engraving of a warthog.



Fig. 9. Engraving of an eland with scratch marks



Fig. 10. Engraving of an eland and a fish.

The second eland engraving is unusual in that near to the eland's nose there is a fish depicted (Fig. 10). Engravings of fish are very rare, and only eight others are known (Schoonraad 1962, Fock 1979), from five other sites. It is not stated whether the engravings were associated with other animals as this one is. Depictions of fish can represent the feeling that the San shaman has while he is in an hallucinatory state (Lewis-Williams 1981). The shaman has feelings of weightlessness, and that his breathing has been affected. Distortions of hearing and sight also occur. Some informants have described the state as being underwater (Ouzman 1995). The rock engraving is therefore of significance, especially as it is related to an eland.

The koppie on which the engravings occur looks out over the current mine lake (Fig. 6). It is likely that the lake is in a hollow, which could in the past have been a natural pan. The association of the hill with water might have had some significance as well.

Stone artefacts, mostly from the Middle Stone Age (dating to between 250 000 and about 30 - 25 000 years ago), were found scattered randomly over the surface between the koppie with the engravings, the slimes dams and the fence along the Luckhoff Road. Artefacts occur scattered over large areas of southern Africa, and it is probable that they would have occurred in the mining area as well.

The quarry (29° 24'273"S, 24° 59'465"E):

Basalt was quarried in the 1970s in this area. To reach the basalt the overlying red sand was scraped away. A grave must have been disturbed during this operation but not noticed at the time. Erosion of the piles of red sand around the edge of the quarry uncovered a human skull which was retrieved during this survey. The skull is probably of a European, but this is not completely certain. It has been taken up into the National Museum's collection and is number 1834 in the catalogue.

The koppies above the golf course (29° 24'101"S, 24° 59'803"E):

The inscriptions and graffiti:

The koppies behind the golf course were examined (Fig. 11) A cross has been erected at the highest point of the koppies. Many of the rocks at the base of the cross are covered

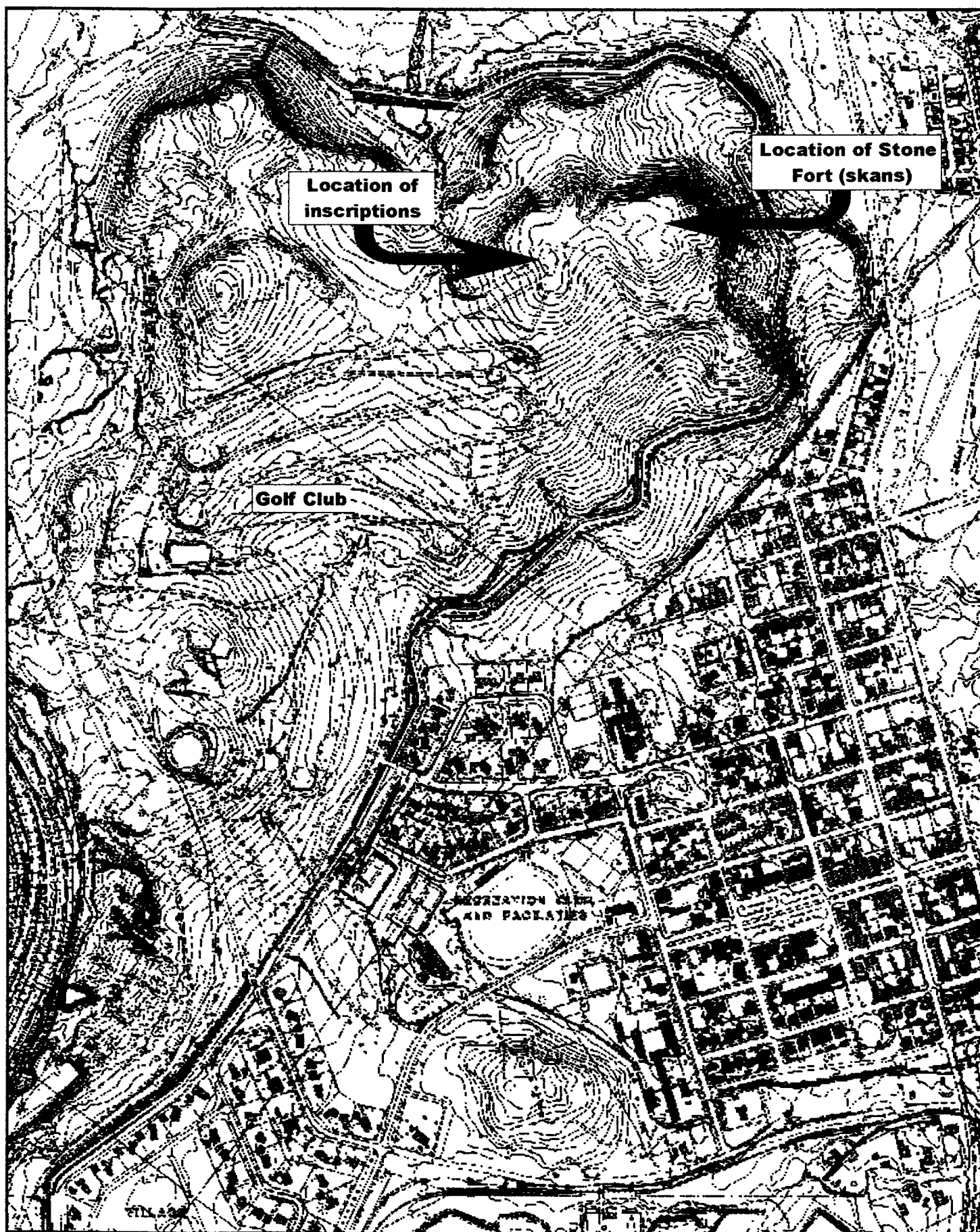


Fig. 11. Location of inscriptions and fort above golf course.

with engravings and graffiti. Apart from two San engravings on a split rock (one of an eland and the other of an unidentified quadruped, possibly a feline) all the other engravings were done by Europeans. Most of them are single words or sentences expressing moral thoughts or thoughts of the difficulties people were encountering at the time. Some examples are:

Het smart my leven in my hart

Die liefde

Zeet ongelukige op die aarde (Fig. 12)

Pynlyk

Smartlyk

Knagend

10 Jaar

Tvd 1895

24.3.31

Verdrukking

Die bitter lot

17307

Vuren

Smart (Fig. 13)

een harde proeft

2 Jaar van smart

M... 23 Don

De Rozen Dees Aard

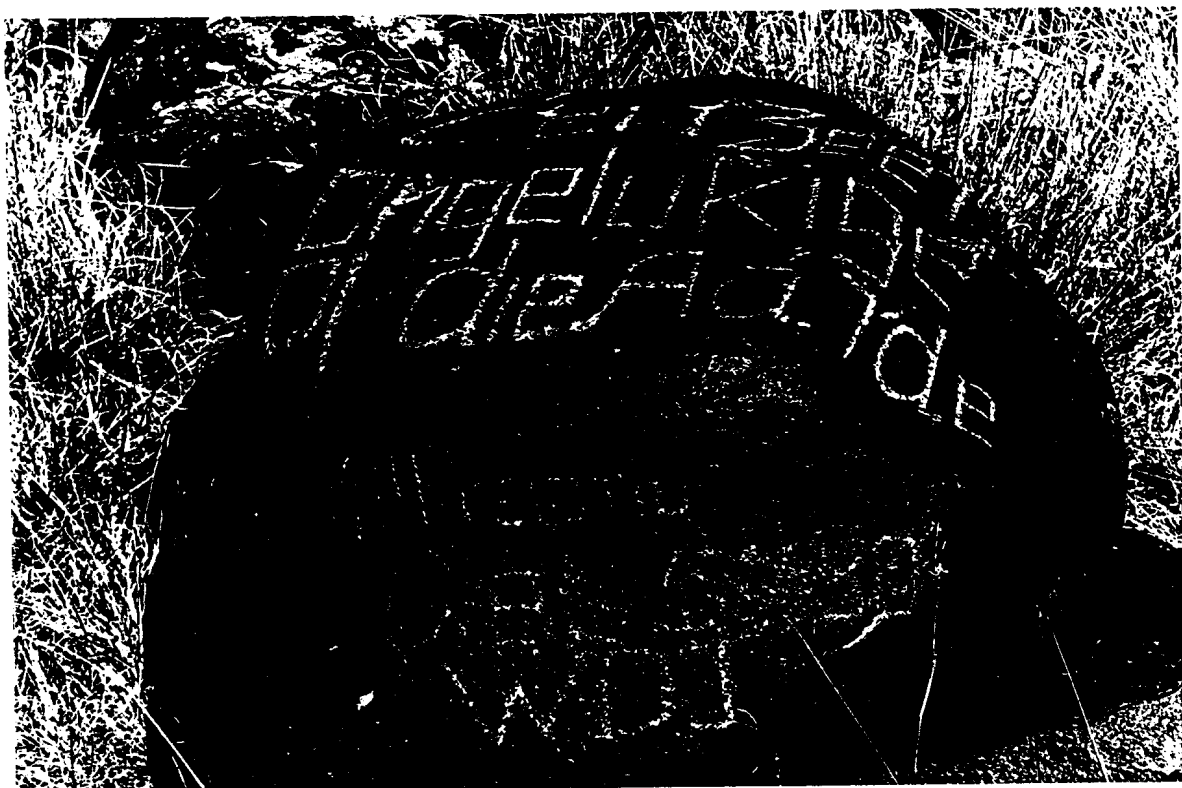


Fig. 12. Inscription on rock



Fig. 13. Inscription on rock.

One rock contains a homily:

*Die reizes paarden valsheid
bedrag vervolg roverachten*

*klaper oorblazer sweiger
nieusdragen kwaadsteken
landpaal verrukken Vlijers*

*arme verachten haat nyd
leugentaal lasterbaal drunker
Wie deze paarden ry
gaan Hel toe als hy aan houd
welgy zaait zult gy maait*

The racing horses' deceitfulness*
swindling/ follow the robbers who have
stolen an amount
?, whisperer, someone who keeps quiet
carrier of news, mischief maker
to move someone's property boundaries,
(i.e. steal land), flatterers
poor, despised, hated, envy
lies, slander, ?drunkenness
whoever rides these horses
will go to hell if he carries on
what you sow so shall you reap

(*English translation from the Afrikaans translation provided by Dr H. Haasbroek and Dr D. van der Bank.)

Dates associated with these inscriptions range from 1895 to 1910, 1928 and 1931.

Another apparent date is that of 17.3.07. The 1910 date relates to the initials J.E.M.A. (Fig. 14), and the 1895 date probably relates to date of birth as it occurs with a date of 24.3.31. The name D.A. Jacobe (could be a back to front s) occurs with a date of 27.6.1931. Most of the inscriptions are in the same writing, including those with the 1931 dates, and different to that of the 1910 date and initials. It would seem that most of the inscriptions were done in 1931 and possibly in 1928.

According to D.C. McGill the years between 1912 and 1930 were good years for Koffiefontein. During this time it flourished socially and mining activities continued (McGill, n.d.). However, the Depression of November 1929 hit the mine hard. Diamond production stopped although most white workers on the mine were kept on until the end of 1931 when the mine closed finally (McGill n.d.). It could be that the inscriptions were done by a depressed person with a moralising turn of mind between 1928 and 1931 or it could be that they were done mostly in 1931 with the impending closure of the mine in

view and the uncertainty which that would bring. This would also explain the two years of pain (*smart*) that one rock inscription records (1929-1931).

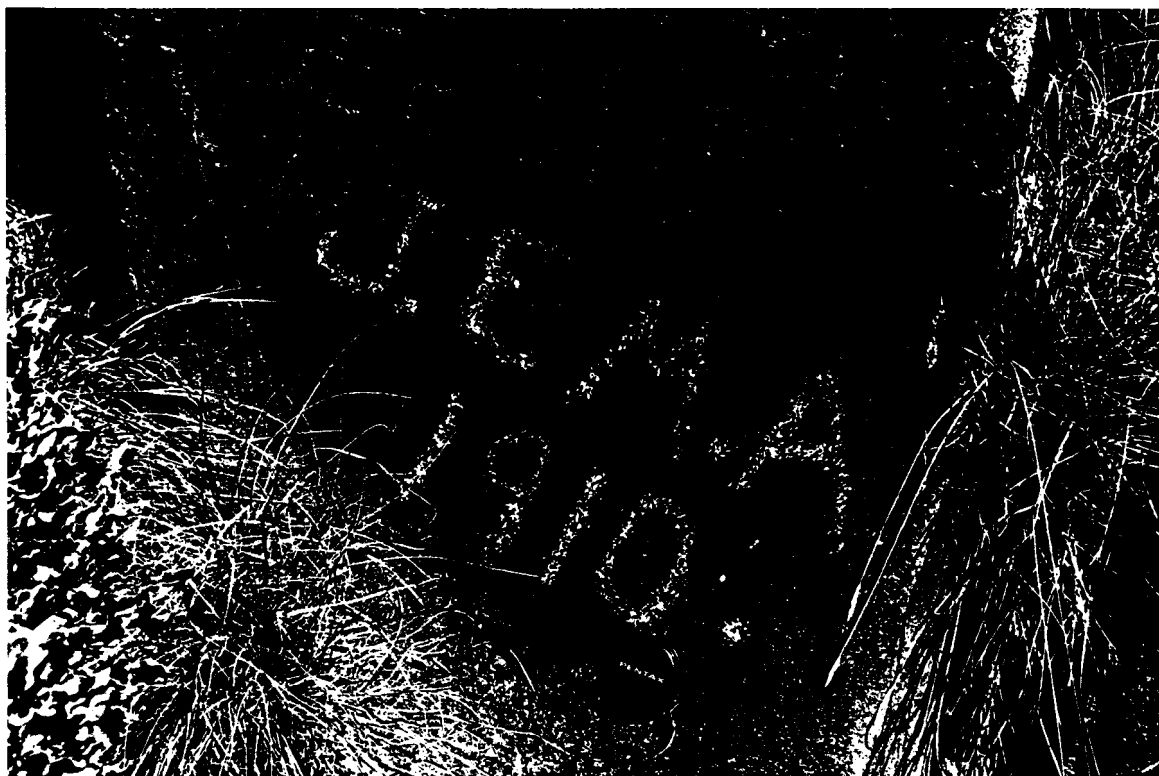


Fig. 14. Inscription of date and initials.

These rock inscriptions are part of the social history of Koffiefontein and as such need to be preserved.

The fort or *skans*:

On the other high point of the koppie nearer to the town is a small fort (Fig. 15). This fort, or "skans" in Afrikaans, consists of a dry stone wall enclosure divided in half. One half has been further divided into two small enclosures (Fig. 16). McGill (n.d.) records that Koffiefontein was taken over by the British during the Anglo-Boer War on 29 March 1900. Shortly afterwards a Captain J.W. Robertson was appointed magistrate and commander of the town. In September 1900 Boer commandos appeared in the vicinity and Robertson had small forts erected around the mine. This fort is no doubt one of them, and as such has historical significance. It should be preserved as part of the history of the mine and town, especially as the forts saw action on 26 October 1900.



Fig. 15. Fort on koppie.



Fig. 16. Division within the fort.

On one of the rocks on the inside of the fort the words *De Swygend Eeuwigheid* have been inscribed. This is no doubt a later addition, as during their use the forts were in British hands.

The Pan area:

The pan lies on the edge of the property on the opposite side to the mine (Fig. 5). At one point the edge of the pan was investigated and stone artefacts of hornfels were observed scattered on the surface. It is likely that the pan was a source of water and game in prehistoric times, and it is likely that artefacts will be found scattered around its edges.

The kraals and structures at shotists points 26 and 27:

These kraals and structures are located in the springbok camp near to the pan (Fig. 5). They are probably the remains of the original farm house and kraals on the property (Fig. 17). As such they should be preserved as they are over 60 years old. The complex consists of a large kraal (probably in the region of 2-3 hectares), two smaller kraals and three structures, which were probably dwellings. The large kraal is located near shotists point 27 and stretches up to a shallow dam which has been scraped out on the slope above the kraal. The GPS reading at the north-west corner of the kraal is 29° 26'166"S and 24° 56'769"E.

The second largest kraal (Fig. 18) was located upslope from the dwellings at 29° 26'092"S and 24° 56'832"E. It consisted of two rectangular enclosures about 20 m long and 7-8 m wide sometimes reaching up to a metre in height. The entrances to the kraals were downslope. The third kraal (at 29° 26'139"S and 24° 56'834"E, near shotists point 26) was the smallest of the three, only a few metres across. It was square with a rounded wall across one corner. Porcelain and metal fragments were scattered around nearby the kraal.

Only the foundations of the three dwellings were still visible, although at the largest a few fragments of mud bricks were observed. The smallest of the three dwellings consisted of a rectangular structure with a heap of stones in one corner (Fig. 17 dwelling

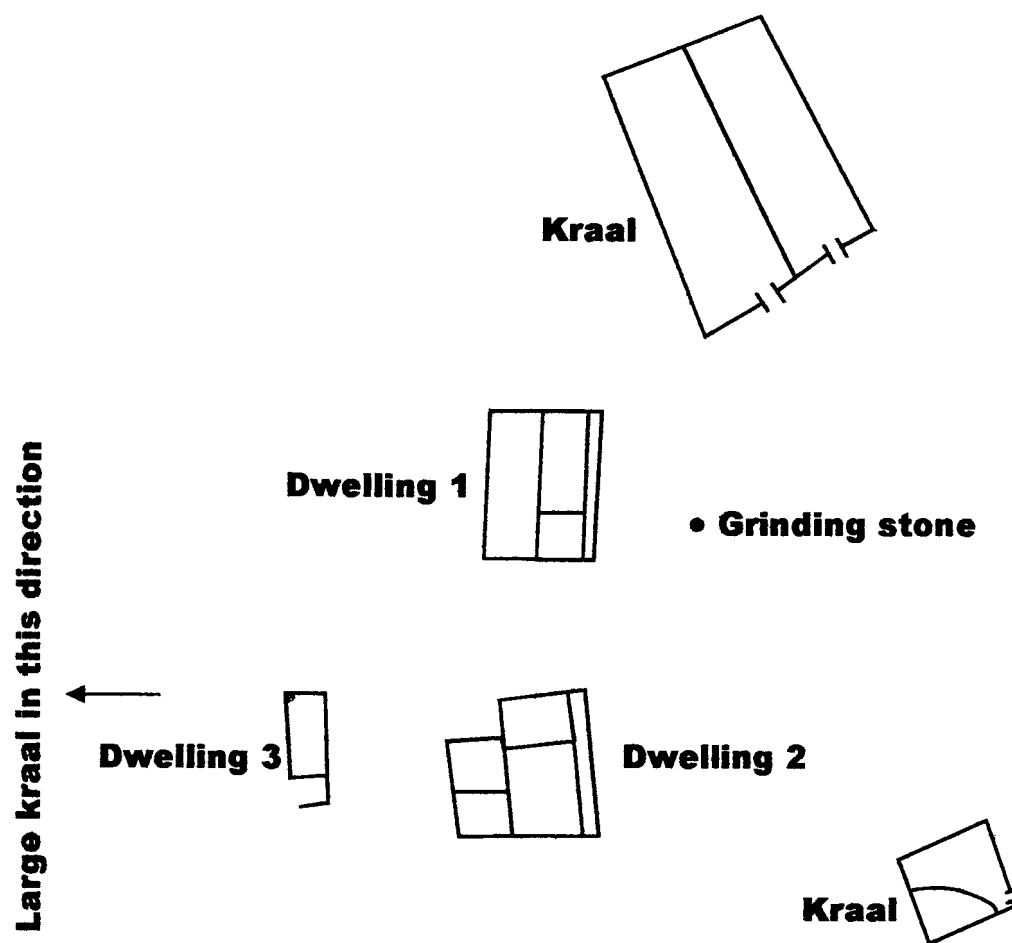


Fig. 17. Sketch plan of dwellings and kraals.



Fig. 18. Kraal walls.



Fig. 19. Mud floor in one of the dwellings.

3). It was probably a store of some sort. The other two dwellings were quite clearly houses. The larger one (Fig. 17. dwelling 1) is upslope from the other two structures at 29° 26'111"S and 24° 56'840"E. It consisted of a large room and two smaller rooms. The smallest room still has signs of a mud floor (Fig. 19). The house had a veranda. There was the broken bottom half of a grinding stone a few metres away from the veranda of the large house (Fig. 20). The other dwelling (at 29° 26'117"S and 24° 56'853"E) consisted of four rooms, one large one and three smaller rooms. It also had a veranda. Both dwellings faced the same way and were located a few meters apart from each other side by side. The third small structure was located behind the smaller of the two houses.

Earthenware (coll. porcelain), metal and glass fragments were scattered around in the area of the dwellings, as were some prehistoric stone tools. All fragments of earthen ware found were refined white-bodied industrial white wares (Klose & Malan 2000).

Earthenware noted included sponged ware, industrial slip, coloured transfer ware, relief moulded ware and painted (harsh colors) ware (Fig. 21). The earthen ware all points to a mid nineteenth to early twentieth century date. Sponged ware was in use from about 1840 to 1940, and was a cheap ware for daily use particularly in the latter part of the nineteenth century (Trehaven 1996). Transfer printed underglaze coloured ware was in use from the 1830s onwards (Klose & Malan 2000), as were the "harsh" underglaze colours and the industrial slip wares.

On the basis of the earthen ware I suggest that the farm buildings were occupied between the mid nineteenth century and possibly up until the early twentieth century. They could have been occupied after this, but occupation certainly dated back to the mid nineteenth century. As such the building remains are historical and should not be disturbed.

Recommendations:

Access to the game farm is restricted and apart from some minor extensions in the area of existing buildings no further developments are going to take place. The archaeological and historical structures and sites are therefore in no danger of destruction. I do have certain recommendations which I give below:

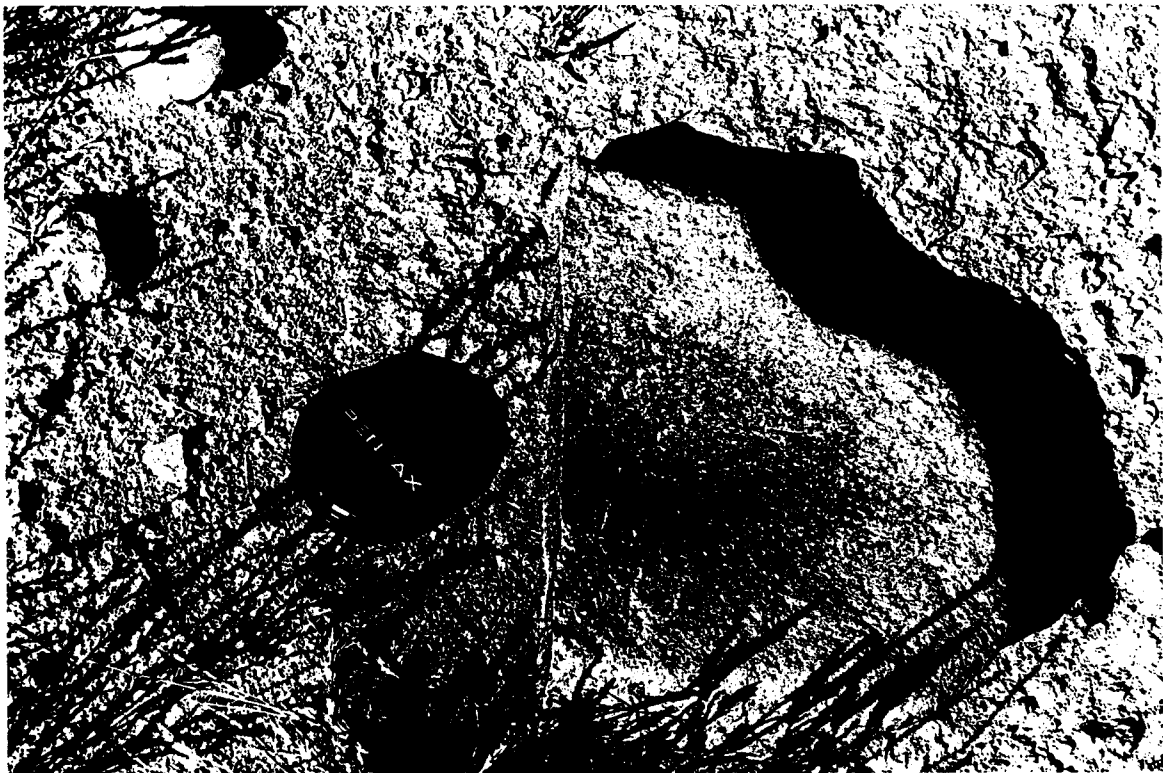


Fig. 20. Broken grinding stone.

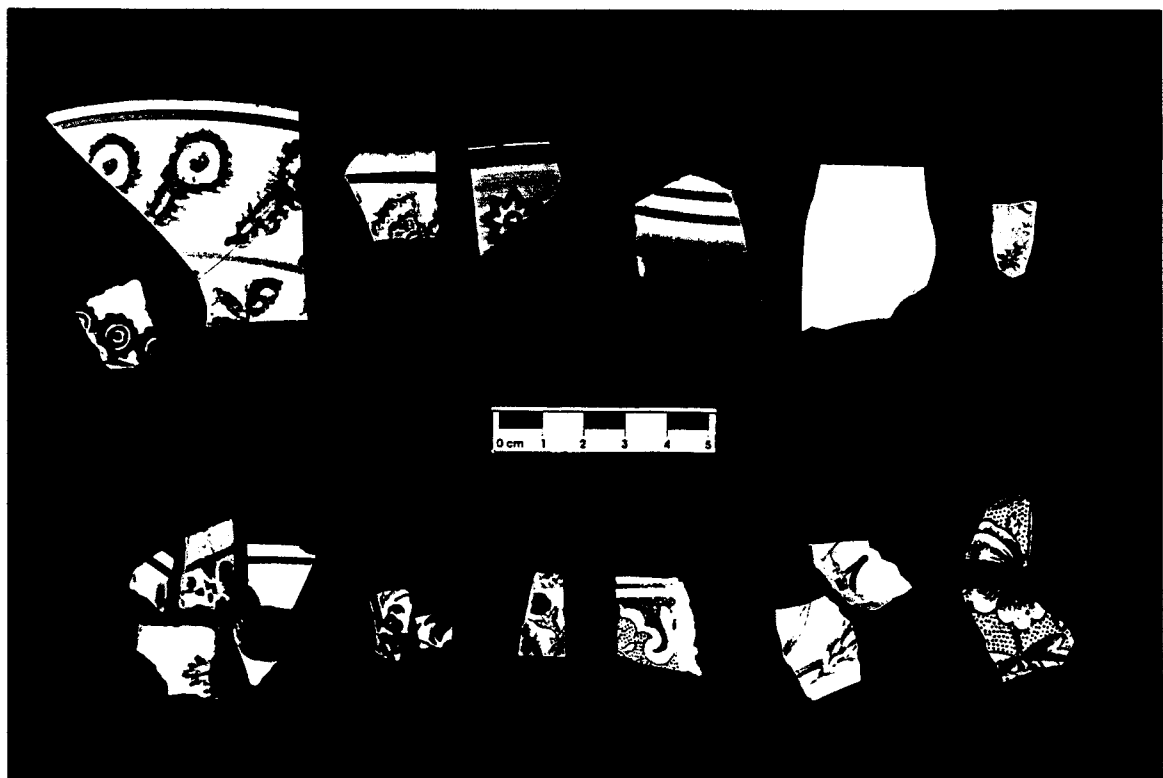


Fig. 21. Refined white-bodied wares: top row from left to right: sponged ware (4 pieces), industrial slip (1), relief moulded ware (2), bottom row: painted (harsh colours (7), transfer ware (orange 1, pink 1, charcoal 2, green 2).

1. The engravings behind the mine manager's house should not be moved and access to them should be under supervision to prevent any damage to them.
2. Further developments in the area of the cross on the koppie behind the golf course should be limited. Already the cross has impacted on the site, although fortunately it appears to be towards the edge of the area of inscriptions. Should anything further be planned for that area then an archaeologist should be part of the planning process. The inscriptions and the fort are part of the history of Koffiefontein and should be preserved. The fact that there are San engravings on the hill attests to the depth of ritual association with the hill. The cross is the most recent example of this and does not detract from the site however.
3. The kraals near shotists points 26 and 27 should not be dismantled any further. Care should be taken when operating in that area, and people involved in culling activities should be encouraged not to clamber on the walls. Rocks should not be removed from the walls. If the dam near to the large kraal is extended it should be preferably extended in the area away from the kraal. Care should be taken not to damage the kraal any further on the western side.

RIVERCAMP

Although the Mine is in the process of selling this property I had a look at the engravings on a koppie near the river. These engravings were recorded by Sven Ouzman of the National Museum, Bloemfontein, Rock Art Department in August 1996. The site is known as Middelfontein in the Museum records and consists of three groups of engravings. The first group (29° 25' 18"S and 25° 01'31"E) contains a couple of human figures. The second group (29° 25'17"S and 25° 01'37"E) is the largest including eland (Fig. 22) and other unknown antelope (Fig. 23). One particularly interesting animal is an eland which has had later additions to it in the form of a nuchal hump, lines from the tail and the nose, and an extension to the nose. This can clearly be seen in the tracing that was made of the engraving (Fig. 24). The engravings from this group also include some European graffiti and some attempts to copy the San engravings. There is also an attempt



Fig. 22. Engraving of an eland.

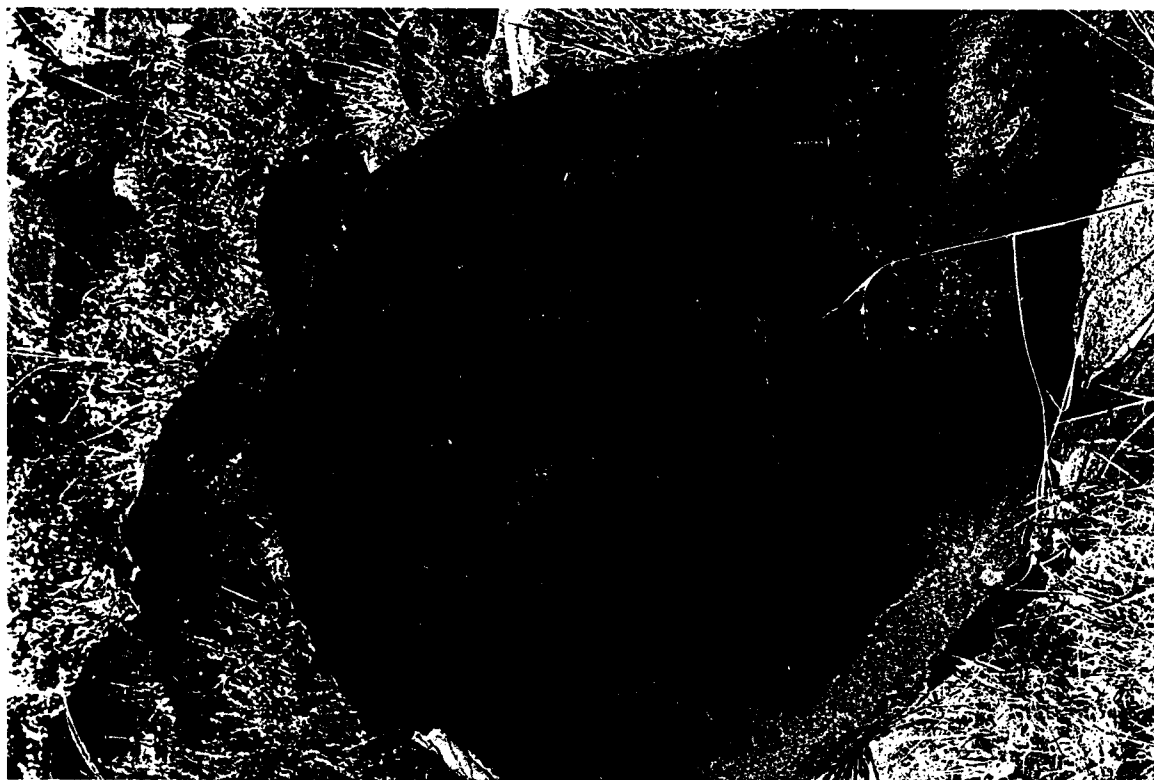


Fig. 23. Engraving of antelope.



Fig. 24. Tracing of an engraving of an eland with additions (tracing by Sven Ouzman, National Museum, Bloemfontein).

to capture a woman or a Scottish soldier on a rock (Fig. 25). There are over 30 images in this group and the engravings are all pecked.



Fig. 25. Recent engraving of a human figure.

The third group of engravings (29° 25'09"S and 25° 01'31"E) is of three human or baboon-like figures with bags on their backs. One carries a bow and one a 'bat'. These are interesting figures but are difficult to see.

Recommendations:

This property is in the process of being sold, so will no longer be De Beers concern. However, it would be the correct thing to inform the new owner that there are engravings on the site which must be protected. The owner can obtain further information about the engravings from Sven Ouzman (National Museum, P.O. Box 266, Bloemfontein, 9300, tel: 051-4479609).

ACKNOWLEDGEMENTS

I would like to extend a special word of thanks to Christine Dalton for all the arrangements and for making our stay in Koffiefontein so pleasant. I would also like to thank Tossie Hendriks and Johan Rabe for showing us the sites and for answering numerous questions. Thanks are also due to Sharon Holt for drawing all the maps. Fiona Barbour provided information on the buttons and Hannes Haasbroek and Dirk van der Bank puzzled over the translation for me. Sven Ouzman provided me with information about the engravings and his notes on the Rivercamp site, as well as a copy of his tracing of the 'monster'. Brian Colahan and Nico Avenant answered questions about black eagles and dassies. To them all I extend a word of thanks for their time and help.

ADDENDUM

Four of the eight known fish engravings occur on De Beers property. Three other fish are engraved on a rock at Bushman's Fountain or Rooipoort.

APPENDIX 1 - THE BLACK EAGLES NEST

Black eagles nest in cliffs near to their food source. They specialise in catching dassies for their prey, and this is their main source of food. The eagles at the Koffiefontein pipe catch dassies which live in the sides of the rock dump. Should the colony of dassies be disturbed in any way, by rehabilitating the side of the dump for instance, they will move away. If this happens the black eagles will lose their source of food, and definitely also move away. If the mine wishes to retain its black eagles it will have to ensure that the habitat of the dassie colony is not destroyed or disturbed in any way.

It might be possible to move the dassie colony if a suitable habitat is created nearby. This would have to be done in consultation with specialists and at the time of the year when the females are not producing young, which they do in November and December. A location would have to be created nearby and the dassies allowed to get used to it for a few months before any structural changes are made to their current habitat. The best option would be to leave them where they are.

I consulted with Brian Colahan, an ornithologist with the Free State Nature Conservation Department, about the eagles, and with Dr Nico Avenant, a mammologist at the National Museum about the dassies. Both are willing to be consulted further by the mine should the mine wish to. Their contact details are:

Brian D. Colahan
Principal Nature Conservation Scientist: Ornithology
Free State Environmental Affairs and Tourism
P.O. Box 264
Bloemfontein
9300
Tel: 051 - 403 3770
e-mail: bdcolahan@xsinet.co.za

Dr Nico Avenant
National Museum
P.O. Box 266
Bloemfontein
9300
Tel: 051 - 4479609
e-mail: navenant@nasmus.co.za

Another contact is the Raptor Conservation Group. The person there to contact is:

Prof Gerhaard Verdoorn
Chairman: RCG
P/Bag X11
Parkview
2122
Tel: 011 - 486 1102
e-mail: rcg@ewt.org.za

APPENDIX 2 - SOUTH AFRICAN HERITAGE RESOURCE AGENCY (SAHRA) DETAILS

The Free State Office of SAHRA is located in Bloemfontein. The person to contact is Ms Herma Gous at:

SAHRA
Fichardt House
40 Elizabeth Street
Bloemfontein

Postal Address:

P.O. Box 9743
Bloemfontein
9300

Tel: 051 - 430 4139

Fax: 051 - 448 2536

The National Heritage Resources Act, no. 25 of 1999, article 34, states that no one may change or demolish any structure older than 60 years without a permit from the local heritage resources agency.

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QUALIFICATIONS OF ARCHAEOLOGIST

Z.L. Henderson:

B.A. (Hons) (Stell.) 1986

M.A. (Stell.) 1990

M.Phil. (Cantab.) 1991

PhD (Cantab.) passed 2001, but not yet awarded

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

WHAT TO DO WHEN GRAVES ARE UNCOVERED ACCIDENTALLY

South African Heritage Resources Agency (SAHRA) staff and archaeologists, palaeontologists and historians in museums and universities are often confronted with the problem of what should be done when human skeletal material is found accidentally in unmarked graves. Under the new National Heritage Resources Act (Act No. 25 of 1999), the provisions are different from those applicable under the National Monuments Act. These guidelines assist you to follow the legal pathway.

1. First, establish the context of the burial.

- A. Are the remains less than 60 years old? If so, they may be subject to provisions of the Human Tissue Act and to local, regional or municipal regulations, which vary from place to place. The finding of such remains must be reported to the police but are not protected by the National Heritage Resources Act.
- B. Is this the grave of a victim of conflict (see 2B)? If so, it is protected by the National Heritage Resources Act (Section 36(3a)). (Relevant extracts from the Act and Regulations are included below.)
- C. Is it a grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority? If so, it is protected by the National Heritage Resources Act (Section 36(3b)).
- D. Are the human or hominid remains older than 100 years? If so, they are protected by the National Resources Heritage Act (Section 35(4), see also definition of 'archaeological' in Section 2).

2. Second, refer to the terms of the National Heritage Resources Act most appropriate to the situation, and to other Acts and Ordinances:

- A(i) Human remains that are NOT protected in terms of the National Heritage Resources Act (i.e. less than 60 years old and not a grave of a victim of conflict or of cultural significance) are subject to provisions of the Human Tissue Act and to local and regional regulations.
 - * All finds of human remains must be reported to the nearest police station to ascertain whether or not a crime has been committed.
 - * If there is no evidence for a crime having been committed, and if the person cannot be identified so that their relatives can be contacted, the remains may be kept in an institution where certain conditions are fulfilled. These conditions are laid down in the Human Tissue Act (Act No. 65 of 1983).

In the event that a graveyard is to be moved or developed for another purpose, it is incumbent on the local authority to publish a list of the names of all the persons buried in the graveyard if there are gravestones, or simply a notification that graves in the relevant graveyard are to be disturbed. Such a list would have to be compiled from the names on the gravestones or from parish or other records. The published list would call on the relatives of the deceased to react within a certain period to claim the remains for reinterment. If the relatives do not react to the advertisement, the remains may be reinterred at the discretion of the local authority.

A(ii) It is illegal in terms of the Human Tissue Act for individuals to keep human remains, even if they have a permit, and even if the material was found on their own land.

A(iii) Provincial Ordinances (for example the Cape Provincial Exhumations Ordinance (Ordinance No. 12 of 1980) are also relevant. The purpose of the latter is "To prohibit the desecration, destruction and damaging of graves in cemeteries and receptacles containing bodies; to regulate the exhumation, disturbance, removal and re-interment of bodies, and to provide for matters incidental thereto".

- * A "Cemetery" is defined as any land, whether public or private, containing one or more graves
- * A "grave" includes "(a) any place, whether wholly or partly above or below the level of the ground and whether public or private, in which a body is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and (b) any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenant to a grave."
- * No person shall desecrate, destroy or damage any grave in a cemetery, or any coffin or urn without written approval of the Administrator
- * No person shall exhume, disturb, remove or re-inter any body in a cemetery without prior written approval of the Administrator
- * Application must be made for such approval in writing, together with:
 - a statement of where the body is to be re-interred
 - why it is to be exhumed
 - the methods proposed for exhumation
 - written permission from local authorities, nearest available relatives and the religious body owning or managing the cemetery, and where all such permission cannot be obtained, the application must give reasons why not
- * The Administrator has the power to vary any conditions and to impose additional conditions
- * Anyone found guilty and convicted is liable for a maximum fine of R200 and maximum prison sentence of six months

- B. Human remains from the graves of victims of conflict, or any burial ground or part thereof which contains such graves and any other graves that are deemed to be of cultural significance may not be destroyed, damaged, altered, exhumed or removed from their original positions without a permit from the National Heritage Resources Agency. They are administered by the Graves of Conflict Division at the SAHRA offices in Johannesburg.

'Victims of conflict' are:

- * those who died in this country as a result of any war or conflict but excluding those covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992),
- * members of the forces of Great Britain and the former British Empire who died in active service before 4 August 1914,
- * those who, during the Anglo Boer War (1899-1902) were removed from South Africa as prisoners and died outside South Africa, and,
- * those people, as defined in the regulations, who died in the 'liberation struggle' both within and outside South Africa

- C. Any burial that is older than 60 years, which is outside a formal cemetery administered by a local authority, is protected in terms of Section 36(3b) of the National Heritage Resources Act. No person shall destroy, damage, alter, exhume or remove from its original position remove from its original site or export from the Republic any such grave without a permit from the SAHRA.

There are some important new considerations applicable to B & C (above).

SAHRA may issue a permit to disturb a burial that is known to be a grave of conflict or older than 60 years, or to use, at a burial ground, equipment for excavation or the detection or recovery of metals.

(Permit applications must be made on the official form *Application for permit: Burial Grounds and Graves* available from SAHRA or provincial heritage resources authorities.) Before doing so, however, SAHRA must be satisfied that the applicant:

- * has made satisfactory arrangements for the exhumation and re-interment of the contents of such a grave at the cost of the applicant,
- * has made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such a grave and,
- * has reached an agreement with these communities and individuals regarding the future of such a grave or burial ground.

Procedure for consultation

The regulations in the schedule describe the procedure of consultation regarding known burial grounds and graves. These apply to any one who intends to apply for a permit to destroy, damage, alter, remove from its original position or otherwise disturb any grave or burial ground older than 60 years that is situated outside a formal cemetery administered by a local authority. The applicant must make a concerted effort to identify the

descendants and family members of the persons buried in and/or any other person or community by tradition concerned with such grave or burial ground by—

- * archival and documentary research regarding the origin of the grave or burial ground;
- * direct consultation with local community organisations and/or members;
- * the erection for at least 60 days of a notice at the grave or burial ground, displaying, in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of the period of erection of the notice; and
- * advertising in the local press.

The applicant must keep records of the actions undertaken, including the names and contact details of all persons and organisations contacted and their response, and a copy of such records must be submitted to the provincial heritage resources authority with the application.

Unless otherwise agreed by the interested parties, the applicant is responsible for the cost of any remedial action required.

If the consultation fails to result in agreement, the applicant must submit records of the consultation and the comments of all interested parties as part of the application to the provincial heritage resources authority.

In the case of a burial discovered by accident, the regulations state that when a grave is discovered accidentally in the course of development or other activity:

- * SAHRA or the provincial heritage resources authority (or delegated representative) must, in co-operation with the Police, inspect the grave and decide whether it is likely to be older than 60 years or otherwise protected in terms of the Act; and whether any further graves exist in the vicinity.
- * if the grave is likely to be so protected, no activity may be resumed in the immediate vicinity of the grave, without due investigation approved by SAHRA, or the provincial heritage resources authority; and
- * SAHRA or the provincial heritage resources authority may at its discretion modify these provisions in order to expedite the satisfactory resolution of the matter. (In the case of burials that are accidentally discovered during building or other forms of disturbance of the soil, and that are apparently older than 60 or 100 years, a rapid response procedure is presently being implemented to allow the rescue of the burials).

- D. Archaeological material, which includes human and hominid remains that are older than 100 years (see definition in section 2 of the Act), is protected by the National Heritage Resources Act (Section 35(4)), which states that no person may, without a permit issued by the responsible heritage resources authority - destroy, damage, excavate, alter or remove from its original site any archaeological or palaeontological material.

The implications are that anyone who has removed human remains of this description from the original site must have a permit to do so. If they do not have a permit, and if they are convicted of an offence in terms of the National Heritage Resources Act as a result, they may be liable to a maximum fine of R100 000, or five years' imprisonment, *or both*. (As indicated above, in the case of burials that are accidentally discovered during building or other forms of disturbance of the soil, and that are apparently older than 60 or 100 years, a rapid response procedure is presently being implemented to allow the rescue of the burials).

3. Third, treat human remains with respect:

- a. Every attempt should be made to conserve graves *in situ*. Graves should not be moved unless this is the only means of ensuring their conservation.
- b. The removal of any grave or graveyard or the exhumation of any remains should be preceded by an historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of measured drawings and photographs. The report and recording should be placed in a permanent archive.
- c. Where the site is to be re-used, it is essential that all human and other remains be properly exhumed and the site left completely clear.
- d. Exhumations should be done under the supervision of an archaeologist, who would assist with the identification, classification, recording and preservation of the remains,
- e. No buried artefacts should be removed from any protected grave or graveyard without the prior approval of SAHRA. All artefacts should be re-buried with the remains with which they are associated. If this is not possible, proper arrangements should be made for the storage of such relics with the approval of SAHRA.
- f. The remains from each grave should be placed in individual caskets or other suitable containers, permanently marked for identification.
- g. The site, layout and design of the area for reinterment should take into account the history and culture associated with, and the design of, the original grave or graveyard.
- h. Re-burials in mass graves and the use of common vaults are not recommended.
- i. Remains from each grave should be re-buried individually and marked with the original grave markers and surrounds.
- j. Grouping of graves, e.g. in families, should be retained in the new layout.
- k. Material from the original grave or graveyard such as chains, kerbstones,

- l. railing and should be re-used at the new site wherever possible.
- l. A plaque recording the origin of the graves should be erected at the site of re-burial.
- m. Individuals or groups related to the deceased who claim the return of human remains in museums and other institutions should be assisted to obtain documentary proof of their ancestry.

For further information contact the South African Heritage Resources Agency, PO Box 4637, Cape Town, 8000.

APPENDIX 1

Extract from the National Heritage Resources Act (Act No.25 of 1999), Section 35

Archaeology, palaeontology and meteorites

35. (1) Subject to the provisions of section 8, the protection of archaeological and palaeontological sites and material and meteorites is the responsibility of a provincial heritage resources authority: Provided that the protection of any wreck in the territorial waters and the maritime cultural zone shall be the responsibility of SAHRA.
- (2) Subject to the provisions of subsection (8)(a), all archaeological objects, palaeontological material and meteorites are the property of the State. The responsible heritage authority must, on behalf of the State, at its discretion ensure that such objects are lodged with a museum or other public institution that has a collection policy acceptable to the heritage resources authority and may in so doing establish such terms and conditions as it sees fit for the conservation of such objects.
- (3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.
- (4) No person may, without a permit issued by the responsible heritage resources authority-
- (a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
 - (b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
 - (c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
 - (d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- (5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedure in terms of section 38 has been followed, it may-
- (a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
 - (b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
 - (c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph (a) to apply for a permit as required in subsection (4); and
 - (d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.
- (6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or a meteorite is situated, serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.
- (7) (a) Within a period of two years from the commencement of this Act, any person in possession of any archaeological or palaeontological material or object or any meteorite which was acquired other than in terms of a permit issued in terms of this Act, equivalent provincial legislation or the National Monuments Act, 1969 (Act

No. 28 of 1969), must lodge with the responsible heritage resources authority lists of such objects and other information prescribed by that authority. Any such object which is not listed within the prescribed period shall be deemed to have been recovered after the date on which this Act came into effect.

(b) Paragraph (a) does not apply to any public museum or university.

(c) The responsible authority may at its discretion, by notice in the Gazette or the Provincial Gazette, as the case may be, exempt any institution from the requirements of paragraph (a) subject to such conditions as may be specified in the notice, and may by similar notice withdraw or amend such exemption.

(8) An object or collection listed under subsection (7)-

(a) remains in the ownership of the possessor for the duration of his or her lifetime, and SAHRA must be notified who the successor is; and

(b) must be regularly monitored in accordance with regulations by the responsible heritage authority.

* * *

Burial grounds and graves

36.(1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.

(3) No person may, without a permit issued by SAHRA or a provincial heritage resources authority-

(a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

(b) 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

(c) 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 the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.

(5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority-

(a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and (b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.

(6) Subject to the provision of any other law, any person who in the course of 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 the purpose of obtaining information on whether or not 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 make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

(7) (a) SAHRA must, over a period of five years from the commencement of this Act, submit to the Minister for his or her approval lists of graves and burial grounds of persons connected with the liberation struggle and who died in exile or as a result of the action of State security forces or agents provocateur and which, after a process of public consultation, it believes should be included among those protected under this section.

(b) The Minister must publish such lists as he or she approves in the Gazette.

(8) Subject to section 56(2), SAHRA has the power, with respect to the graves of victims of conflict outside the Republic, to perform any function of a provincial heritage resources authority in terms of this section.

(9) SAHRA must assist other State Departments in identifying graves in a foreign country of victims of conflict connected with the liberation struggle and, following negotiations with the next of kin, or relevant authorities, it may re-inter the remains of that person in a prominent place in the capital of the Republic.

APPENDIX 2

Extracts From the Regulations Applicable to the National Heritage Resources Act (Act No.25 of 1999).

Schedule B, Chapter IX : Application for Permit: Burial Grounds and Graves (Regulations for Section 36 (3))

Applicability

33. These regulations apply to any person applying for a permit to—

- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb a grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
- (b) destroy, damage, alter, exhume or 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;
- (c) bring into use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals;

Application requirements and procedure

34. (1) Permit applications must be made on the official form *Application for permit: Burial Grounds and Graves*, available from SAHRA or any provincial heritage resources authority.
- (2) Permit applications must be submitted to the relevant provincial heritage resources authority.¹
- (3) The following must be supplied with the application—
- (a) name and address, erf/stand/ farm number or geographical co-ordinates of the grave or burial ground and magisterial district;
 - (b) name, address, telephone and/or fax numbers of the planning authority for the place;
 - (c) details of the action/s for which application is made, in accordance with Guidelines;
 - (d) motivation for the proposed action/s, including supporting documentation and research, in accordance with Guidelines;
 - (e) details of the cost of the action/s;
 - (f) name, identity number, address, telephone and/or fax number, qualifications, relevant experience and signature of the person who will be responsible for the action/s;
 - (g) name, identity number, address, telephone and/or fax number and signature of the owner of the land on which the grave or burial ground is situated;
 - (h) in the case of the exhumation or removal of a grave, the name, identity number, address, telephone and/or fax number, qualifications, relevant experience and signature of the archaeologist who will supervise the work;
 - (i) in the case of destruction or damage of any burial ground or grave referred to in section 2 (a) of these regulations, details of arrangements for the exhumation and reinterment of the contents of such graves;
 - (j) in the case of any activity under section 2 (b) of these regulations,
 - (i) details of efforts made to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
 - (ii) copies of agreements reached with such communities or individuals regarding the future of such grave or burial ground;
 - (k) name, identity number, address, telephone and/or fax number and signature of the applicant, if the owner is not the applicant;
 - (l) any other relevant information required by the provincial heritage resources authority.
- (4) The provincial heritage resources authority may at its discretion refer an application to SAHRA or to experts in the field for comment and advice on any conditions that should be imposed in the permit.

Minimum qualifications and standards of practice

35. A permit will only be issued for exhumation or removal which is to be done—

- (a) under the supervision of a qualified archaeologist;
- (b) with due respect for any human remains and the customs and beliefs of any person or community concerned with such grave or burial ground and, when requested, in the presence of such person or community representative;
- (c) after arrangements have been made for the re-interment of any human remains and the re-interment or curation of any other contents of such grave or burial ground, to the satisfaction of SAHRA;
- (d) in accordance with any Guidelines.

¹ Section 36 is ambiguous about whether the responsibility for permits vests with SAHRA or provincial heritage authorities. The original intention in the draft legislation was for this to be a provincial competence, in accordance with the principle that powers be devolved to the lowest competent level of government.

Schedule A, Chapter IX: Discovery of Previously Unknown Grave (Regs for Section 36(6))

Applicability

7.(1) These regulations apply when a grave, the existence of which was previously unknown, is discovered in the course of development or any other activity.

(2) Such grave must not be disturbed in any way after it is discovered except under authority of the provincial heritage resources authority.²

Investigation

8.(1) As soon as possible after notification of the discovery of the grave, the provincial heritage resources authority or its delegated representative must, in co-operation with the South African Police Service, inspect such grave and decide whether or not there is reason to believe—

(a) that the grave is likely to be older than 60 years or otherwise protected in terms of the Act; and

(b) that any further graves exist in the vicinity.

(2) If it is decided that the grave is likely to be so protected, no activity referred to in regulation 7 (1) may be resumed in the immediate vicinity of such grave or in the area in which additional graves are likely to be found, unless an investigation is undertaken by a person and in a manner approved by the provincial heritage resources authority to establish the facts of the matter.³

(3) If the investigation in regulation 8 (2) confirms that any grave is protected, the Act and the provisions in regulations 4, 5 and 6 shall apply in respect of any person who intends to disturb such grave; provided that the provincial heritage resources authority may at its discretion modify such provisions in order to expedite the satisfactory resolution of the matter.

Schedule A, Chapter VIII: Procedure for Consultation Regarding Burial Grounds and Graves ((Regulations for Section 36 (5))

Applicability

4.(1) These regulations apply to any person with the intention to apply for a permit to destroy, damage, alter, 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.

(2) The person in regulation 4(1) is hereafter referred to as the applicant.

Identification procedure

5.(1) The applicant must make a concerted effort to identify the descendants and family members of the persons buried in and/or any other person or community by tradition concerned with such grave or burial ground by—

(a) archival and documentary research regarding the origin of the grave or burial ground;

(b) direct consultation with local community organisations and/or members;

(c) the erection for at least 60 days of a notice at the grave or burial ground, displaying, in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of the period of erection of the notice; and

(d) advertising in the local press.

(2) The applicant must keep records of the actions undertaken under regulations 5(1), including the names and contact details of all persons and organisations contacted and their response, and a copy of such records must be submitted to the provincial heritage resources authority with the application.

Consultation and agreement

6.(1) The applicant must consult any interested parties identified through the process in regulation 5 regarding the effect of the proposals on the grave or burial ground, with the aim of reaching agreement about the future of such grave or burial ground.

(2) Unless otherwise agreed by the interested parties, the applicant is responsible for the cost of any remedial action required in terms of an agreement under regulation 6 (1), whether modification of any proposals to retain the grave or burial ground, or excavation and re-interment of any grave, or any other reasonable action required by the interested parties.

(3) If the consultation under regulation 6 (1) fails to result in agreement, the applicant must submit records of the consultation and the comments of all interested parties as part of the application to the provincial heritage resources authority.

² The intention is that the provincial heritage resources authority may thus authorise some form of minimal disturbance for the purposes of the investigation under 8 (2), without going through a whole permit application procedure.

³ Note that in the wording of Ss 36 (6)(b) of the Act there is an unfortunate assumption that discovery leads to removal, which is not necessarily the case. There is an option here to leave the grave undisturbed, in which case further investigation will not be required. This could be useful if the "activity" is easily modified, e.g. ploughing a field. It also limits the onus on the authority to investigating the "reasonable likelihood" of the grave being significant, without shifting an unfair burden onto the discoverer - who may just have been going about his/her daily business and have neither the desire nor the means to go through an onerous procedure as a result.

HUMAN REMAINS AND POSSIBLE MILITARY ASSOCIATIONS – KOFFIEFONTEIN

Three metal objects were brought to the McGregor Museum on 16 March 2001 by Mr John Henry Jacobs (DBCM Security Department), for identification and possible provenance. I was contacted by the Museum having previously been employed there as Ethnographer and Military History researcher, and having served for several years on the British Forces Committee of then SA War Graves Board (now the Burial Sites Unit of the SA Heritage Resources Agency).

All three objects (illustrated in the accompanying photographs) were reportedly associated with human skeletal material accidentally excavated during the re-processing of kimberlite dumps at Koffiefontein Mine. All appear to be of metal, two of them being circular and domed. The third is a narrow curved strip which could have been part of a bangle, but which has no immediately identifiable characteristics.

The two circular objects appear to be buttons of British Military type, although the surface of one is obscured by heavy encrustation and a piece of attached fabric. The second is clearly marked "94", the numbers encircled by a raised band (which may incorporate letters – not words), surmounted by a crown of the pattern often referred to as a "Queen's Crown". The rear shank which would have attached the button is either gone or flattened and obscured. Adhering to the second button is a fragment of very dark cloth which appears black, but could have been the extremely dark navy or even dark green used by the British forces. Fabric of the same colour adheres to the first button, together with a khaki coloured scrap at the front and brownish pieces, plus the dark material at the back.

Identification: the most probable explanation is that both objects are British army buttons of the 2nd Battalion Connaught Rangers, circa 1881-1902.

Until 1881 British infantry regiments were numerically identified, the 2nd Battalion having formerly been the 94th Regiment of Foot. In 1881 the 94th was amalgamated with the 88th Regiment of Foot to form the 2nd and 1st Battalions respectively of the Connaught Rangers. In 1922 the Regiment was disbanded, following establishment of the Irish Free State. It is just possible that the buttons pre-date 1881, as the old 94th Regiment served in South Africa during the Zulu War of 1879, in the Transvaal, and during the Boer War of 1880-1881, before returning to Britain in 1882 as the 2nd Battalion Connaught Rangers. Illustrations, however, of the pre-1881 "94" buttons appear very different from the Koffiefontein samples. (see annexures). With the death of Queen Victoria in 1901 the pattern of crown would have changed to the "King's Crown".

Actions: I was told by Mr Jacobs that the three items had been associated with human remains, currently in Bloemfontein with the SA Police to be

examined forensically. The remains are reportedly of at least two individuals, at least one being male. There are legal procedures which must be followed when graves are accidentally uncovered (see annexures). As the associated items suggest a military origin this places any remains under the jurisdiction of the Burial Site Unit of the SA Heritage Resources Agency. I accordingly notified Mr Jacobs that mining of the area where the remains had been found must stop until further investigations, under provision of the Act no. 25 of 1999, the National Heritage Resources Act. I also immediately contacted Ms J Bester, Head of the Burial Sites Unit, explaining the circumstances and asking her to investigate as speedily as possible and to contact Mr Rudi Weideman of DBCM Security Department concerning the incident.

Possible origins, circumstantial evidence and outstanding queries

Actions were fought in and around Koffiefontein during the Anglo-Boer South African War of 1899-1902, while British and Colonial troops were stationed in the area until after the end of the war. The simplest explanation is that the remains are of men dying at that time, killed in action, dying of wounds, of disease or accidentally. Six casualties (two dying from wounds and four of disease, probably typhoid) are recorded as buried in the Koffiefontein Municipal Cemetery, together with a SA Constabulary victim who dies in 1906. A memorial to these men is in the Cemetery, with their units recorded as: West Riding Regiment, Royal Army Medical Corps, 24th Company Imperial Yeomanry, Gordon Highlanders, Highland Light Infantry and Royal Welsh Fusiliers. Elsewhere there is mention of 20 Black mine employees dying (see annexures). No mention, however, of Connaught Ranger casualties, while records examined to date place the Connaught Rangers no closer than Aliwal North and Dordrecht. Their regimental records are in the National Army Museum in London, whom I have contacted asking for help.

A preliminary suggestion was that the men had been buried in the dump itself. This seems unlikely, partly because of the vertical nature of most kimberlite dumps, but also for lack of any obvious reason for doing so. More plausible is that the men were buried in relatively shallow graves in open ground and the dump came later, which seems to have been the case as Mr Jacobs has since informed me that the dump was only started in the 1930's (considerably after SA Union and also the disbandment of the Connaught Rangers).

Reasons for the casualties not being in the cemetery can only be speculative unless further information is forthcoming. Anomalies in British casualty lists are, however, fairly common. Identity tags were not worn, mounted columns and small garrisons could be of very mixed regimental origin, and records particularly of "other ranks" and those dying of causes not directly battle-related were often error-prone. Infectious diseases, religion, proximity to camp, plus numerous other reasons could all influence place of burial.

Conclusions

1. The buttons found in association with the human remains are of military pattern. As at least one of the individuals has been identified as male, the case is strong for their having been military casualties.
2. The legal provisions of the SA Heritage Resources Agency Act No. 25 of 1999 therefore apply and mining operations must be suspended until the site can be investigated.
3. The Department concerned is the Burial Sites Unit of SAHRA, headed by Ms J Beater (address below), who is in contact with Mr R Weideman (DBCM Security Department) over the actions planned.
4. The burials appear to have been in ground subsequently covered by a kimberlite dump, now being removed for reprocessing. The area should be checked for any further remains, skeletal or associated artefacts, (as also the ground already removed).
5. The "94" on one button links them with the 2nd Battalion Connaught Rangers.
6. There were military actions and troop movements in and around Koffiefontein during the war of 1899-1902, and six casualties from that era are recorded as having been buried in Koffiefontein Municipal Cemetery.
7. Research on any teeth found could help establish age at death and strengthen the case for the casualties having been military.
8. At present most of the evidence is circumstantial with several queries unanswered. Research continues.
9. De Beers Consolidated Mines acted legally and ethically in reporting the finds to both the SA Police and the McGregor Museum. Such prompt action helps preserve South Africa's fragile heritage, and the relevant staff must be commended.



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