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**A REPORT ON THE ASSESSMENT OF A KNOWN GRAVE SITE  
LOCATED AT THE PROPOSED BORROW PIT  
IN THE MADIBOGO PAN VILLAGE LOCATED WITHIN  
THE RATLOU LOCAL MUNICIPALITY, NORTHWEST PROVINCE**

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REPORT: APAC018/19

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**Although all possible care is taken to identify all sites of cultural importance during the survey of study areas, the nature of archaeological and historical sites are as such that it always is possible that hidden or subterranean sites could be overlooked during the study. APELSER ARCHAEOLOGICAL CONSULTING and its personnel will not be held liable for such oversights or for costs incurred as a result thereof.**

A handwritten signature in black ink, appearing to be 'A. Pelser', is centered on the page.

## SUMMARY

APELSER ARCHAEOLOGICAL CONSULTING cc was appointed by Lesekha Consulting to undertake an assessment of a known grave site located at the Madibogo Pan Village proposed borrow pit. The aim of the assessment was to determine the extent of the site, as well as the age and heritage significance of the site and graves situated here. Recommendation on various mitigation measures to ensure the protection of the site & the graves against negative impacts by the proposed borrow pit activities were also be to provided

This document is the result of APAC's March 2018 field assessment. **A number of recommendations are put forward at the end of this report in terms of the preservation and in situ management of the impacted grave site.**

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## 1. INTRODUCTION

APELSER ARCHAEOLOGICAL CONSULTING cc was appointed by Lesekha Consulting to undertake an assessment of a known grave site located at the Madibogo Pan Village proposed borrow pit. The aim of the assessment was to determine the extent of the site, as well as the age and heritage significance of the site and graves situated here. Recommendation on various mitigation measures to ensure the protection of the site & the graves against negative impacts by the proposed borrow pit activities were also to be provided.

This document is the result of APAC's March 2018 field assessment. The client indicated the approximate boundaries of the study area & the location of the known site that had to be assessed. The assessment focused on this area and the relevant grave site.

## 2. TERMS OF REFERENCE

The Terms of Reference for the assessment were

1. to undertake the physical assessment of the known grave site in the study area (development footprint) to determine their state of preservation; number of graves present; age of the graves and the geographical location of the site.
2. to provide a way forward in terms of the preservation and in situ management of the grave site & graves present on the site.

## 3. LEGISLATIVE REQUIREMENTS

Aspects concerning the conservation of cultural resources are dealt with mainly in two acts. These are the National Heritage Resources Act (Act 25 of 1999) and the National Environmental Management Act (Act 107 of 1998).

### 3.1 The National Heritage Resources Act

According to the above-mentioned act the following is protected as cultural heritage resources:

- a. Archaeological artifacts, structures and sites older than 100 years
- b. Ethnographic art objects (e.g. prehistoric rock art) and ethnography
- c. Objects of decorative and visual arts
- d. Military objects, structures and sites older than 75 years
- e. Historical objects, structures and sites older than 60 years
- f. Proclaimed heritage sites
- g. Grave yards and graves older than 60 years**
- h. Meteorites and fossils
- i. Objects, structures and sites of scientific or technological value.

The national estate includes the following:

- a. Places, buildings, structures and equipment of cultural significance
- b. Places to which oral traditions are attached or which are associated with living heritage
- c. Historical settlements and townscapes

- d. Landscapes and features of cultural significance
- e. Geological sites of scientific or cultural importance
- f. Sites of Archaeological and palaeontological importance
- g. Graves and burial grounds**
- h. Sites of significance relating to the history of slavery
- i. Movable objects (e.g. archaeological, palaeontological, meteorites, geological specimens, military, ethnographic, books etc.)

Heritage Impact Assessment (HIA) is the process to be followed in order to determine whether any heritage resources are located within the area to be developed as well as the possible impact of the proposed development on these possible heritage resources. An Archaeological Impact Assessment (AIA) only looks at archaeological resources. An HIA must be done under the following circumstances:

- a. The construction of a linear development (road, wall, power line, canal etc.) exceeding 300m in length
- b. The construction of a bridge or similar structure exceeding 50m in length
- c. Any development or other activity that will change the character of a site and exceed 5 000m<sup>2</sup> or involve three or more existing erven or subdivisions thereof
- d. Re-zoning of a site exceeding 10 000 m<sup>2</sup>
- e. Any other category provided for in the regulations of SAHRA or a provincial heritage authority

### **Structures**

Section 34 (1) of the mentioned act states that no person may demolish any structure or part thereof which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

A structure means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith.

Alter means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, by painting, plastering or the decoration or any other means.

### **Archaeology, palaeontology and meteorites**

Section 35(4) of the Act deals with archaeology, palaeontology and meteorites. The Act states that no person may, without a permit issued by the responsible heritage resources authority (national or provincial):

- 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 that assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- e. alter or demolish any structure or part of a structure which is older than 60 years as protected.

**The above mentioned may only be disturbed or moved by an archaeologist, after receiving a permit from the South African Heritage Resources Agency (SAHRA). In order to demolish such a site or structure, a destruction permit from SAHRA will also be needed.**

### *Human remains*

Graves and burial grounds are divided into the following:

- a. ancestral graves
- b. royal graves and graves of traditional leaders
- c. graves of victims of conflict
- d. graves designated by the Minister
- e. historical graves and cemeteries
- f. human remains

In terms of Section 36(3) of the National Heritage Resources Act, no person may, without a permit issued by the relevant 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 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; or
- c. bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation, or any equipment which assists in the detection or recovery of metals.

Human remains that are less than 60 years old are subject to provisions of the National Health Act (Act 61 of 2003) and to local regulations. Exhumation of graves must conform to the standards set out in the **Ordinance on Excavations (Ordinance no. 12 of 1980)** (replacing the old Transvaal Ordinance no. 7 of 1925).

Permission must also be gained from the descendants (where known), the National Department of Health, Provincial Department of Health, Premier of the Province and local police. Furthermore, permission must also be gained from the various landowners (i.e. where the graves are located and where they are to be relocated) before exhumation can take place.

Unidentified/unknown graves are also handled as older than 60 until proven otherwise.

### **3.2 The National Environmental Management Act, 1998 (107 of 1998)**

This act states that a survey and evaluation of cultural resources must be done in areas where development projects, that will change the face of the environment, will be undertaken. The impact of the development on these resources should be determined and proposals for the mitigation thereof are made.

Environmental management should also take the cultural and social needs of people into account. Any disturbance of landscapes and sites that constitute the nation's cultural heritage should be avoided as far as possible and where this is not possible the disturbance should be minimized and remedied.

## **4. METHODOLOGY**

### **4.1 *Survey of literature***

Archival and other literary sources are generally used to gather information on the study area for background information purposes. In this case the focus was on the assessment of a known grave site.

### **4.2 *Field survey***

This was done using the data provided by the client on the location of the grave site, as well as the development area footprint. The focus was on the known grave site within the study area only.

### **4.3 *Oral histories***

People from local communities are sometimes interviewed in order to obtain information relating to the surveyed area. It needs to be stated that this is not applicable under all circumstances. When applicable, the information is included in the text and referred to in the bibliography.

### **4.4 *Documentation***

All sites, objects, features and structures identified are documented according to the general minimum standards accepted by the archaeological profession. Co-ordinates of individual localities are determined by means of the Global Positioning System (GPS). The information is added to the description in order to facilitate the identification of each locality. Photographs of each site location and of individual objects, features and graves are also taken as part of the documentation process.

## **5. DESCRIPTION OF THE AREA**

APELSEAR ARCHAEOLOGICAL CONSULTING cc was appointed by Lesekha Consulting to undertake an assessment of a known grave site located at the Madibogo Pan Village proposed borrow pit. The study area is located in the Ratlou Local Municipality of the Northwest Province, north of Delareyville.

The proposed borrow pit is located outside and close to a section of Madibogo Village, in an area that seems to have been used in the past for agricultural purposes (ploughing and crop growing, as well as livestock grazing). The study area is flat and open and visibility was good. No other cultural heritage (archaeological and/or historical) sites besides the known grave site was situated in the footprint area of the proposed borrow pit.





**Fig.1: General location of study area (Google Earth 2018).**



**Fig.2: Closer view of study area (proposed borrow pit footprint). Provided by Lesekha Consulting (@Google Earth).**



**Fig.3: General view of study area and Grave Site.**



**Fig.4: Another view of the area and Grave Site.**

## **6. DISCUSSION**

Anton Pelsler of APAC cc was requested by Lesekha Consulting to undertake the assessment of a known Grave Site located in the area of the proposed Madibogo Pan Village borrow pit. The intention is to not impact on the site in any way and to preserve it in situ. The aim of the assessment was therefore to record the site, determine its extent and to provide recommendations on the best way forward to protect the site and the graves located on it against any negative impacts by the borrow pit activities. These recommendations need to be implemented prior to the development commencing.



Besides the grave site no other sites, features or material of any archaeological and/or historical origin or significance occurs within the study/development area footprint.

**Grave Site 1 – GPS Location: S26° 30' 38.41" E25° 07' 12.93"**

The site contains at least 37 graves, although this number could be higher if a number of depressions and the possibility of unmarked graves are taken into consideration. Most of the graves are stone packed without any formal headstones or grave dressings. Some have metal plaques as markers at their heads. A few of the graves have granite borders and headstones with legible inscriptions. Some of these belong to the Tau family.

The dates of death on some of these graves (that could be determined) puts the age of the site to between 1979 (the oldest) and 2017 (the most recent). A 2001 date of death was also present. It is difficult without consultation to determine the age of the other unmarked graves, but it is quite possible that the site has been in use mainly from the late 1970's to currently. It should however still be taken into mind that it could be much earlier although it is highly likely that the site and the graves are not older than 60 years of age and protected by the National Heritage Resources Act of 1999.

Even if not older than 60 years of age, graves and grave sites always carry a High Significance Rating from a Cultural Heritage perspective it is recommended that the site should not be impacted on directly and negatively by any development and actions related to the proposed borrow pit. Some vandalism has already occurred, with granite headstones broken and thrown over. Last mentioned could also be the result of cattle grazing in the area and walking over the site and the graves.

Care should be taken to avoid further damage to the site and graves. It is therefore recommended that the site be properly fenced in before any borrow pit work commences here and that this fencing be consulted on with the local community and owners & descendants of the deceased individuals buried here. Access to the site and graves should not be hampered by the perimeter fence and planned borrow pit activities. This fence needs to be properly maintained and the site and graves be kept clean. A buffer zone of at least 20m from the outer perimeter of the fence should also be maintained in relation to any borrow pit activities.

The best way forward would be to avoid the grave site completely and to move the location and boundaries of the proposed borrow pit away from it and to not leave the site (even if fenced-in) within the footprint of the development area. If it is not possible to avoid the grave site then the possibility of exhumation and relocation could be investigated. This will obviously entail careful and detailed social consultation with the community and possible descendants of the deceased individuals buried there.



**Fig.5: A view of the Grave Site & graves.**



**Fig.6: Another view of the site and the graves.**



**Fig.7: A closer view of some of the graves. Most are stone-packed.**



**Fig.8: One of the graves with a broken headstone.**





**Fig.9: Closer view of study area footprint and the location of the Grave Site (Google Earth 2018).**

## 7. CONCLUSIONS AND RECOMMENDATIONS

Anton Pelsler of APAC cc was requested by Lesekha Consulting to undertake the assessment of a known Grave Site located in the area of the proposed Madibogo Pan Village borrow pit. The study area is located in the Ratlou Local Municipality of the Northwest Province, north of Delareyville.

The proposed borrow pit is located outside and close to a section of Madibogo Village, in an area that seems to have been used in the past for agricultural purposes (ploughing and crop growing, as well as livestock grazing). The study area is flat and open and visibility was good. The intention is to not impact on the site in any way and to preserve it in situ. The aim of the assessment was to record the site, determine its extent and to provide recommendations on the best way forward to protect the site and the graves located on it against any negative impacts by the borrow pit activities.

Besides the grave site no other sites, features or material of any archaeological and/or historical origin or significance occurs within the study/development area footprint.

The Grave site contains at least 37 graves, although this number could be higher if a number of depressions and the possibility of unmarked graves are taken into consideration. Most of the graves are stone packed without any formal headstones or grave dressings. Some have metal plaques as markers at their heads. A few of the graves have granite borders and headstones with legible inscriptions. Some of these belong to the Tau family.

The dates of death on some of these graves (that could be determined) puts the age of the site to between 1979 (the oldest) and 2017 (the most recent). A 2001 date of death was also present. It is difficult without consultation to determine the age of the other unmarked graves, but it is quite possible that the site has been in use mainly from the late 1970's to currently. It should however still

be taken into mind that it could be much earlier although it is highly likely that the site and the graves are not older than 60 years of age and protected by the National Heritage Resources Act of 1999.

Graves always carry a High Significance Rating from a Cultural Heritage perspective it is recommended that the site should not be impacted on directly and negatively by any development and actions related to the proposed borrow pit.

*It is recommended that the site be properly fenced in before any borrow pit work commences here and that this fencing be consulted on with the local community and owners & descendants of the deceased individuals buried here. Access to the site and graves should not be hampered by the perimeter fence and planned borrow pit activities. This fence needs to be properly maintained and the site and graves be kept clean. A buffer zone of at least 20m from the outer perimeter of the fence should also be maintained in relation to any borrow pit activities.*

*The best way forward would be to avoid the grave site completely and to move the location and boundaries of the proposed borrow pit away from it and to not leave the site (even if fenced-in) within the footprint of the development area.*

*If it is not possible to avoid the grave site then the possibility of exhumation and relocation could be investigated. This will obviously entail careful and detailed social consultation with the community and possible descendants of the deceased individuals buried there.*

**Finally, it should be noted that although all efforts are made to locate, identify and record all possible cultural heritage sites and features (including archaeological remains) there is always a possibility that some might have been missed as a result of grass cover and other factors. The subterranean nature of these resources (including low stone-packed or unmarked graves) should also be taken into consideration. Should any previously unknown or invisible sites, features or material be uncovered during any development actions then an expert should be contacted to investigate and provide recommendations on the way forward.**

## **8. REFERENCES**

General and Closer views of the study area and location of Grave Site: Google Earth 2018.

Location and footprint of proposed borrow pit: provided by Lesekha Consulting.

Knudson, S.J. 1978. **Culture in retrospect**. Chicago: Rand McNally College Publishing Company.

Republic of South Africa. 1999. **National Heritage Resources Act** (No 25 of 1999). Pretoria: the Government Printer.

Republic of South Africa. 1998. **National Environmental Management Act** (no 107 of 1998). Pretoria: The Government Printer.

## **APPENDIX A**

### **DEFINITIONS:**

**Site:** Means a large place with extensive structures and related cultural objects. It can also be a large assemblage of cultural artifacts, found on a single location.

**Structure:** Means a permanent building found in isolation or which forms a site in conjunction with other structures.

**Feature:** Means a coincidental find of movable cultural objects.

**Object:** Means an Artifact (cultural object).

(Also see Knudson 1978: 20).



## APPENDIX B

### DEFINITIONS/STATEMENTS OF HERITAGE SIGNIFICANCE:

- Historic value:** Important in the community or pattern of history or has an association with the life or work of a person, group or organization of importance in history.
- Aesthetic value:** Important in exhibiting particular aesthetic characteristics valued by a community or cultural group.
- Scientific value:** Potential to yield information that will contribute to an understanding of natural or cultural history or is important in demonstrating a high degree of creative or technical achievement of a particular period
- Social value:** Have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.
- Rarity:** Does it possess uncommon, rare or endangered aspects of natural or cultural heritage.
- Representivity:** Important in demonstrating the principal characteristics of a particular class of natural or cultural places or object or a range of landscapes or environments characteristic of its class or of human activities (including way of life, philosophy, custom, process, land-use, function, design or technique) in the environment of the nation, province region or locality.

## APPENDIX C

### SIGNIFICANCE AND FIELD RATING:

#### 1. Cultural significance:

- Low: A cultural object being found out of context, not being part of a site or without any related feature/structure in its surroundings.
- Medium: Any site, structure or feature being regarded less important due to a number of factors, such as date and frequency. Also any important object found out of context.
- High: Any site, structure or feature regarded as important because of its age or uniqueness. Graves are always categorized as of a high importance. Also any important object found within a specific context.

#### 2. Heritage significance:

- Grade I: Heritage resources with exceptional qualities to the extent that they are of national significance.
- Grade II: Heritage resources with qualities giving it provincial or regional importance although it may form part of the national estate.
- Grade III: Other heritage resources of local importance and therefore worthy of conservation.

#### 3. Field ratings:

- National Grade I significance: Should be managed as part of the national estate.
- Provincial Grade II significance: Should be managed as part of the provincial estate.
- Local Grade IIIA: Should be included in the heritage register and not be mitigated (high significance).
- Local Grade IIIB: Should be included in the heritage register and may be mitigated (high/ medium significance).
- General protection A (IV A): Site should be mitigated before destruction (high/ medium significance).
- General protection B (IV B): Site should be recorded before destruction (medium significance).
- General protection C (IV C): Phase 1 is seen as a sufficient recording of the existing structure and it may therefore be demolished of (low significance).

## APPENDIX D

### PROTECTION OF HERITAGE RESOURCES:

#### 1. Formal protection:

Formal protection is applicable to the following:

- National heritage sites and Provincial heritage sites – grades I and II
- Protected areas – which is described as an area surrounding a heritage site
- Provisional protection – described as protection for a maximum period of two years
- Heritage registers – listings of grades II and III
- Heritage areas – areas which include more than one heritage site
- Heritage objects – heritage objects include inter alia archaeological, paleontological, meteorites, geological specimens, visual art, military, numismatic and books.

#### 2. General protection:

General protection is applicable to:

- Objects protected by the laws of foreign states
- Structures – older than 60 years
- Archaeology, paleontology and meteorites
- Burial grounds and graves
- Public monuments and memorials

## **APPENDIX E**

### **HERITAGE IMPACT ASSESSMENT PHASES**

- Phase 1: Pre-assessment or scoping phase – the establishment of the scope of the project and the terms of reference.
- Phase 2: Baseline assessment – the establishment of a broad framework of the potential heritage of an area.
- Phase 3: Assessment of potential impacts – the identification of sites, assessment of their significance, commenting on the potential impact of the proposed development and recommending mitigation measures or the conservation thereof.
- Phase 4: Letter of recommendation for exemption –submitted in the event that no likelihood exists that any sites will be impacted upon.
- Phase 5: Mitigation or rescue – planning the protection of significant sites or sampling through excavation or collection (after receiving a permit) of sites that may be lost.
- Phase 6: Compilation of and implementation of a management plan – in rare cases where sites are regarded as of high importance such that development cannot be permitted unconditionally.