

## Grave Management Report

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*Recommendations for the management of possible gravesites at the Tshamahansi Borrow Pit Extension*



*Prepared By:*

*G&A Heritage*

*Prepared For:*

# CREDIT SHEET

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**Disclaimer;** Although all possible care is taken to identify all sites of cultural importance during the investigation of study areas, it is always possible that hidden or sub-surface sites could be overlooked during the study. G&A Heritage and its personnel will not be held liable for such oversights or for costs incurred as a result of such oversights.

SIGNED OFF BY: STEPHAN GAIGHER



# MANAGEMENT SUMMARY

**Site name and location:** Tshamahansi Grave Site Management

**Municipal Area:** Mokopane Local Municipality.

**Developer:** Mogalakwena District Municipality.

**Consultant:** G&A Heritage, PO Box 522, Louis Trichardt, 0920, South Africa

**Date of Report:** 10 January 2013

**Proposed date of commencement of development:** January 2013

This report is aimed at providing management recommendations for possible grave sites located on the proposed extension area of the Tshamahansi Borrow Pit site, close to Mokopane in the Limpopo Province.

## **Findings;**

Four areas with possible graves were identified in the study area and a small bufferzone surrounding the western edge of the study area. Some of the sites were identified by the local community representatives as graves while further sites resembling these identified sites were located by the heritage investigator on site.

## **Recommendations;**

Site specific recommendations are given in the appropriate sections.

## **Fatal Flaws;**

No fatal flaws were identified.

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## Grave Management Recommendations

*Recommendations for the management of possible gravesites.*

### Introduction

#### Legislation and methodology

G&A Heritage was appointed by Tekplan Environmental Consultants to undertake a heritage impact assessment for the proposed extension to the Tshamahansi Borrow Pit under the South African Heritage Resources Act (25 of 1999). Section 27(1) of the Provincial Act requires such an assessment in case of:

- (a) construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
- (b) construction of a bridge or similar structure exceeding 50 m in length; and
- (c) any development, or other activity which will change the character of an area of land, or water –
  - (1) exceeding 10 000 m<sup>2</sup> in extent;
  - (2) involving three or more existing erven or subdivisions thereof; or
  - (3) involving three or more erven, or subdivisions thereof, which have been consolidated within the past five years; or
- (d) the costs of which will exceed a sum set in terms of regulations; or
- (e) any other category of development provided for in regulations.

A heritage impact assessment is not limited to archaeological artefacts, historical buildings and graves. It is far more encompassing and includes intangible and invisible resources such as places, oral traditions and rituals. A heritage resource is defined any place or object of cultural significance i.e. of aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This includes the following wide range of places and objects:

- (a) places, buildings, structures and equipment;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and paleontological sites;
- (g) graves and burial grounds, including –
  - (1) ancestral graves,
  - (2) royal graves and graves of traditional leaders,
  - (3) graves of victims of conflict (iv) graves of important individuals,
  - (4) historical graves and cemeteries older than 60 years, and
  - (5) other human remains which are not covered under the Human Tissues Act, 1983 (Act No.65 of 1983 as amended);
- (h) movable objects, including ;
  - (1) objects recovered from the soil or waters of South Africa including archaeological and paleontological objects and material, meteorites and rare geological specimens;
  - (2) ethnographic art and objects;
  - (3) military objects;
  - (4) objects of decorative art;
  - (5) objects of fine art;

- (6) objects of scientific or technological interest;
- (7) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings; and
- (8) any other prescribed categories, but excluding any object made by a living person;
- (i) battlefields;
- (j) traditional building techniques.

A **'place'** is defined as:

- (a) A site, area or region;
- (b) A building or other structure (which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure);
- (c) a group of buildings or other structures (which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures); and (d) an open space, including a public square, street or park; and in relation to the management of a place, includes the immediate surroundings of a place.

**'Structures'** means any building, works, device, or other facility made by people and which is fixed to land and any fixtures, fittings and equipment associated therewith older than 60 years.

**'Archaeological'** means ;

- (a) material remains resulting from human activity which are in a state of disuse and are in or on land and are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;
- (b) rock art, being a form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and is older than 100 years including any area within 10 m of such representation; and
- (c) wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land or in the maritime cultural zone referred to in section 5 of the Maritime Zones Act 1994 (Act 15 of 1994), and any cargo, debris or artefacts found or associated therewith, which are older than 60 years or which in terms of national legislation are considered to be worthy of conservation;
- (d) features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found.

**'Paleontological'** means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

**'Grave'** means a place of interment and includes the contents, headstone or other marker of and any other structures on or associated with such place. SAHRA will only issue a permit for the alteration of a grave if it is satisfied that every reasonable effort has been made to contact and obtain permission from the families concerned.

Removal of graves are subject to the following procedures as outlined by the South African Heritage Resources Agency:

- Notification of the impending removals (using English, Afrikaans and local language media and notices at the grave site);
- Consultation with individuals or communities related or known to the deceased;
- Satisfactory arrangements for the curation of human remains and / or headstones in a museum, where applicable;
- Procurement of a permit from SAHRA;
- Appropriate arrangements for the exhumation (preferably by a suitably trained archaeologist) and re-interment (sometimes by a registered undertaker, in a formally proclaimed cemetery);
- Observation of rituals or ceremonies required by the families.

Table 1. Impacts on the NHRA Sections

Act	Section	Description	Possible Impact	Action
National Heritage Resources Act	34	Preservation of buildings older than 60 years	None	None

(NHRA)	35	Archaeological, paleontological and meteor sites	None	None
	36	Graves and burial sites	Possible graves at sites 1,2,3 & 4	Management guidelines
	37	Protection of public monuments	None	None
	38	Does activity trigger a HIA?	Yes	HIA

Table 2. NHRA Triggers

Action Trigger	Yes/No	Description
Construction of a road, wall, power line, pipeline, canal or other linear form of development or barrier exceeding 300m in length.	No	N/A
Construction of a bridge or similar structure exceeding 50m in length.	No	N/A
Development exceeding 5000 m <sup>2</sup>	Yes	Borrow Pit
Development involving more than 3 erven or sub divisions	No	N/A
Development involving more than 3 erven or sub divisions that have been consolidated in the past 5 years	No	N/A
Re-zoning of site exceeding 10 000 m <sup>2</sup>	No	N/A
Any other development category, public open space, squares, parks or recreational grounds	No	N/A

## Methodology

This study defines the heritage component of the Environmental Impact Assessment process. It is described as a first phase Heritage Impact Assessment (HIA). This report attempts to evaluate both the accumulated heritage knowledge of the area as well as information derived from direct physical observations.

## Evaluating Heritage Impacts

A combination of document research as well as the determination of the geographic suitability of areas and the evaluation of aerial photographs determined which areas could and should be accessed.

After plotting of the site on GPS the areas were accessed using suitable combinations of vehicle access and access by foot. Foot surveys were performed in 10m parallel transects.

Sites were documented by digital photography and geo-located with GPS readings using the WGS 84 datum.

Further techniques included interviews with local inhabitants.

## Assumptions and Restrictions

- It is assumed that the information supplied by the community representative is correct.
- It is assumed that the social impact assessment and public participation process of the EIA will result in the identification of any unmarked gravesites.

## Grave sites identified

### Site 1

GPS 24° 03' 54,7" S  
28° 59' 11,9" E



Figure 1. Site 1 Grave

This is an area of around 300m<sup>2</sup> with several stone cairns that could possibly indicate burial sites. At least six concentrations of stones are found in this area. One of the sites was indicated by the community representative as being a gravesite.

### Site 2

GPS 24° 03' 56,7" S  
28° 59' 15,0" E





Figure 2. Stone cairn at Site 2 indicating position of grinding stone



Figure 3. Lower grinding stone fragment at Site 2

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Some very similar stone heaps are located at this site. Although they do not have a formal structure, the remains of a lower maize grinding stone was located on top of the cairn. This is often an indications of a traditional burial site associated with females.

### Site 3

GPS 24° 03' 55,7" S  
28° 59' 12,6" E

This site contains two, possibly three, gravesites pointed out by the community representative. These sites lie outside of the study area, however are so close to the proposed extension that it was found prudent to mention their presence here. The community representative positively identified these sites as graves.



Figure 4. Site 3

### *Proposed management recommendations*

Two site management scenarios are proposed for the management of these sites.

#### *Scenario 1*

This first scenario is the lowest impact approach and proposes the avoidance of the burial site areas within the borrow pit.

It is recommended that a safety buffer of 10m around the burial area be adhered to. This will ensure that the burial sites are not damaged during the construction activities. It is recommended that the site be well demarcated with Danger-tape and that the vehicle operators be thoroughly briefed regarding the conservation of the sites.

Possible problem areas associated with this approach is the management of erosion after the borrow pit has been used. This could result in eventual damage to the gravesites. Development of the area could also result in access issues to the gravesites for family members both during the operational phase as well as afterwards. Further possible issues are the damaging of unidentified gravesites in the surrounding areas.

It is recommended that the sites not be isolated on elevated "islands" within the borrow pit site and that bridge areas be allowed for to facilitate access. It will also be necessary to rehabilitate these sites after the development of the borrow pit to ensure that the gravesites do not erode. Erosion measures to be developed by the site agent and engineers.

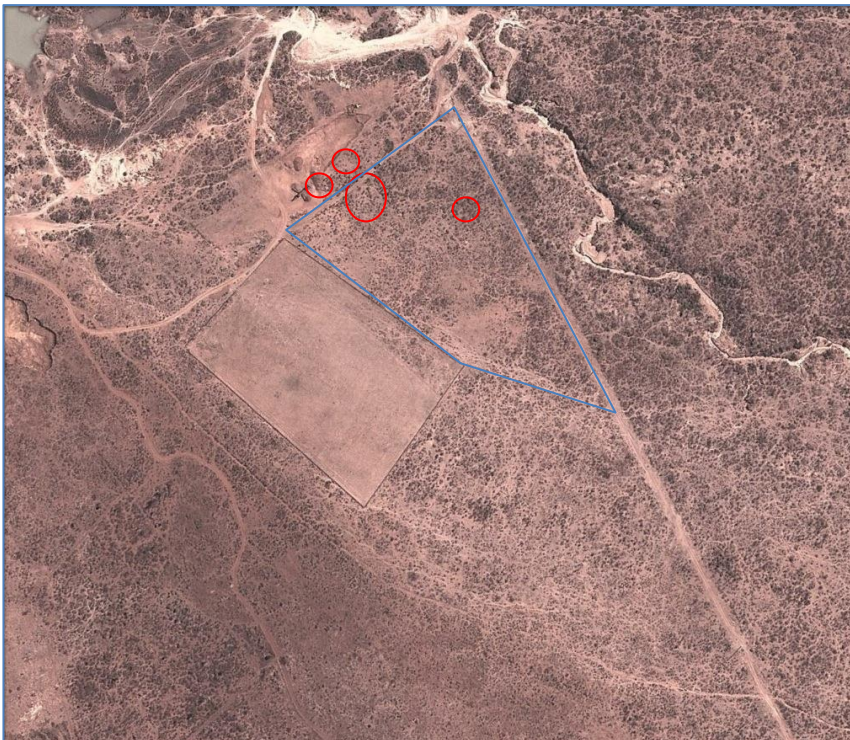


Figure 5. Borrow pit area with isolation areas in red

## Scenario 2

In this scenario the relocation of the gravesites within the borrow pit area is recommended. This will involve the exhumation and re-interment of the remains in a local cemetery.

The NHRA makes provision for the protection of graves under Section 36 of the Act. The Act states that;

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

Application for the removal or rehabilitation of graves as defined by Section 36 (3) a,b&c of the NHRA now falls under the administration of the Graves and Burial Grounds Unit of the National Office of SAHRA. Application should be made to this unit over and above the usual applications for removal to the normal provincial and national departments. Should the Permit Committee of SAHRA approve the motivation for the removal of the graves they will issue such a permit to a Registered Heritage Practitioner that holds Principal Investigator (PI) status with the Association of South African Professional Archaeologists (ASAPA). It should be noted that the issuing of a permit is not assured and that the decision may rest on the evaluation of the benefits of the proposed development to the local communities. On receipt of the SAHRA permit and other relevant permissions the graves may be excavated under the supervision of the permit carrying Heritage Practitioner. A registered funeral undertaker may handle re-interment in the usual manner.

Grave exhumations can follow one of two scenarios as outlined beneath;

### Scenario 1

The relatives of the deceased person are identified and agree to the exhumation of the body. The following process is followed (this is the most common scenario).

#### Phase I: Identification of Graves

Location of graves to be reflected on plans showing all the farms, names and boundaries of the development area. It is imperative that the exact layout of the graves, marked or unmarked, be clearly marked on a plan.

Family/relatives of the buried persons (graves) should be contracted and advised in writing that the developer plans to proceed with operations in the area where the graves are situated.

Such family members or representatives of the family/community should give written permission to the manager that the graves might be removed from the mine/borrow pit property.

The family or representative of the family reserves the right to choose where (place) the new graves should be located provided this is within a registered municipal cemetery.

Arrange a meeting with the community/family members to discuss the following:

- Community/families to elect a representative committee.
  
- Physical identification of the graves.
  
- Mark the graves on the development plan.

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- Draw a plan of the layout of the graves and number them.
- If possible, write down the names of the buried on the plan.
- Identify all graves, including the unknown ones.

G&A Heritage will, in conjunction with Tekplan, also appoint a representative committee.

Take photographs of the old graveyard as well as the new site of reburial.

Confirm in writing that the families, community or representative committee are 100 % sure that all the graves have been identified.

#### Phase II: Identification of Graves and Advertising

The following procedure must be followed to comply with legal and certain cultural requirements:

- Inform the;

Provincial Director-General: Health  
Municipal Parks Department  
Local Department of Health  
District Department of Health  
Provincial Department of Local Government

- Of the intention to remove the graves.
- Reason for removal of graves.
- Proposed re-burial site.

#### Advertising

The intention to remove the graves must be advertised in the local newspaper in at least three languages (one being the language spoken by the affected families).

Advertising must also be done through the local radio stations, which can reach a larger section of the community, especially for family relatives who cannot read, or who are not in a position to obtain a newspaper.

#### No response within 21 days

If no response is forthcoming from the community within 21 days of the date the advertisement was placed in the newspaper, the following must be done:

- During the time of the application the company must attempt to contact community members who live or used to live in the area, but have already move to another area.
- Once the community members have been identified they should be encouraged to elect a representative committee. (See paragraph 3 PHASE I).
- The consulting company and community representatives should have a meeting to discuss the exhumation and re-internment process in detail.
- Proper documentation should be kept including the minutes (signed) of all the meetings.
- Once the parties have agreed to the process, then an agreement should be drawn up and all party representatives must sign it.
- A written application must be made to the Provincial Director-General of the Department of Health.
- Full reasons must be given in the application as to why the grave/s have to be moved.
- Proof that advertisements were placed has to be provided.

#### Response within 21 days

If there is a response from the community within 21 days, the following must be forwarded to the Provincial Director-General: Health;

- All the requirements of paragraph 3 (Phase II) as we as;
- Objections received from respondents.
- Proof of notification and acknowledgement of receipt from affected families that they have been informed.
- Confirmation of the exhumation of graves by family/community representatives in respect of any details about the known as well as the unknown graves.
- Request for letter of approval to remove graves from community representatives.

#### Phase III: Approval and Go-Ahead

The Provincial Director-General: Health must give the following approval:

- Approval for the exhumation and re-internment of the mortal remains of each and every grave, separately.
- Approval for the exhumation and re-internment of the unknown graves must be separate from the know graves. Make sure that the number of the unknown graves is correct.
- Identify an approval funeral service company (e.g. AVBOB, ZENZELE, SAFFAS, etc.) to do the exhumation and re-internment of all the graves. Detailed quotations must accompany the funeral services company's application for approval by the project manager. Where possible local service provider should be utilized.
- The approved funeral service company should do the following:
  - o Explain the total process and provide the client with the details for their records.
- Once the aforementioned formalities have been finalized, all relevant correspondence/documentation has to be forwarded to the office of the Provincial Premier, for approval.
- Their application for approval must be supported by the following documents:
  - o Approval from the landowner.
  - o Proof of notices and advertisements.
  - o Approval by families and/or Community Committee.
  - o Approval from the Provincial Director General: Health (See paragraph 1 Phase III).
  - o Provide the client with copies of all written communication (very important) in respect of the exhumation of graves and re-internment.
  - o Provide the South African Police Services with a copy of the Provincial Premier's approval to remove the graves from the property.
- 5.4 Phase IV: Actual Exhumation and Re-Internment
- The actual exhumation and re-internment must be done by an approved and qualified undertaker (see Phase III).
- The community representatives must agree in writing that the approved undertaker can proceed

with the exhumation and re-interment process.

- All the undertaker's employees must comply with the pre-operation phase requirements (i.e. medical screening, induction, health and safety training, etc.) as stipulated in the developer standard procedure.
- Company and family representatives are to visit the old graveyard before exhumation commences (see paragraph 3 PHASE I). The necessary photographs must be taken in the presence of all concerned. It is extremely important that unmarked and/or unknown graves are re-interred in exactly the same sequence (who next to who) as they were buried.
- Agreement must be drawn up in respect of the tombstones as will be required at the new place of re-burial, as well as cultural requirements such as slaughtering of oxen etc.
- The following must be included in the agreement:
  - o Type of Tombstone.
  - o Number of adult graves.
  - o Number of children graves.
  - o Number of "two in one" graves.
  - o Number of graves for more than two people.
  - o Three independent written quotations for the total number and size of tombstones required, reflecting costs per unit in the four different categories.
  - o Three independent written quotations to buy cattle to be slaughtered for cultural purposes.
  - o Transport provided to the family/community members and/or representatives.
  - o The company representative/s together with a community/family representative/s must take photographs of the tombstones after being erected.
- On completion of the process a final meeting should be held between all parties to finalize and confirm all details and draw up a note for the record.

## **Scenario 2**

No relatives are identified and the graves are unmarked or older than 100 years. The social consultation steps outlined in Scenario 1 should be followed to ensure that all possible steps were taken to identify the relatives of these graves. Should none be forthcoming the following applies;

Being unmarked graves outside of a formal cemetery, these graves will fall under the protection of the National Heritage Resources Act 25 of 1999 and specifically as indicated in Section 36 Paragraph C. The administering body for these graves is the SAHRA Graves and Burial Grounds Committee and application will be made to them for a permit for exhumation.

With no next of kin, these graves fall under the responsibilities of the Office of The Provincial Premier and permission for exhumation and reburial should be received from them. The Director General of Health and the local police should also be informed. With the exception of the family involvement all the steps for permission outlined in Scenario 1 should be followed.

The actual exhumation of the grave should be performed under a permit issued by SAHRA Graves and Burial Grounds Unit and by a qualified heritage practitioner who holds Principal Investigator Status with the Association of South African Professional Archaeologists (ASAPA).

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A registered funeral undertaker should perform the transportation and re-internment of the remains. Fieldwork, permissions and processes for both scenarios are expected to take around six months.

## *Conclusion*

The possible gravesites identified at the Tshamahansi borrow pit extension is of high enough significance to require secondary management. It is recommended that the gravesites either be avoided by demarcating a no-go area for the development or that they be subjected to a full relocation process. Relocation of graves is an expensive process. With small cemetery relocation such as this the costs for relocating one grave is around R25 000-00 excluding variable costs such as wake-fees, family compensation and burial site purchase.



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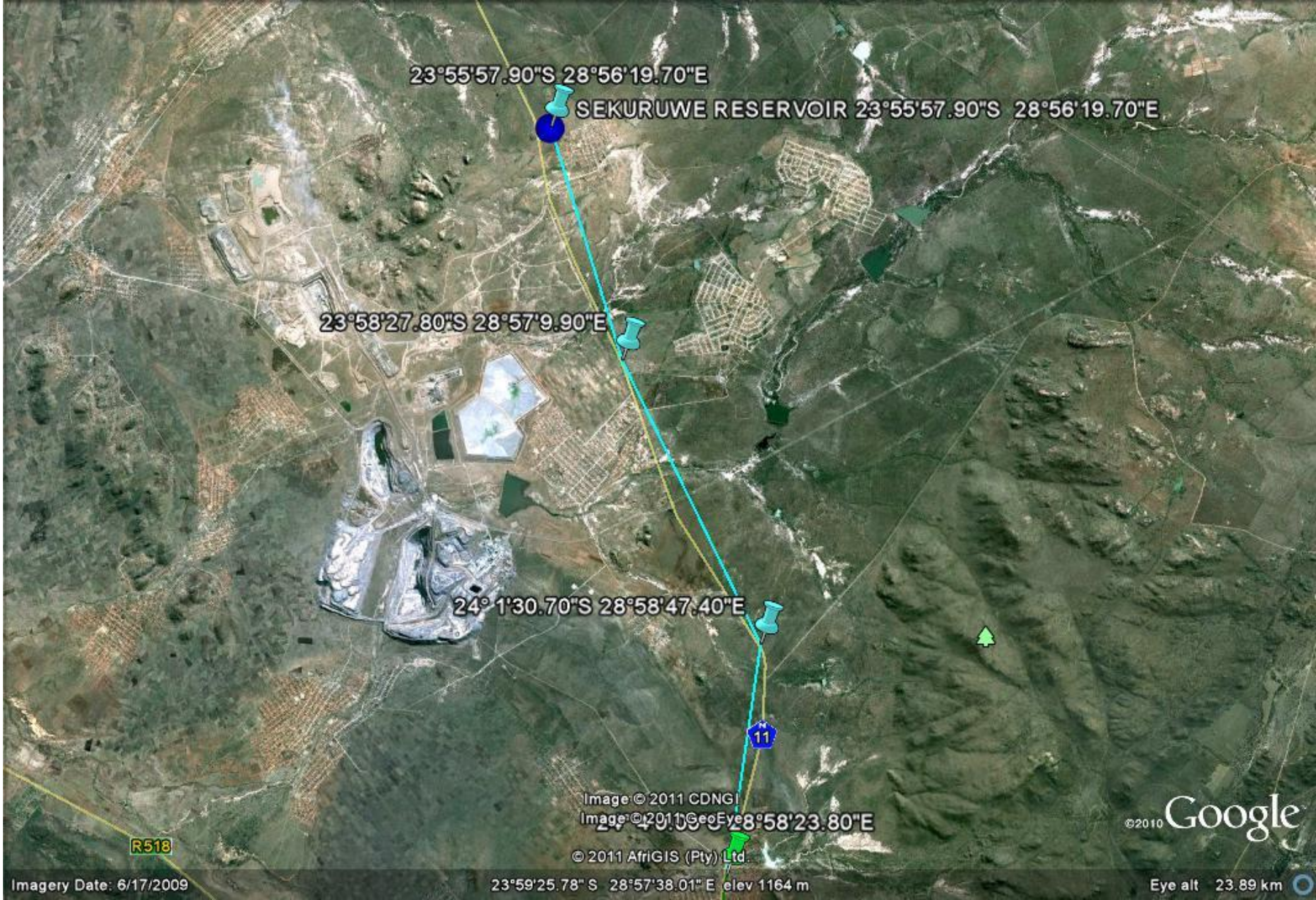
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23°55'57.90"S 28°56'19.70"E

SEKURUWE RESERVOIR 23°55'57.90"S 28°56'19.70"E

23°58'27.80"S 28°57'9.90"E

24°1'30.70"S 28°58'47.40"E

Image © 2011 CDNGI

Image © 2011 GeoEye 23°58'23.80"E

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Imagery Date: 6/17/2009

23°59'25.78" S 28°57'38.01" E elev 1164 m

Eye alt 23.89 km