

A Report on a site visit to the Emjindini Tribal Authority where
human remains were exposed

Lydenburg Museum



Compiled By Mr JP Celliers

May 21, 2014

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1. Introduction

Lydenburg Museum was contacted by the Barberton Museum to conduct a site visit/ inspection where human remains were exposed during building activity.

A grave was exposed during building activity at the Emjindini Tribal Authority offices near Barberton. The matter was subsequently reported to the Barberton SAPS on 20 January 2014. CAS No 1358/01/2014. The Barberton Museum then contacted SAHRA about the matter and SAHRA recommended JP Celliers, Curator at Lydenburg Museum and a trained Archaeologist, to assist with the matter. Mr Celliers then visited the site on 3 April 2014 and identified human remains in the form of some teeth and what seems to be fragmented pieces of lower jaw bone together with some decorated pottery and grave dressing stones. After discussion with the Chief of the Emjindini Tribal Authority and his induna Mr Julius Matsebula, (employee at the Barberton Museum) it was agreed that the remains would have to be exhumed and re-buried at the Tribal graveyard.

2. Description of site and area

The area falls within the Umjindi Local Municipality within Mpumalanga Province. The nearest town is Barberton. The site is located at the residence of the Tribal Chief and is also the location of the Emjindini Tribal Authority offices which is currently being built. It is as a result of these building activities that the human remains were found.

According to the site foreman, Mr Simon Mlawuza, workers were busy collecting sandy soil adjacent to the new office building when they found pieces of pottery and some teeth and bone in association with a few stones suggesting that they have accidentally discovered a grave. The pottery, stones and remains were located approximately a metre below the soil surface which explains why the grave was not detected before building activity commenced.

3. Methodology and Social Consultation

The location of the remains and associated artefacts were pointed out by the site foreman and the chief of the Emjindini Tribal Authority. Teeth and bone fragments as well as pieces of decorated pottery which probably served as grave goods, were exposed. These were all photographed with a scale bar. The general location of the grave and remains were also photographed. The location of the site was recorded with a GPS for mapping purposes. All information relating to the discovery of the grave and related remains were gathered from the site foreman and Tribal Chief. According to these informants they are of the opinion that a second grave may be located approximately 5 metres south of the first grave. Some pottery was exposed here.

The process of exhumation and re-internment was explained to the chief and Tribal Authority.

The chief explained that they did not know about the existence of the grave as no dressings were visible on the soil surface, also, nobody knew about this particular grave. So identification and age estimate is almost impossible to determine without excavating the remains.

Fortunately the individuals who discovered the remains (Tribal Chief and the building foreman) acted in accordance with Section 36 (6) of the NHRA 25 of 1999 and the SAPS as well as the local Museum and SAHRA National Office were notified (See attached documentation, Appendix D).

Upon discovery of the remains the SAPS was notified and a case registered CAS No 1358/01/2014. According to the informant and the local SAPS, this particular case is not within their jurisdiction because the remains are not associated with a crime.

4. Location of the site

The site was numbered EBG 1 which is an abbreviation for Emjindini Barberton Grave 1. Below is a concise description and a 1:50 000 topographical map (2530 DD Nelshoogte, 1984) location as well as Google Earth aerial photo image of the site location.

4.1. Site EBG 1

Description:

Human remains, grave dressing stones and decorated pottery were exposed during construction activity at the Emjindini Tribal Authority offices.

GPS coördinates: S25°47.5313' E030°55.4670'

Photos: Fig. 1-6. Appendix C.

5. Findings and recommendations

The grave is unknown and probably older than 60 years and therefore Section 36 (3a) of the NHRA 25 of 1999 applies. It is also associated with traditional grave goods in the form of decorated pottery which may point to an even greater age. It is recommended that the grave be treated as an archaeological grave and that permitting for the exhumation and relocation of the grave be issued on the basis thereof and in accordance with Section 36 (6a-b) of the NHRA 25 of 1999.

The Emjindini Tribal Authority will be the applicant in this case and they have also given consent for the remains to be exhumed and re-buried in the Tribal Authority graveyard (see attached letters as Appendix D).

It is then recommended that a permit be issued in terms of Section 36 of the National Heritage Resources Act (25 of 1999) for the exhumation and re-interment of the human remains at this location with the understanding that there may be more than one individual's remains involved.

6. Sources

1. National Heritage Resources Act, 25 of 1999.

Maps

1. SA 1:50 000 2531 CC Barberton (1998); 2530 DD Nelshoogte (1984).

Appendix A

Terminology

“**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 other decoration or any other means.

“**Archaeological**” means –

- Material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artifacts, human and hominid remains and artificial features or structures;
- Rock Art, being any 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 which is older than 100 years, including any area within 10m of such representation;
- Wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic, as defined respectively in sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), and any cargo, debris or artifacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation; and
- Features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found;

“**Conservation**”, in relation to heritage resources, includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance;

“**Cultural significance**” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance;

“Development” means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including –

- construction, alteration, demolition, removal or change of use of a place or a structure at a place;
- carrying out any works on or over or under a place;
- subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;
- constructing or putting up for display signs or hoardings;
- any change to the natural or existing condition or topography of land; and
- any removal or destruction of trees, or removal of vegetation or topsoil;

“Expropriate” means the process as determined by the terms of and according to procedures described in the Expropriation Act, 1975 (Act No. 63 of 1975);

“Foreign cultural property”, in relation to a reciprocating state, means any object that is specifically designated by that state as being of importance for archaeology, history, literature, art or science;

“Grave” means a place of internment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place;

“Heritage resource” means any place or object of cultural significance;

“Heritage register” means a list of heritage resources in a province;

“Heritage resources authority” means the South African Heritage Resources Agency, established in terms of section 11, or, insofar as this Act (25 of 1999) is applicable in or in respect of a province, a provincial heritage resources authority (PHRA);

“Heritage site” means a place declared to be a national heritage site by SAHRA or a

place declared to be a provincial heritage site by a provincial heritage resources authority;

“Improvement”, in relation to heritage resources, includes the repair, restoration and rehabilitation of a place protected in terms of this Act (25 of 1999);

“Land” includes land covered by water and the air space above the land;

“Living heritage” means the intangible aspects of inherited culture, and may include –

- cultural tradition;
- oral history;
- performance;
- ritual;
- popular memory;
- skills and techniques;
- indigenous knowledge systems; and
- the holistic approach to nature, society and social relationships;

“Management” in relation to heritage resources, includes the conservation, presentation and improvement of a place protected in terms of the Act;

“Object” means any moveable property of cultural significance which may be protected in terms of any provisions of the Act, including –

- any archaeological artifact;
- palaeontological and rare geological specimens;
- meteorites;
- other objects referred to in section 3 of the Act;

“Owner” includes the owner’s authorized agent and any person with a real interest in the property and –

- in the case of a place owned by the State or State-aided institutions, the Minister or any other person or body of persons responsible for the care, management or control of that place;
- in the case of tribal trust land, the recognized traditional authority;

“Place” includes –

- a site, area or region;
- a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;
- 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;
- 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;

“Site” means any area of land, including land covered by water, and including any structures or objects thereon;

“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;

Appendix B – Maps

2/28/2012 11:09:09 am

Selapi

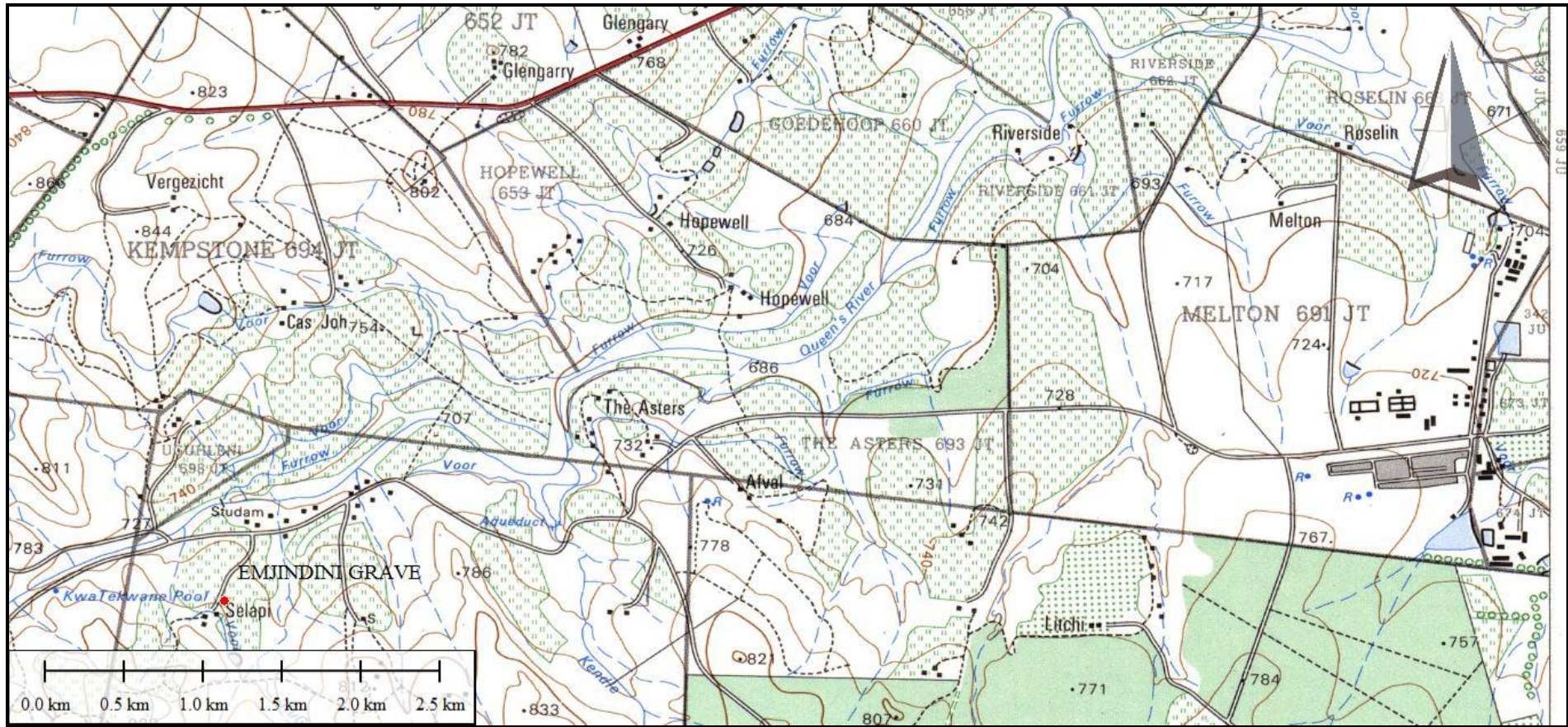
EMJINDINI GRAVE



© 2014 Google
© 2014 AfriGIS (Pty) Ltd.
Image © 2014 DigitalGlobe

Google earth

Imagery Date: 5/22/2012 25°47'32.07" S 30°56'07.86" E elev 770 m eye alt 3.74 km



Appendix – C
Photos of the site



Figure 1. Barberton Museum employee, Mr Julius Matsebula, points to where the human remains were found during excavation activities.



Figure 2. Nine teeth, some bone fragments believed to be that of the lower jawbone and pieces of decorated pottery were exposed during excavation activity during the construction of offices for the Emjindini Tribal Authority.



Figure 3. Numbers 1-3 are stones associated with the original grave dressing. The remaining arrow points towards the location of the human remains and pottery.



Figure 4.



Figure 5. Numbers 1-3 are original grave dressing stones and the remaining arrow points to the remains. Note the depth of the deposit, the reason why the grave dressing was not visible.



Figure 6. The position of the grave is indicated by the black arrow.

Appendix – D
Letters and supporting documents

PO BOX 3047
BARBERTON
1300



CELL : 079 843 1610
CELL : 082 857 9010

6 March 2014

Dear Mr J Cellers

Subject: **REQUEST TO EXAMINE UNDERGROUND ARTEFACTS**

My name is **Julius Matsebula**, working in Barberton Museum; I'm also a Chief headman at Mjindini Royal Kraal, 15km from Barberton town. I have given by SAHRA your name from Cape Town. Unfortunately your land line phone sound as it engaged when I phone.


At Mjindini rural near the Chief's homestead / Kraal there is a contractor busy with constructing the Office of this Kraal. While they dug the ground not far from the building, the contractor met with strange artefacts pieces of clay pot, teeth objects, the soil on the spot looks dark brown and few portable stones come out from ground. This matter was reported to Police in Barberton, they came to see the place, but there told the contractor and tribal authorities that they cannot do anything about this, since it looks as if is not crime, base on artefacts which were found, and it's very old. This matter is outside in their working scope.

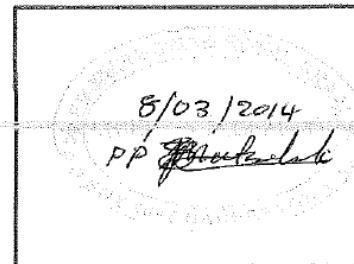
The tribal Authorities and the relevant people met on the 30 January 2014 and they concluded that the construction of the building must continue, but the site where there uncover the objects must not disturbed, until we get people who can examine these artefacts.

I spoke to SAHRA officials Collette and Jenna Levin, both gave me your name, you are the one who can assist us in this Province. Jenna will take from your report.

Note; The Tribal Authority does not have fund for studies of the objects, but will provide you with petrol from Mashishini to Mjindini Royal Residence, Aprox. 10 to 15 KM from Barberton town, take the Prison farm road will lead you to Mjindini Royal Residence.

For More information please contact **Julius Matsebula to 0828579010 work; 0137124208**

Kindly regards,

Julius Matsebula



PO BOX 3047
BARBERTON
1300



CELL : 079 843 1610
CELL : 082 857 9010

Enquiry; JSZ Matsebula
Cell No; 0828579010

Date; 23 April 2014.

Dear J.P Cellers

The Chief and his Tribal councils of Mjindini Royal Kraal are very much concern about the archaeological objects discovered on their site of development. **The tribal authority took a decision to give permission to Mr JP cellers, who is an archaeologist based at Lydenburg Museum to continue with all the processes are needed to remove these archaeologist objects. The tribal has the grave site where could transfer these bones to.**

This matter was reported to the Police in Barberton, they have done preliminary investigation, found out that the grave is too old and is out of working their scope. **We also tried to report this matter to Health department in Barberton, there did not assist us.**

JP Cellers visited the site on the 27 March 2014 after we requested him to do the preliminary study of the objects. The Tribal authority will keep the file of this grave, if, its primary information required to being preserve, there is a Museum in Barberton where we can preserve the information or the archaeologist may take advice the Tribal authority, where could be preserve the historical background of this grave.

The Tribal authority is concern about these human beings artefacts; there is an urgent need to relocate them to Mjindini public graves with the permit of the tribal authority.

As Tribal authority, we hope that the research about these bones may result to understand better the community lived on this area on previous centuries.

Regards,

Mjindini Royal Kraal – Headman

Jsz Matsebula.

Julius Sikelela Zwangendaba Matsebula

