



an agency of the  
Department of Arts and Culture

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South African Heritage Resources Agency - Pretoria Office | 432 Paul Kruger Street | Pretoria

## **SITE INSPECTION REPORT: MPUMALNGA TRAFFIC TRAINING COLLEGE IN CULCUTTA 2.2**

By

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**HERITAGE INSPECTORATE UNIT**

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## Introduction

Section 36 subsection 3(b) of National Heritage Resources Act (NHRA) 25 of 1999 states that no person may 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 without a permit issued by SAHRA or a provincial heritage resources authority. Section 36 (5), states that 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 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.

According to section 36 (6), any person who in the course of development or any other activity discovers the location of graves, 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.

On the 28<sup>th</sup> of October 2016, SAHRA Heritage Inspectorate received a complaint referred by the Burial Grounds and Graves unit regarding a construction of a Traffic Training College on a site where there are graves. This complaint was referred to SAHRA by the Mpumalanga Legal Resources Centre.



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## **Background**

On the 1<sup>st</sup> of August 2016 the families (the Mokoena, Nonyane and Ngobeni) Living in Calcutta Village, Mpumalanga sent a complaint to the Mpumalanga Legal Resources Centre regarding graves located at the site of a new development. The families wanted to know their rights and which procedures should be followed regarding this matter. This was after Mr Million Ngobeni visited his family graves on the construction site that had started in January 2016. Mr Ngobeni was then given an access letter after complaining to the Traditional Council. He then alerted the other families about the construction that is taking place where they have their family graves.

The families confirmed that they knew nothing about the construction; this means that the construction is taking place without any of the families consent. On the last week July 2016 the families were invited to a meeting with Councillor Nxumalo at the Hoxane Tribal Authority, who then promised to keep them informed of any developments. On the 16<sup>th</sup> of August the families attended a joint meeting with the Mpumalanga Community Safety Security and Liaison Department at the offices of Hoxane Traditional Council. At the meeting the families were asked to sign the attendance register but they refused as they stated that they wanted to know the purpose of the meeting before committing to anything. The Hoxane Traditional Council then informed the families that the development will continue without their involvement. Since then they have not been contacted and the construction is now nearing completion.

## **Purpose of the site inspection**



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The purpose of the visit was to have a meeting with the Hoxane Tribal Authority and the families who laid the complaint to the Mpumalanga Legal Resources Centre. It was also establish whether there has been contravention of section 36 of the NHRA and to see if there are any traces of the graves that the complainant claim to have within the construction area.

### **Assessment and findings**

During the meeting it was discovered that tribal authority did not contact the complainant regarding the construction, no radio announcement, newspaper or mass invitation notices were produced to SAHRA to prove compliance. We were not allowed to access the premises where the construction is taking place, due to this we could not establish whether the graves inside the premises were damaged or still in good condition. There are other graves which were not enclosed within the premises. The graves are still in good condition but in danger of being damaged as they are not fenced.



**Picture 1: One of the graves outside the premises.**



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**Picture 2: The board of the Traffic Training College and the palisade fencing enclosing the premises.**

The HIA submitted to SAHRA (on Sahris) states that no graves were identified during the archaeological survey. However the headman from the Hoxane Tribal Authority mentioned the existence of one grave. This is a serious problem because as we inspected the site we discovered traces of at least 3 graves outside the fence. One was inside the yard but due to limited access to the site, we could not identify more graves. The community alleges that there are more graves inside the constructed traffic training college. Initially the families were allowed to enter the premises as stipulated by the permit issued by SAHRA. Now they are not allowed to enter without an appointment.

### **Conclusion**

SAHRA will issue contravention notice to the Mpumalanga Community Safety Security and Liaison Department. We are needed to have a joint inspection with the department and the families. This will help us to gather facts and with resolve the issue of access to the graves by the families.



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## Recommendations

- SAHRA needs to find out from the families and ask them to identify unknown graves that the Hoxane Tribal Authority could not identify.
  - a) How many graves were there?
  - b) What happened to them?
  - c) If the families were consulted before the construction of the Traffic Training College?
  - d) What method was used?
- SAHRA needs to issue a contravention notice to the Mpumalanga Community Safety Security and Liaison Department.

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Ms N.Q Machete

**HIU Manager**

05-12-2016

**Date Signed**