

**REPORT ON GRAVE SITE FOUND AT PORTION 7 OF TEKWANE 537JU, IN WAY
OF AMENDED BULK SEWER PIPELINE, KANYAMAZANE
MPUMALANGA PROVINCE**

**REPORT PREPARED FOR
WANDIMA ENVIRONMENTAL SERVICES cc
MR. MANDLA MBUYANE
P.O. Box 1072,
NELSPRUIT, 1200**

Tel: 013 - 7525452 / Fax: 013 – 7526877 / e-mail: admin@wandima.co.za

MARCH 2017

**ADANSONIA HERITAGE CONSULTANTS
CHRISTINE ROWE
P.O. Box 75
Pilgrim's Rest, 1290
Cell: 0828719553**

**REPORT ON GRAVE SITE FOUND AT PORTION 7 OF TEKWANE 537JU, IN WAY
OF AMENDED BULK SEWER PIPELINE, KANYAMAZANE
MPUMALANGA PROVINCE**

A. INTRODUCTION

Adansonia Heritage Consultants were commissioned to do an investigation and recommendation for a burial site in the way of a bulk sewer pipeline for the Tekwane 2 township development (as amended), on *portion 7 of the farm Tekwane 537JU* in Kanyamazane, Mpumalanga.

Wandima Environmental Services cc was notified of a burial site which is in the way of an amended bulk sewer pipeline for the proposed Tekwane South extension 2 township development. The author was called out to assess the finding and to make recommendations in terms of the National legislation dealing with burial sites. No development has currently taken place in this section, but preparations for the construction of the pipeline has already commenced.¹ The findings of this report will determine whether the amended pipeline may continue, or whether the Client (Sihle Property Development) will have to motivate an alternative route.

Three site visits were conducted in March 2017. The investigation revealed an extensive burial site with 72+ graves. At first the site was overgrown and visibility was extremely difficult (fig. 1). The Client arranged for the area to be extensively cleared with brushcutter equipment which made the identification of most graves possible (fig. 2). The burial site is intact and relatives still visit some of the graves on a regular basis.

Four prominent graves with large concrete casings form the centre of the burial site (figs. 2 & 5). One grave has a modern marble gravestone and dates from 1984 (fig. 7). Most of the graves are unmarked and neglected, with circular / oval stone casings (figs. 9 & 20). Some of the graves have modern grave goods such as enamel mugs, plastic water bottles, plates, shoes etc. (figs. 14-18). The size of the site is approximately 30m X 55m (1650m²) in extent. The burial site is situated east of a large sand quarry, at the foot of a hill which is towards the north, north-east.

¹ Personal Communication, Mpendulo Gama, Wandima Environmental Services cc, 2017-03-03.

Three additional graves were also observed higher up next to the access gravel road, above the burial site (fig. 22). Two of these graves have stone casings.

The area towards the north of the burial site was also cleared to see whether any graves were situated in this section. No graves were identified in this section.

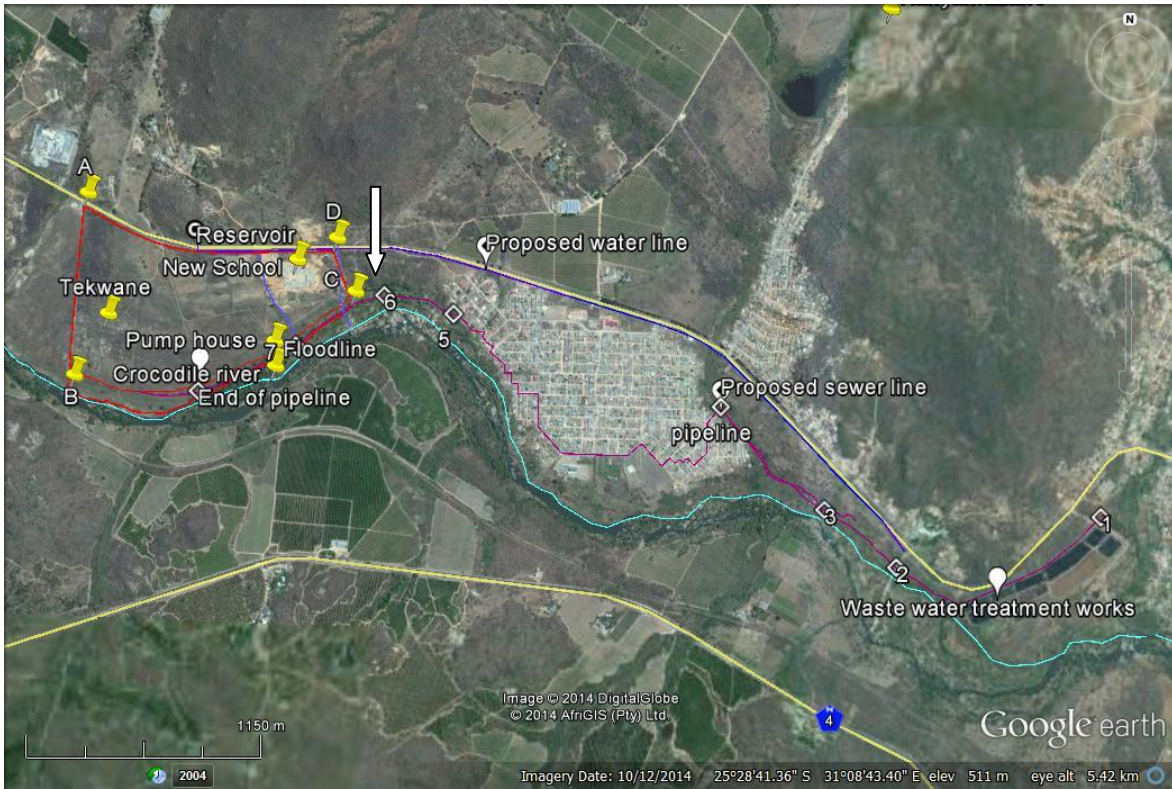
The aim for this assessment is to source all relevant information on this burial site in the development area, and to advise the client on the way forward in terms of the specifications as set out in the National Heritage Resources Act no., 25 of 1999 (NHRA).

A phase 1 cultural and heritage impact assessment was done in November 2014, as part of an EIA for the proposed Tekwane South Ext. 2 development, as well as for the proposed bulk sewer and water pipelines *on portion 7 of the farm, Tekwane 573JU, Kanyamazane*.² The initial route for the pipeline as indicated in this report was parallel, and close to the Crocodile River (see Map 1). The Client realized that the route was not viable at this section, and had to be amended (Appendix 3) (see Map 2).³ The route of the proposed new amended pipeline will cut through the burial site, and mitigation measures are required.

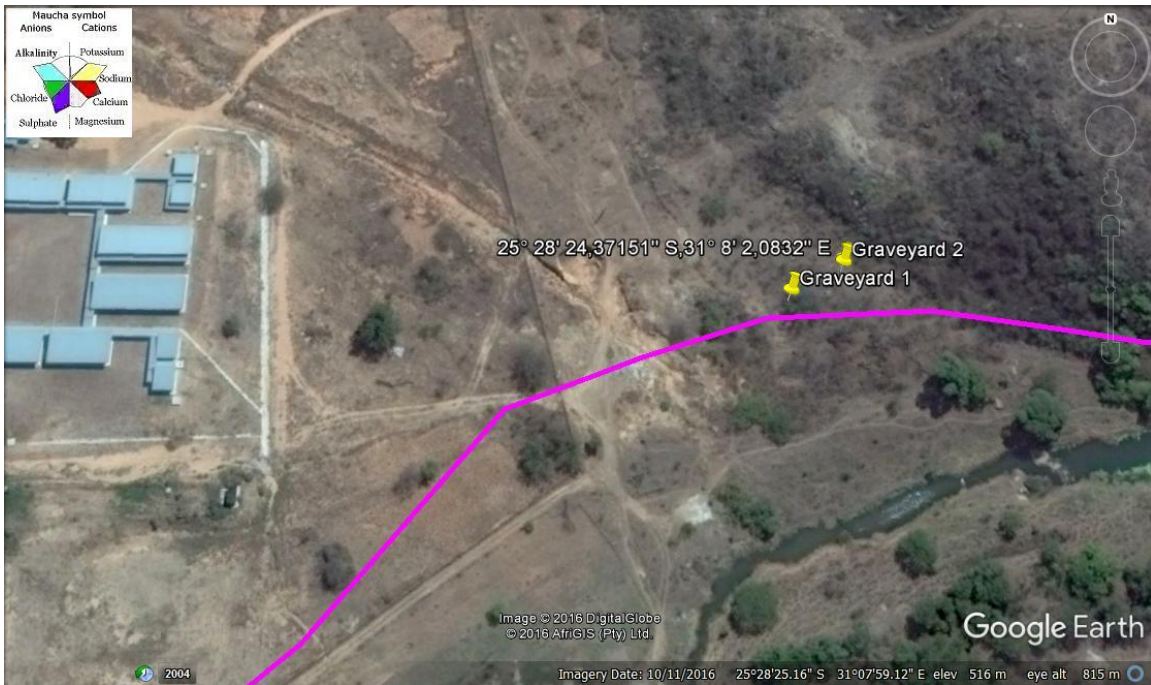
The burial site in the section of the amended pipeline route was not observed during the 2014 survey as it was situated to the north of the initial route alignment. The area was extremely overgrown with vegetation. Archaeological material or graves are not always visible during a field survey and therefore some significant material may only be revealed during construction or earth working activities of a development. This burial site became visible during the preparation for the proposed new amended pipeline route (see Map 2).

² Van Wyk Rowe, C., Phase 1 AIA, HIA for proposed Reservoir, Bulk Sewer and Bulk Water Pipelines: Portion 7 of Tekwane 537JU, Kanyamazane, Mpumalanga Province, 2014.

³ Personal Communication: Site Visit with Client, Dept. of Human Settlements & Wandima, 2017-03-13.



MAP 1: The initial layout of the Tekwane site (red), and bulk sewer line (purple) for the 2014 HIA. The current burial site is situated just outside the previous study area (see arrow).

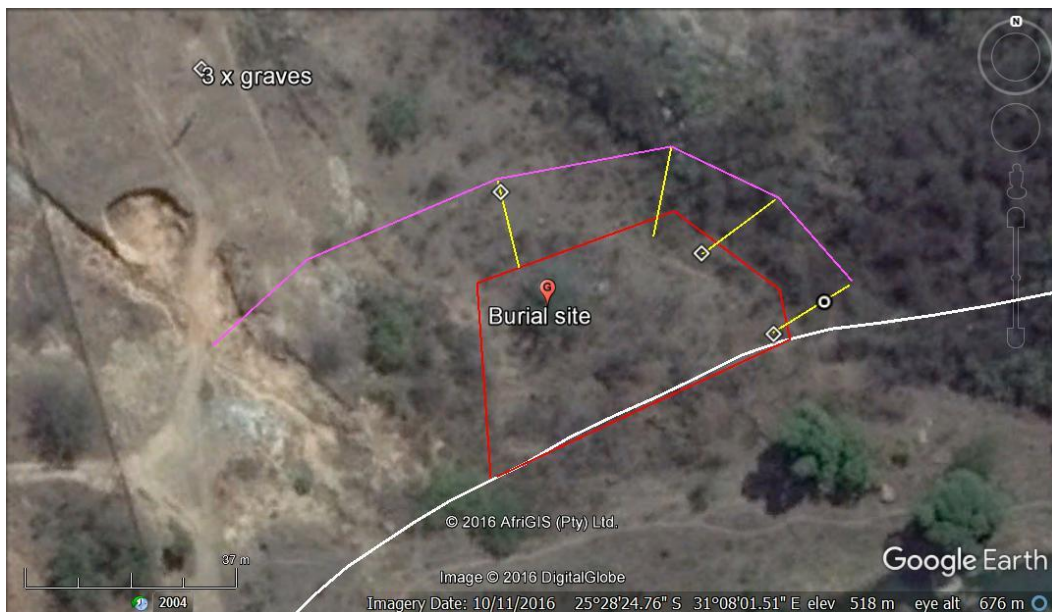


MAP 2: Amended pipeline route as provided by WANDIMA Environmental Services cc. ⁴

⁴ Personal Communication: Mpendulo Gama, e-mail access: 2017-02-27.



MAP 3: Two burial sites are indicated in red.



MAP 4: The burial site is indicated with the red line, with 3 x graves situated to the north. Two graves on the eastern side of the burial site were pointed out to measure the 15m distance from;
 Round dot: The marker for the manhole (Sihle Property Developments), is 9m from the last grave.
 Purple line: A 15m buffer is indicated by the purple line.

B. LEGAL REQUIREMENTS

It is not yet clear whether the entire burial site is younger than 60 years or if some of the graves might be older than 60 years. An extensive social consultation process might reveal the age of the burial site. Therefore the discussion below makes provision for both possibilities which entails the National Heritage Resources Act (NHRA) no. 25, 1999 as well as the Human Tissue Act 65 of 1989 (as amended in 2006).

The legal context of the report is grounded in the NHRA no. 25, 1999. The burial site was discovered between a sand quarry to the west, and a low hill in the north and north east, with the Crocodile River to the south (see Google image Map 3). Graves are regarded as a high priority by the NHRA, and an assessment for the significance of the find was made, as well as plans for measures of mitigation.

SAHRA Policy on burial grounds

The policy is that graves and cemeteries should be left undisturbed, no matter how inaccessible and difficult they are to maintain. It is our obligation to empower civil society to nurture and conserve our heritage. It is only when essential developments threaten a place of burial, that human remains should be disinterred to another cemetery or burial ground.

From a historical point of view and for research purposes, it is vital that burial sites are not disturbed. The location and marking of an individual's grave tells a life story, and makes it easier to understand the circumstances of a persons' death.⁵

- **Section 36 of the NHRA**

Section 36 of the NHRA stipulates that:

- (3)a: no person may, without a permit issued by SAHRA, or a provincial heritage resources authority –
- 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.

⁵SAHRA, Burial sites, <http://www.sahra.org.za/burial.htm>, Access, 2008-10-16.

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 SAPS 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 graves are protected in terms of this Act or is of significance to any community; and
- b) if such graves are protected or is of significance, assist any person or community member 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.

Should it be decided to relocate a burial site, the Client with the assistance of a registered archaeologist / heritage practitioner must follow the principles as specified in the NHRA, and engage in an extensive social consultation process. Should the social consultation reveal that the entire burial site is younger than 60 years, permits will have to be obtained from the Provincial Department of Health as well as Corporate Governance & Traditional Affairs (COGTA). The South African Police Service will also have to be notified in this regard.^{6 7}

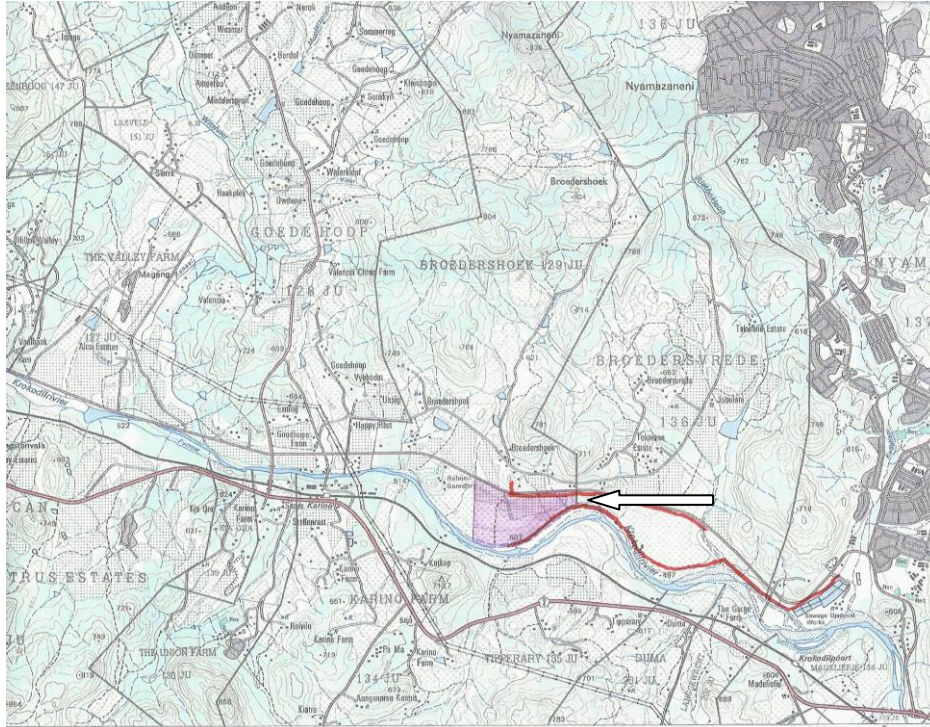
C. LOCATION

The burial site is located on *portion 7 of the farm Tekwane 537JU*, south of the road to Kanyamazane, and north of the Crocodile River running parallel to the N4 national road. It is approximately 2km east of the R583 road to White River. The Kruger National Park is approximately 40km towards the east.

The burial site falls under the Mbombela Local Municipal jurisdiction, which in turn falls within the Ehlanzeni District Municipality, in the Mpumalanga Province (see Appendix 1& 2, Maps 1 - 5 for the study area).

⁶ Personal Communication, SAHRA (Gauteng), 2017-03-17.

⁷ Personal Communication, A. Pelsler, 2017-03-18.



MAP 5: Topographical Map: 1:50 000 2531AC WITRIVIER showing the location of the study area site in the wider geographical area. The burial site is indicated by the white arrow.

GPS Co-ordinates of burial site:

Site	Feature	GPS co-ordinates
<i>Tekwane 537JU</i>	Burial site: North-western point (A): South-western point (B): South-eastern point (C): North-eastern point (D):	A: S 25° 28' 24.5" E 31° 08' 01.1" Elev 503m B: S 25° 28' 25.6" E 31° 08' 01.2" Elev 507m C: S 25° 28' 24.9" E 31° 08' 03.1" Elev 507m D: S 25° 28' 24.1" E 31° 08' 02.3" Elev 510m
<i>Tekwane 537JU</i>	Small burial site next to road: This site is approximately 10m from ESKOM poles	S 25° 28' 23.4" E 31° 07' 59.4" Elev 520m
<i>Tekwane 537JU</i>	Possible single grave: Site was pointed out by John Manyisi	S 25° 28' 23.9" E 31° 08' 01.3" Elev 511m

D. METHOD OF IDENTIFICATION & FINDINGS

Topographical maps, as well as historical and recent Google images of the site, were studied. None of the maps indicated a burial site.

WANDIMA Environmental Services cc., provided the amended pipeline route (Map 2), and photographs of the site to Adansonia Heritage Consultants (Fig. A).⁸ An archaeologist (the author, 2017-03-03 / 2017-03-13 & 2017-03-18) was called out to assess the findings and to make recommendations.

The author was accompanied by Mr. Gama (WANDIMA Env. Services cc.), as well as Phumzile Nkosi (Community Liason Officer for Sihle Property Development), to the site. Ms. Nkosi is in contact with community members who have an interest in the burial site.⁹



Fig. A: The initial photograph provided by WANDIMA ENVIRONMENTAL SERVICES cc (Photo provided by Mpendulo Gama, 2017-02-27).

A foot survey was done of the entire area. Indigenous bushes and trees had already established on the site and the entire site was overgrown with vegetation. Initial visibility was restricted (See Appendix 2, Photographic documentation & descriptions of the site).

⁸ Personal Communication: Mpendulo Gama, e-mail access: 2017-02-27.

⁹ Personal Communication: Phumzile Nkosi, 2017-03-13.

At first it was thought that the burial site consisted of 5 graves as only the four graves with the concrete casings, as well as the grave (1984) with a marble gravestone (figs. 2, 5 & 7), were visible. The site was extremely overgrown and the extent of the site at the time, could not be determined (see Fig. A in text). The site was subsequently cleared of vegetation and revealed a number of 72+, as well as the possibility of 22 more graves which were not easily identified. Sections between graves which have no evidence of circular stone casings, might contain more graves.

The site was also cleared towards the north, as the Community Liaison Officer, Phumzile Nkosi ¹⁰ stated that community members indicated the presence of more graves higher up towards the hill (north of the extensive burial site) (fig. 23). It was requested that community members came forward to pin-point the graves, and that they be cordoned off.

During the visit on 18 March 2017, no graves were marked in this section. Two members of the community were interviewed at the burial site on 18 March 2017. John Manyise and Juliya Musimango both visit the burial site occasionally as they have family members who are buried there.

John Manyise ¹¹ pointed out the grave of his brother (Lukas Manyise)(fig. 11), who died in 1999 (age 52) and Juliya Musimango ¹² was able to indicate the graves of her father (Leonard Mathale – fig. 12,- who died November 1997, age 70+, and nephew Johannes Sibiya, who died in 1993, age 26, fig. 13). She also identified two of the graves which were located next to the access road, north-west of the extensive burial site, as belonging to Triphina Mabaso and Selinah Mabaso (died approximately in 2000). The third grave could not be identified although she stated that the family members live in Tekwane South (see Fig. 22).¹³

After the foot survey, a sketch was made of the position of the various graves which could be identified, and numbered from 1 – 72, for easy reference (Appendix 1).

¹⁰ Personal Communication: Phumzile Nkosi (CLO, Sihle Property Development), 2017-03-13.

¹¹ Personal Communication: John Manyise, 2017-03-18.

¹² Personal Communication: Juliya Musimango, 2017-03-18.

¹³ Personal Communication: Juliya Musimango, 2017-03-18.

Graves, which were not clear (a – v), were also indicated in the layout plan. The sketch is not to scale.

The site measured approximately 30m x 55m (1650m²), in extent. A thorough investigation of the area was done, but no additional graves could be identified. Some graves, as well as a general view of the study area was recorded and briefly documented by means of photographs and descriptions (See Appendix 2, Figs. 1 – 23).

The burial site was located with a GPS instrument (Garmin Etrex) datum WGS 84, and plotted. Co-ordinates were within 4-6 meters of identified sites.

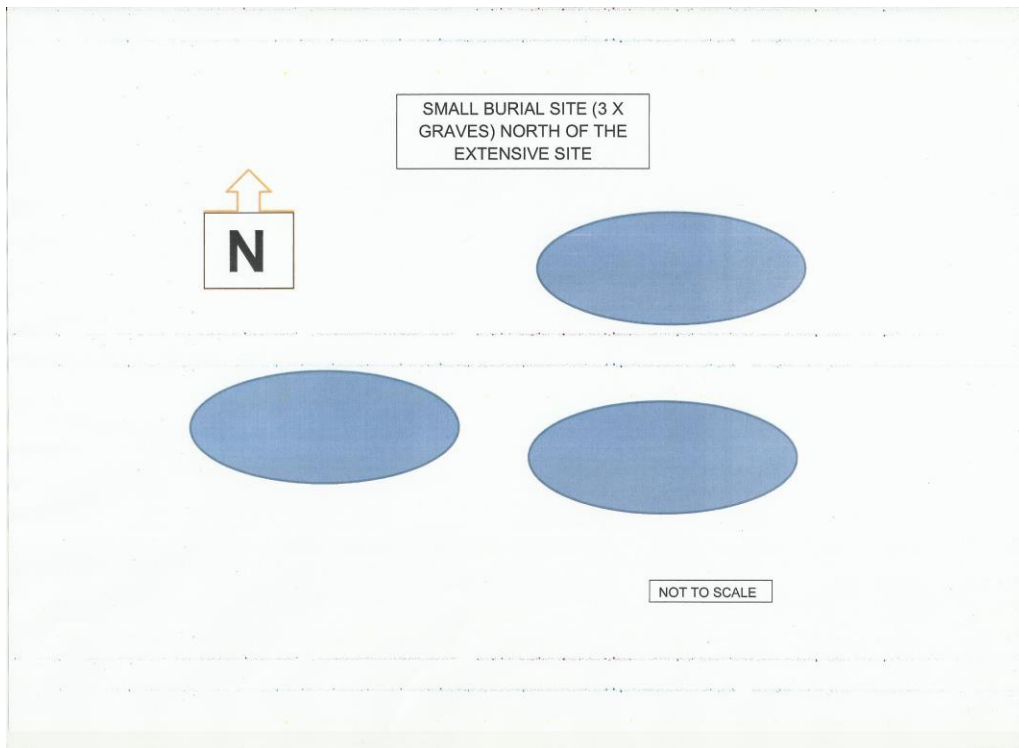


Fig. B1: Position of 3 x graves at the small burial site to the north of the extensive site.

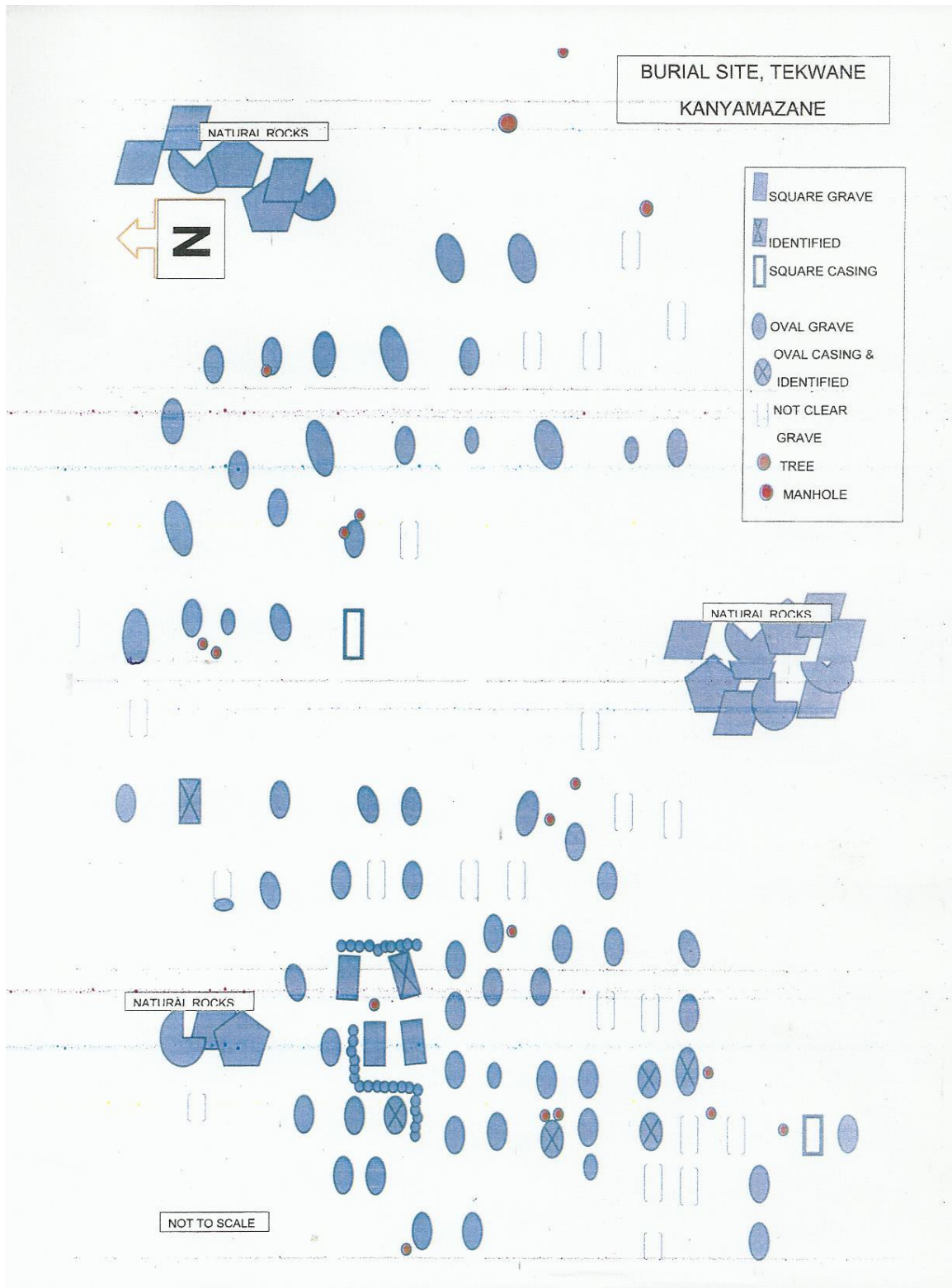


Fig. B2: Position and number of graves at the extensive burial site. For numbered graves (1-72 & a-v), refer to Appendix 1.

During the site visit and investigation it became clear that it is an extensive burial site with at least 72+ graves. Twenty two (22) graves were not clear, but were also indicated. The site visit was conducted in March 2017 at the height of the rainy season and vegetation was initially dense.

The burial site is within 50m of the Crocodile River to the south, at the foot of a low hill towards the north- north east. The area is underlain with typical granite and dolerite plains consisting of sandy / clayey soils in the lower areas.¹⁴ Natural vegetation is characterized by mixed Lowveld Bushveld with tall woodlands made up of Paper bark and other acacia species mixed in with trees such as marula, bushwillow, apple-leaf, silver cluster-leaf, and water berry along the drainage lines.¹⁵

The age of the site is not certain as disturbance has taken place and only a few graves have any grave goods intact. Grave goods consist mainly of enamel mugs or plates, cast iron pots (on one grave), iron tubs (one grave), bottles, a porcelain cup (one grave), shoes and recent plastic items. The graves are also more or less in regular rows, facing mainly east. Taking the available data and information into consideration, the graves are mainly connected to SiSwati and XiTsonga.¹⁶

E. RECOMMENDATION

The extensive burial site, as well as the small burial site consisting of 3 graves which had been identified on *portion 7 of the farm Tekwane 537JU* will be reported to the South African Heritage Resources Authority (SAHRA), and must not be disturbed or removed in any way until further studies have been conducted (in case of relocations) or, a final decision had been made by SAHRA. Human remains or graves are regarded as a high priority by the NHRA.

At this stage of the research, it was not possible to determine whether the grave site is entirely younger than 60 years, or perhaps including graves which are 60 years old or older. The majority of graves are unmarked. The NHRA Act stays applicable. Only

¹⁴ SANPARKS, Visitors Guide to the Kruger National Park, p. 2.

¹⁵ Van Wyk, B., & Van Wyk P., Field Guide to Trees of Southern Africa, 1997, p. 500.

¹⁶ Internet Access: 2017-03-18: <https://census2011.adrianfrith.com/place/874060>

after a social participation process, will it be clear if some of the graves are older than 60 years.

Mitigation measures are required to prevent future development activities impacting negatively on the graves. The client has certain options for mitigation in the way forward (with implications as set out below):

1. To preserve the graves in situ, and design the bulk sewer pipeline development around them, with a minimum distance of 15m from the perimeter of the site (see Map 4);
2. To relocate the burial site or partially relocate some of the graves which might be impacted upon by the pipeline development;¹⁷

Option 1:

Should the developer wish to preserve the graves in situ, the bulk sewer pipeline development must be designed around the burial site. The site must be demarcated, fenced off and excluded from any development. A minimum distance of 15m must be adhered to.

Regulations specify that the client / specialist must-

- establish management guidelines for the burial site;
- make a concerted effort to contact communities or individuals who by tradition have an interest in such remains;
- reach agreements with such communities or individuals regarding the future of such remains, for eg. visiting rights. All agreements must be set out in the management guidelines. The stipulations in the guidelines must be respected by both parties.

Option 2:

To relocate the graves; It is not exactly clear how many graves are at this site. So far 72+, with a possible 22 more, were identified during the survey. More graves may be identified once the project commences. This will result in additional costs which have not been provided for.

¹⁷ Personal Communication, SAHRA (Gauteng), 2017-03-17.

Arbitrary exhumation and re-internment of human remains, apart from being illegal, does not constitute a socially responsible mitigation action and borders on the destruction of culturally sensitive property. The minimum requirements for a process of relocation of graves involve the following:

Regulations specify that the client / specialist must-

- make a concerted effort to contact communities or individuals who by tradition have an interest in such remains;
- reach agreements with such communities or individuals regarding the future of such remains;
- the area be fenced off, until the human remains are relocated;
- a possible site to be considered for the relocation for eg. another cemetery close by.

In the absence of a person or community claiming the burial site, the client / owner must make arrangements as recommended above.

An institution dealing with heritage related grave issues must mitigate the graves.

- Report intention of relocation of graves to the SAPS and SAHRA in compliance with Act no. 25 of 1999;
- Place notices required by Act no. 25 of 1999 and the Transvaal Ord. 7 of 1925 (Refer Proc. 109 of 17 June 1994);
- Ensure social consultation process, according to the requirements of Act no. 25 of 1999 and the Transvaal Ord. 7 of 1925;
- Obtain SAHRA authorization and comply to the conditions;
- Obtain National Department of Health authorization and comply to conditions;
- Obtain Office of the Provincial Premier authorization and comply to conditions;
- Obtain Local Authority authorization and comply to conditions;
- Comply to stipulations of Act 65 of 1983 during handling of human remains;
- Generate Third Schedule Notice of Internment in compliance with applicable Local Authority Bylaw;
- Generate a Burial Order in compliance of Act 51 of 1992.

F. CONCLUSION

The impact upon a burial site is a very sensitive issue as community members are still visiting the site. Archaeological material or graves are not always visible during a field survey and therefore some significant material may only be revealed during construction or earth working activities of a development.

Should the Client decide to re-route the pipeline around and to the north of the burial site, an archaeologist must be present when blasting activities commences and when heavy earthmoving equipment is used in the section directly east and north of the extensive burial site. Alternatively the Client will have to relocate the burial site or partially relocate some of the graves which might be impacted upon by the pipeline development, with implications as specified above.

Based on the information provided in this report, the client urgently awaits SAHRA's advice or decision on this issue.

Adansonia Heritage Consultants cannot be held responsible for any archaeological material or graves which were not located during the survey.

H. REFERENCES

Literature:

- Bergh, J.S., *Geskiedenis Atlas van Suid-Afrika, Die Vier Noordelike Provinsies*, 1998.
- De Jongh, M., *Swatini*, 1987.
- Theal, G.M., History of South Africa from 1873 – 1884, Date Unknown.
- Van Warmelo, N.J., *A Preliminary Survey of the Bantu Tribes of South Africa*. 1935.
- Van Wyk, B., & Van Wyk P., Field Guide to Trees of Southern Africa, 1997.
- Webb, H. S., The Native Inhabitants of the Southern Lowveld, in *Lowveld Regional Development Association, The South-Eastern Transvaal Lowveld*. 1953.

Impact Assessments:

- Van Wyk Rowe, C., *Phase 1 AIA, HIA for proposed Reservoir, Bulk Sewer and Bulk Water Pipelines: Portion 7 of Tekwane 537JU, Kanyamazane, Mpumalanga Province*, 2014.

Electronic information sources:

- Kanyamazane: <https://census2011.adrianfrith.com/place/874060> Access: 2017-03-18:
- Mathebula, M. (et. al), Tsonga History Perspective, *Tsonga-history.blogspot.co.za/2007*, Access 2016-09-12.
- SAHRA, Burial sites, <Http://www.sahra.org.za/burial.htm>, Access, 2008-10-16.

Personal Communication:

- Personal Communication, A. Pelsler, 2017-03-18, 0834593091.
- Personal Communication: John Manyise, 2017-03-18, Cell 0722002257.
- Personal Communication: Juliya Musimango, 2017-03-18, Cell 0720252572.
- Personal Communication: Mpendulo Gama, e-mail access: 2017-02-27.
- Personal Communication, Mpendulo Gama, WANDIMA, 2017-03-03.
- Personal Communication: Mpendula Gama, WANDIMA, 2017-03-18.
- Personal Communication: Ms. Phumzile Nkosi, 2017-03-13.
- Personal Communication: Site Visit with Client, Dept. of Human Settlements & Wandima, 2017-03-13: pdsnelspruit@worldonline.co.za / chinyanganam@gmail.com / francis@sihleplanthire.co.za
- Personal Communication, SAHRA (Gauteng), 2017-03-17, 012 9414965.

MISCELLANEOUS:

- SANPARKS, Visitors Guide to the Kruger National Park, 2008.

ACKNOWLEDGEMENTS:

I would like to acknowledge assistance advice and site visits from the following people:

- Mpendulo Gama: Discussions and assistance during site visits;
- Phumzile Nkosi: For contacting community members and facilitating the cleaning of the site;
- John Manyise: For discussions and identifying graves during the site visit;
- Juliya Musimango: For discussions and identifying graves during the site visit;
- Niven Rowe: Assisting during site visits.