

Section 36 of the NHRA gives SAHRA four main responsibilities with reference to Burial Grounds and Graves protected by the Act:

- 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.
- 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 such graves.
- SAHRA must submit to the Minister for his or her approval lists of graves and burial grounds of persons connected with the liberation struggle and who died in exile or as a result of the action of State security forces and which should be included among those protected under this section.
- SAHRA must assist other State Departments in identifying graves in a foreign country of victims of conflict connected with the liberation struggle.

WHAT IF THERE ARE NO RECORDS OF THE GRAVES?

There are likely to be many graves and cemeteries that belong either to old farms or to settlements that were removed under the former regime. These ancestral graves are usually not recorded, are isolated and are unmarked, except for a semi-oval hip of stones. The presence of such graves will only be revealed through a public consultation process like the collection of oral history from communities or by advertisements in radios and newspapers calling for information.

WHAT PERMISSION IS NEEDED TO REMOVE OR RELOCATE PROTECTED GRAVES?

According to the legislation (Section 36 of the NHRA – Permitting) SAHRA permits are issued for the relocation of human remains / graves /burial grounds that are older than 60 years old and graves of victims of conflict (including colonial conflicts and liberation struggle conflicts).

SAHRA or a Provincial Heritage Resources Authority (PHRA) is responsible for issuing relocation permits. The permit is issued only when graves are under serious threat due to natural disasters like floods/erosion or development of roads and bridges. A permit can be obtained from SAHRA for exhumation and re-interred to another cemetery or burial ground.

HOW DO YOU APPLY FOR THE PERMIT?

Application for permits can be done on-line through the SAHRA website and a permit fee will be charged for processing the application. Permits will only be issued to an Archaeologist who is accredited by the Association of Southern African Professional Archaeologists:-

WHEN IS A PERMIT APPLICATION REJECTED?

No permit will be issued unless written evidence is supplied that a concerted effort has been made to consult broadly with the next of kin and/or communities with an interest in these human remains. Permits may only be issued to accredited individuals to exhume the human remains.

WHAT IS THE ROLE OF SAHRA IN OTHER COUNTRIES?

SAHRA can perform functions of Provincial Heritage Resources Authority (PHRA) in terms of section 56 (2) of National Heritage Resources Act. In such cases bilateral relations are often encouraged.

ENQUIRIES:

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Protecting the Burial Grounds & Graves

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ABOUT SAHRA

The South African Heritage Resources Agency (SAHRA) is a statutory organization established under the National Heritage Resources Act, No 25 of 1999, as the national administrative body responsible for the protection of South Africa's cultural heritage. The mandate of SAHRA provides for the identification, protection, conservation and promotion of South Africa's heritage for the present and future generations.

VISION

A nation united through heritage.

MISSION

SAHRA's mission in fulfilling its mandate is to promote social cohesion in South Africa by:

- Identifying, conserving and managing heritage resources in South Africa so that they can contribute to socio-economic development and nation building;
- Developing norms, standards and charters for the management of heritage resources in South Africa and codes of international best practices; and
- Contributing to skills and knowledge production and transformation in heritage resources management in South Africa and beyond.

WHAT IS THE ROLE OF SAHRA IN PROTECTING THE GRAVES AND BURIAL SITES?

SAHRA's mandate also includes the protection certain graves and burial sites considered as heritage resources and as part of the national estate as stated by Section 36 of the NHRA. The Act defines "grave" as "a place of interment and includes the contents, headstone or other markers of such a place and any other structure on or associated with such place".

WHY CERTAIN GRAVES ARE CONSIDERED TO BE HERITAGE RESOURCES?

The graves and burial sites considered to be heritage resources are those who possess important cultural significance to certain communities, or possessing a pattern of South African history or have a special association with a particular cultural group for social, cultural or spiritual reasons.

Graves and burial grounds including ancestral and royal graves, graves of traditional leaders, and graves of victims of conflict all form part of the national estate and hence are considered as our heritage resources. The graves of those associated with the liberation struggle are also being identified, cared for, protected and memorials erected in their honour.

WHICH TYPES OF GRAVES ARE BEING PROTECTED?

The legislation (Section 36 of the NHRA) specifically provides protection to the following types of graves:

- Graves of victims of conflict;
- Grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority;
- Graves of victims of conflict including people who died in any of the colonial wars (Anglo-Boer war, Anglo-Zulu and others)
- Graves of people who died in the liberation struggle of South Africa

The legislation (Section 36) also mandates SAHRA to conduct a collection of Names and Identification of graves of certain categories of victim in the liberation struggles.

- Mass struggles
- Political boycotts

- Political banishments
- Protests March
- Political Assassinations
- Policy Custody/ Detention

WHO ARE THOSE DEFINED AS VICTIMS OF CONFLICT?

According to the legislation, victims of conflict are defined as those:

- Persons who died in any area now included in the Republic as a direct result of any war or conflict as specified in the regulations, but excluding victims of conflict covered by the Commonwealth War Graves Act, 1992 (Act 8 of 1992);
- Members of the forces of Great Britain and the former British Empire who died in active service in any area now included in the Republic prior to 4 August 1914;
- Persons who, during the Anglo-Boer War (1899-1902) were removed as prisoners of war from any place now included in the Republic to any place outside South Africa and who died there; and
- Certain categories of persons who died in the 'liberation struggle' as defined in the regulations, and in areas included in the Republic as well as outside the Republic;

WHAT IS THE BENEFIT OF PROTECTING THE GRAVES AND BURIAL TO SOUTH AFRICA?

The protected graves have a lasting value in their own right, as well as an important role in structuring individual and national identities. They are such valuable, finite and irreplaceable heritage.

- The graves and burial sites form an important part of South Africa's heritage and must be conserved for future generations and for sustainability.
- The protected graves symbolise ways in which the

people of South Africa have sought to comprehend and to mark the loss and sacrifice of casualties of wars/liberation struggle and conflicts.

- Graves and monuments are also tangible and symbolic reminders of individual, family and community histories of bereavement. This history is as much concerned with the record of individual loss, as with collective representation of suffering, or ideas of patriotic sacrifice or national aspirations.
- The preservation and care of such important places of commemoration is an expression of respect, honour and responsibility to the memory of every individual who perished in an act of armed belligerence arising from conflict on South African soil, or to those who perished as a result of shipwrecks or other causes.
- From a historical point of view and for research purposes, it is vital that burial sites are not disturbed, as the location and marking of an individual's grave tells a life story, where he/she died defending (or attacking) a particular place situation.
- Communities are encouraged to respect, honour, remember and commemorate the lost lives of our heroes and heroines.

HOW IS SAHRA PROTECTING THE GRAVES AND BURIAL SITES

By virtue of its mandate, SAHRA provides for the formal protection of culturally significant graves, all graves which are older than 60 years, within and outside a cemetery (such as ancestral graves in rural areas) are also protected. The legislation also protects the interests of communities which have an interest in the graves: they must be consulted before any disturbance can take place.