

Bones of contention

Dispute over Grahamstown human remains



Ndacama township in Grahamstown's Fingo Village is built on a cemetery

Grahamstown's apartheid municipality permitted black housing development on a cemetery. **Nomalanga Mkhize** explores dilemmas concerning development needs and present day heritage protection in Ndancama and how the community has responded.

"I don't think living on top of your great grandfather's grave is wrong, if he knows you have no place to live. I wouldn't mind my son here living on top of me if he has no other place to live. Because I would know, I would understand spiritually."

Thembelani Fene, resident of Ndancama.

The post-apartheid South African government faces the challenge of prioritising and delivering pressing services. It has to meet socio-economic as well as socio-political needs in order to reverse the debilitating legacy of apartheid. It has to eradicate poverty as well as ensuring the humanist ethos of the Constitution. These

should ideally be convergent, rather than mutually exclusive goals for the state. The case which follows highlights tensions which surfaced when the Makana Municipality's City of Grahamstown faced simultaneous needs for sewerage and housing development, alongside the need to protect a historic cemetery and remember those buried in it.

SETTLEMENT ON OLD FINGO CEMETERY

In 1972, Fingo Village, a black township in the city of Grahamstown experienced tremendous overcrowding and housing shortages. Fingo had a large tenant population with many people renting other people's properties. This resulted in overcrowding and unsatisfactory living conditions for tenants.

Without consulting the Fingo community, the then Grahamstown City Council decided to solve the housing shortage by hastily de-proclaiming Old Fingo Cemetery and inviting desperate tenants to build their houses there. Like most white municipalities during apartheid, the Grahamstown Council was reluctant to take on the burden of providing proper housing for growing numbers of Africans in the cities. Settling people on the cemetery was an ill-conceived, hasty and callous action. Fingo community member Mtutuzeli Kulati said that in 1972 "there were meetings to protest [the use of the cemetery]

but the decision was already taken."

Hundreds of tenancing families saw the move as the beginning of an improvement to their living conditions. The result was the rise of Ndancama. The name itself means 'the place where I gave up' and reflects residents' common feelings of marginalisation and resignation towards life on the cramped slum that developed on a cemetery.

It is quite clear that the residents who moved to Ndancama in 1972 knew that it was an old cemetery. Joyce Nesi recalled that "even at the beginning, when they were levelling the place, bones emerged, and skulls and they would put them on the side and take them away." Arriving at the cemetery to build gave rise to contradictory feelings amongst residents. While Mdwangi Maleki said that he was scared at first, later in an interview he said "we were not scared. The thing that pushed us to come here was that we had no place and it was tough to rent."

Three factors made it reasonable for people to erect houses there. Firstly, the council told them that it was a temporary arrangement and instructed the people to erect temporary dwellings in the form of shacks. Hence, the residents were under the assumption that later they would get decent housing and land elsewhere. This never happened.

Secondly, the cemetery was in a general state of neglect. The gravestones were no longer clearly visible, the fencing was in a state of disrepair and the cemetery had

virtually become a playground and grazing ground for cattle.

Thirdly, none of the people who moved there had any relatives they knew of buried in the cemetery. This is because most of those who moved to Ndancama were not originally born in Grahamstown. They had moved to the city because of ill-treatment or eviction from the surrounding farming districts. Their own relatives are buried in younger Grahamstown cemeteries. Inquiries amongst other Fingo Village residents revealed that because of the cemetery's age, nobody living today has any memory of who is buried in the cemetery. The only exceptions are the graves of Rhodes and Rosalind Lobengula, the grandson of the Ndebele king and his wife. These have been protected by the local Anglican diocese because of their historic and national significance to Zimbabwe.

Later documentary evidence suggests that Ndancama is on top of Fingo Village's first officially designated cemetery after the Mfengu were given freehold rights in Grahamstown in 1854 by Sir George Grey. Thus it would thus be one of South Africa's oldest Christianised burial grounds.

NEW HERITAGE CONCERNS

While settling African people on old community graves did not seem to matter to the Grahamstown Council in 1972, under the democratic government new legislation has been passed to respect all old graves as well as the communities' feelings about them. Democracy also brought about new hopes for original residents like Diana Dwyili, now a pensioner, who struggled to carve a bearable life for her family over the past 30 years at Ndancama. She said that her expectations were to rest in the new democracy and to have a house built for her. Unfortunately, the

realisation of her hopes was to be deferred.

In 1998, during the construction of Ndancama's community hall, bones from the graves were uncovered. Thembelani Fene who was working on the site described his initial encounter with the remains. "I found like jaws and all sorts of... the whole thing, even a box. I was shocked because I would have thought it would have rotted. But you could still see it was a box. The remainders I gave them to the main man."

Concerned community members convened meetings to discuss the matter. Mxoleli Sullo and Mtutuzeli Kulati, members of the forum (although not residents of Ndancama) recounted that although the idea that Ndancama residents should be relocated was mooted, it was decided that this option was impractical. Sullo felt that cases like this were bound to arise in black townships throughout South Africa. Both he and Kulati argued that the betterment of the community should not be stalled unnecessarily. The unearthed remains were given over to the Albany museum and the construction of the Ndancama community hall proceeded.

In 2003 Makana Municipality received R5 060 460 from the national Department of Housing for the purposes of eradicating the bucket system in three Grahamstown townships. Human remains were unearthed again. However, at this juncture, the National Heritage Resources Act, 25 of 1999, had been enacted. The Act brought about the South African Heritage Resources Agency (SAHRA) which was mandated to protect historic cemeteries. The Act describes heritage identification and preservation as significant markers of the nation's identity, dignity, values and its historical record. Hence

SAHRA's intervention at Ndancama demonstrated the recognition of previously neglected historic black cemeteries as bona fide heritage sites. Section 36 of the Act delineates SAHRA's responsibility towards these burial grounds and graves. In terms of section 36(3)(b) persons/institutions/organisations may not "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..."

Given this mandate under a democratic constitution, SAHRA's Burial Sites Unit Officer, Christine Jikelo, took the view that a consultative approach would "protect both the community and the cemetery". A consultative meeting was held in July 2004 between SAHRA, a municipal official, the ward councillor of Ndancama, the city engineer's office which is involved in the development, the South African Police Service, and a community representative.

Although there was consensus at the meeting on the need for co-operation between the various stakeholders that they must deal with heritage issues, the consultation did not lead to any action. At the time, SAHRA's provincial office was in Grahamstown, which allowed for close interaction with the municipality and the community. However, since then, the SAHRA office has moved to East London and their representative who drove the Ndancama consultations has since transferred to a different province. Jikelo acknowledged that "focus on Ndancama shifted", however she maintained, that "the case has not been abandoned."

PROJECT IN LIMBO

In reality however, the project has been standing in limbo since 2003.

When SAHRA intervened, it was 70% on track and was due for completion by 24 April 2004. The key problem is that a developer, in this case Makana Municipality, who unearths human remains is obligated by sub-section 36(4) of the National Heritage Resource Act to bear the costs of following guidelines laid down by the Act. This includes hiring an archaeologist who must stay on site at the cost of about R350 000 and who is trained to assess and excavate the area, as well as oversee the proper exhumation of the remains.

Oldo Rudolecky, technical officer at the city engineer's office pointed out that heritage issues had not been factored into the project budget. He said that it was not reasonable to expect Makana Municipality to bear heritage costs when it was delivering services to the poor. Financial resources and the political will to allocate them are therefore central to solving these problems speedily.

So far, the Makana Municipality has not clarified which level of government should bear the financial burden for resolving this situation. Although the municipal government is the primary infrastructural developer, there is a grey area in terms of which level of government should memorialise Old Fingo Cemetery as a key heritage site. In addition, SAHRA itself has neither the financial nor the human resources capacity to resolve these problems in which it is obliged to intervene.

While these financial constraints have created an impasse, the residents' own feelings were at once ambivalent and accommodating. The *Dispatch Online* reported on 29 April 1998 that a "local traditional healer warned that the community hall will never be safe after ancestors had been so insensitively exhumed." However, these claims were rubbished by Professor Peter Kota of Fort Hare University as "ramblings"



Kholisile Mnika and Nomalanga Mkhize stand on the rubble of a house which fell because residents were told not to build deep foundations because of graves beneath

which cast Africans as beholden to dark and primitive superstitions. Fene's statement in the quote gives insight into the accommodating attitudes of residents after 30 years of hardship at Ndancama. Importantly, Ndancama is not a burial site for their known ancestors. Therefore, none felt that they had violated religious principles.

Their adoption of Ndancama as their home has however, not been without its ambiguities and tensions. For Sphiwe Mbonde, whose family arrived when he was two years old in 1972, knowing that he lived on top of graves was "painful" and since growing up he has felt that, "...a place where people are supposed to be resting in peace is not a place for people to be walking in and out of. It is a place where they should not be disturbed, they should be left alone. It is not a place to play in."

His mother, Joyce Mbonde said that when she first arrived she did not "feel good" knowing she was on top of a cemetery. Despite her anxieties however, she said that, "Nothing ever happened. There is nothing I can say happened even when you were sleeping, we slept pleasantly, we live here just fine. You would have to imagine these things yourself about where you are living... Now we are so used to it."

Sphiwe Mbonde said there was

"confusion" in the community about whether building houses should continue. Ambivalence arises because the residents have to weigh up the value of their development needs against the dignity of the dead.

The municipality has given residents the option to re-locate to a new area whilst the building Ndancama is stalled. However, residents like Joyce Mbonde, have invested time and money over 30 years into their homes and what they hoped for was for general improvement of the area.

Nonzwakazi Mbunge highlighted the general hardships and violence in the area and said she "did not feel anything living on these bones. It's all the same as if I'm living in town." Similarly, Nombulelo Madyo was quite at peace with the remains because she felt that the people were resting in peace.

Ultimately, the residents agreed that the bones should be exhumed, reburied and appropriately memorialised. After 30 years, and two generations in the area, their own developmental needs should come first and they should get urgent state attention.

LB

Nomalanga Mkhize is a junior lecturer at Rhodes University History Department. This research was done as part of her MA thesis.