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Grave Matters: the contentious politics of gravesite removals in contemporary South Africa - the Case of Tweefontein, Ogies

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2019
https://hdl.handle.net/10539/29397

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ABSTRACT: This thesis examines the contestations over African grave site relocations in Tweefontein, Ogies in the post-apartheid South Africa. The contestations in this study are located within two legal frameworks, namely: The National Heritage Resource Act (1999) which protects graves; and the South African Mineral and Petroleum Resources Development Act (2002), which leases minerals and consequently land, for mining purposes. The thesis argues that despite the post-apartheid objective to remedy past injustices, an overriding market-driven rationale within the context of mechanisms of lawful exclusion works to dehumanise what is at stake for African people.

What is shown to have occurred is that inadequacies in the law has created conditions for a market-friendly mineral law to override the protection of heritage, which has led to new forms of exclusion that compels previously marginalised African people to find alternative ways to validate their belonging. In this case study, the families whom the graves belong to argue that graves matter as these are a form of evidence in the current political climate which requires evidence of historical injustice for political and economic redress. Thus, the thesis also makes the case that graves provide alternative means to validate dispossession because oral evidence, relied upon in courts, is sometimes considered unreliable unless it is backed up with written and archival records (which in any case must be considered tainted as these were typically created to fit the political objectives of white domination).

The thesis is located within relevant inter-disciplinary debates, and a combination of research methods – including legal history, expert interviews, oral history, and archival research – are used to explain why graves are subject to contestations. In particular, the review of legal histories helps contextualise and explain the contestations from the perspective of the law; revealing how both the heritage and mineral law are founded on Eurocentric legal principles that entrench and prioritise notions of property possession centered on the private ownership of minerals and land, even though these are state owned – such that when it comes to the provisions for graves both the heritage and mineral laws are incapable of providing proper redress for previously marginalised African communities. Through oral histories and archival work, the thesis shows the plight of those African families involved in the grave site removals and how contestation relates to broader questions of dispossession, traditional beliefs about the sacred, belonging, and citizenship.