

Phase 1 Heritage Impact Assessment Report:  
Proposed Developments at JL Dube Memorial Site,  
eThekweni Metropolitan Municipality,  
KwaZulu-Natal, South Africa

Prepared for

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## EXECUTIVE SUMMARY

eThembeni Cultural Heritage was appointed by IDC Architects to undertake a Phase 1 Heritage Impact Assessment of proposed developments at the JL Dube Memorial Site in Inanda, in terms of Section 38 of the National Heritage Resources Act 25 of 1999, as amended.

### SITE DESCRIPTION

The JL Dube Memorial Site is located adjacent to Ohlange School. The site is fenced with metal palisades and pedestrian and vehicular access is through the school premises. The heritage resources within the Memorial Site are JL Dube's original house (structure older than 60 years), which has been transformed into a museum; the graves of Dube and various family members (burials and memorial); and the original school foundations (structure older than 60 years).

### STATEMENT OF HERITAGE SIGNIFICANCE

JL Dube's original house, the foundations of his first school and his grave and those of various family members comprise an indivisible, coherent entity, in which each part is integral to the overall significance. The JL Dube Memorial Site has **high historical value at all levels** for its strong and special association with a person whose life, works and activities have been significant within the history of the nation, province, region and community. The site has **high social value at all levels** for its social, cultural, spiritual, symbolic, aesthetic and educational associations with the life of a prominent South African. Furthermore, it contributes to the sense of place of the local community and their association with a person of social and political eminence. The site is strongly associated with all that JL Dube stood and fought for, his sense of social justice and the significance that he ascribed to education. The site is **unique**, as the place of living and death of an individual who made an indelible contribution to the socio-political development of South Africa.

### SUGGESTED GRADING

The JL Dube Memorial Site should be nominated for grading as a Grade II Provincial Landmark in recognition of its intrinsic significance that warrants the regulation of *any* alteration. This grading recognises its strong, special and unique association with a prominent South African, its contribution to the sense of place of the local community and their association with a person of social and political eminence.

### DEVELOPMENT INFORMANTS

- Development Informant 1: Key Focal Point – Hilltop with museum and graves
- Development Informant 2: Key Spatial and Structuring Element – Relationship between Memorial Site and Ohlange School
- Development Informant 3: Aspect – Views of surrounding landscape
- Development Informant 4 – Dynamic urban landscape

### ASSESSMENT OF PROPOSAL

#### — Construction of a new access road and parking

None of the three heritage resource elements (original home, graves and memorial stone and school foundations) comprising the JL Dube Memorial Site will be affected directly or indirectly by the construction of the new access road and parking.

#### POTENTIAL DEVELOPMENT IMPACT OF CONSTRUCTION OF A NEW ACCESS ROAD AND PARKING.

|           | Nature              | Extent | Duration | Intensity | Impact on irreplaceable resources | Consequence | Probability | Significance |
|-----------|---------------------|--------|----------|-----------|-----------------------------------|-------------|-------------|--------------|
| Unmanaged | Neutral to Negative | Low    | High     | Low       | Low                               | Low         | Low         | Low          |
| Managed   | Positive            | Low    | High     | Low       | Low                               | Low         | Low         | Low          |

### — Construction of an amphitheatre

The footprint of the amphitheatre development could directly affect the foundations of the original school founded by JL Dube.

#### POTENTIAL DEVELOPMENT IMPACT OF CONSTRUCTION OF AN AMPHITHEATRE.

|           | Nature              | Extent | Duration | Intensity | Impact on irreplaceable resources | Consequence | Probability | Significance |
|-----------|---------------------|--------|----------|-----------|-----------------------------------|-------------|-------------|--------------|
| Unmanaged | Negative            | Low    | High     | Medium    | High                              | High        | Medium      | High         |
| Managed   | Neutral to Positive | Low    | High     | Low       | Low                               | Low         | Low         | Low          |

## RECOMMENDATIONS

### — General

- Amafa and/or an independent heritage practitioner should compile a Cultural Heritage Management Plan for the JL Dube Memorial Site. Such a plan should recognise the tangible and intangible qualities and values of the site, while allowing for its intensive future use as a visitor attraction.
- Amafa should pursue the proclamation of the site as a Grade II Provincial Landmark.

### — Original school foundations

- A suitable fence or barrier should be erected around the structure as soon as possible.
- A full archaeological investigation of the structure is required to determine its nature and extent, including excavations and examination of all available documentary and oral sources. No construction activities associated with the amphitheatre may commence before such investigation has been completed and its recommendations approved by Amafa.
- All vegetation encroaching on the structure should be eradicated under the direct supervision of a heritage practitioner.
- The fig tree growing on the south-eastern corner of the structure requires removal, since it poses a serious threat to the integrity of the structure.

## CONCLUSION

We recommend that the development proceed with the proposed heritage mitigation and have submitted this report to Amafa in fulfilment of the requirements of the NHRA. According to Section 38(4) of the Act the report shall be considered timeously by the Council which shall, after consultation with the person proposing the development, decide—

- whether or not the development may proceed;
- any limitations or conditions are to be applied to the development;
- what general protections in terms of the NHRA apply, and what formal protections may be applied to such heritage resources;
- whether compensatory action shall be required in respect of any heritage resources damaged or destroyed as a result of the development; and
- whether the appointment of specialists is required as a condition of approval of the proposal.

The client may contact Ms Ros Devereaux at Amafa's Pietermaritzburg office (telephone 033 3946 543) in due course to enquire about the Council's decision.

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## 1 INTRODUCTION

eThembeni Cultural Heritage was appointed by IDC Architects to undertake a Phase 1 Heritage Impact Assessment (HIA) of proposed developments adjacent to the JL Dube Memorial Site in Inanda, KwaZulu-Natal, in terms of Section 38 of the National Heritage Resources Act 25 of 1999, as amended (NHRA) (Refer to Appendix A).

The South African Department of Arts and Culture (DAC) has initiated a number of Legacy Projects to honour prominent liberation struggle icons. The objective of the JL Dube Legacy Project is to create a living link between the legacy of JL Dube and the greater South Africa, while recognizing both the tangible and intangible heritage inherent to the place where he lived and worked.

The vision of the project is as follows:

- Celebrate the life and legacy of JL Dube and his role in the formation of the ANC;
- Community development through integrated programmes and incubation;
- Promote industrial and design skills development;
- Promote indigenous knowledge(s);
- Create meaningful public space;
- Ensure sustainable youth leadership projects and programmes with a strong focus on entrepreneurship; and
- Act as a catalyst for community and youth economic self-empowerment.

The intentions of the project include:

- Expounding the legacy of JL Dube as a hero of the struggle and an international iconic figure;
- Regenerating a heritage site associated with a person of international significance; and
- Implementing a broad spectrum of interventions for community development.

This report represents compliance with a full Phase 1 HIA (excluding a specialist palaeontological study) for the proposed development, for review by Amafa aKwaZulu-Natali, the Provincial Heritage Resources Authority.

## 2 TERMS OF REFERENCE

An HIA must address the following key aspects:

- the identification and mapping of all heritage resources in the area affected;
- an assessment of the significance of such resources in terms of heritage assessment criteria set out in regulations;
- an assessment of the impact of the development on heritage resources;
- an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- plans for mitigation of any adverse effects during and after completion of the proposed development.

### 3 PROJECT DESCRIPTION

This HIA is triggered by the proposed interventions located adjacent to the JL Dube Memorial Site in Inanda, KwaZulu-Natal, comprising the following scope of work:

- Construction of a new access road and parking; and
- Construction of an amphitheatre.

These interventions are part of a greater master plan to integrate and develop both the JL Dube Memorial and Homestead Sites. However, the other components of the master plan are not considered as part of this HIA, since no funding has been made available for them and may never be. The master plan is based on the following assumptions:

- The most successful memorials are one-sided and raise controversial issues;
- Heritage sites must consider three spheres of reference:
- Changing nature of heritage sites and interpretive centres;
- Investment and development of human capital; and
- Heritage sites as public spaces and catalysts for community economic development.

Relevant heritage sites should:

- Enable a genuine connection between viewer and interpretive material;
- Be aesthetically discerning and awe-inspiring;
- Not merely provide information – driven centres must act more broadly;
- Act as catalysts for social transformation; and
- Develop and drive economic integration.

The following precedents were reviewed during the development of the master plan:

- Apartheid Museum, Johannesburg (strong imagery and narrative sequence; high levels of patronage)
- Red Location Museum, Port Elizabeth (sensitivity to context; architectural and industrial design ethic)
- Trojan Horse Memorial, Athlone, Cape Town (emotional and social content of heritage site; nature of political vs. historical interpretation)
- Cape Town Holocaust & Genocide Centre (human capital development; extra-museum activities and strong engagement)
- District Six Museum, Cape Town (relevant programming; economic self-development as a driver)

#### **Design principles: Amphitheatre<sup>1</sup>**

##### **Design source material**

The design of the amphitheatre is to provide an outdoor arena for music, drama and dance activities and festivals (Figure 1; also refer to detailed drawings attached electronically to this submission).

##### **Architectural design principles**

- Embrace modernity of style and architecture
- Take advantage of the natural slope of the site with a low gradient raked seating area that would blend naturally into the existing landscape
- Provide a semi-sheltered roof that will encourage utility during inclement weather conditions
- Be welcoming by its integration into the rest of the JL Dube Memorial Site.

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<sup>1</sup> Derived from the Architect's Concept Design Report, December 2012, produced by IDC Architects.

### Accommodation schedule

1000 seater outdoor auditorium with a stage.

### External finishes

- The external walls and floor of the auditorium should also become a community cultural feature in the form of mosaics and murals embedded into the concrete surfaces. This will create an opportunity for local artists and artisans to display their talents, and ensure that community participation is fully realised in addition to the provision of construction labour.
- Green building principles will apply in the selection of materials, especially with regard to the steel structural roofing elements.
- Materials will conform to building regulations in terms of performance specifications and functionality, especially with the specialist Teflon coated tensile roof.

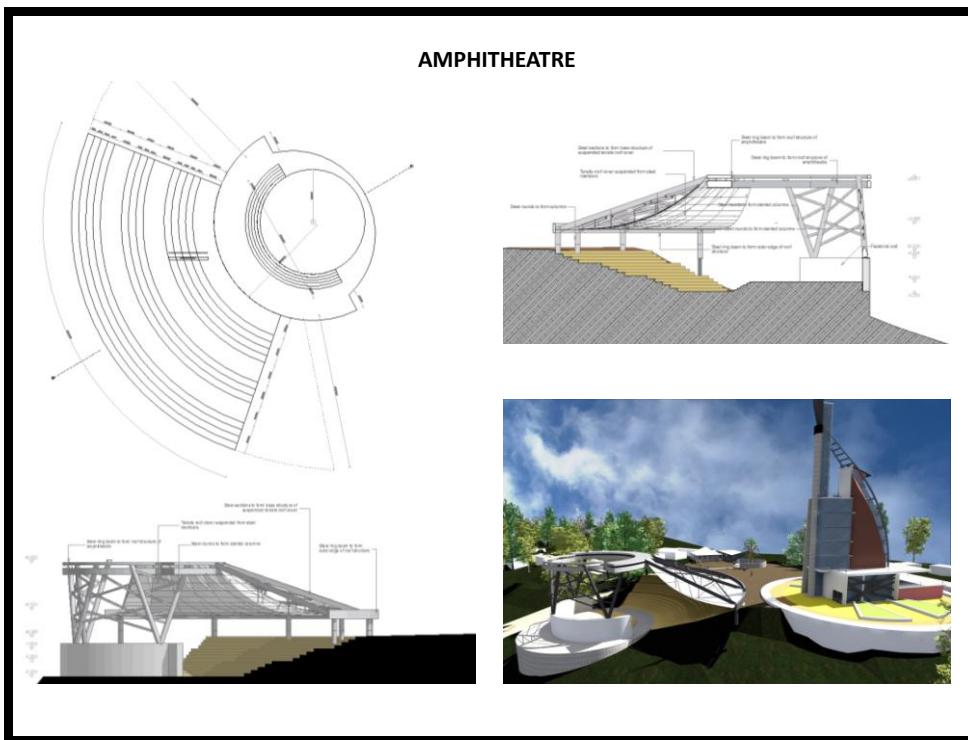


FIGURE 1 PROPOSED AMPHITHEATRE DESIGN CONCEPT.



## 4 PROJECT LOCATION

The JL Dube Memorial Site lies within the jurisdiction of eThekweni Metropolitan Municipality, at 29°41'53" S 30°57'23 E (Figures 2 and 3). The relevant Surveyor-General 1:50 000 map sheet is 2930DB Inanda (Figure 4).

The Ohlange Institute is situated on the Remainder of Portion 398 of the Farm Piesang Rivier No 805 – FT in extent 75.5604 hectares<sup>2</sup>. It should be noted that Portions 406, 407 and 411 have been surveyed and laid out under General Plans, these have not been separately registered and therefore remain part of the parent property.

The above property is registered in the name of the Minister of Rural Development and Land Reform (as successor to Minister of Regional and land Affairs) under Deed of Transfer No 26789/1988 and came about as a consolidation of Portions 91 (of 66), 49 (of 10), 10 (of 7), 388 and 390 all of Piesang Rivier No 805 FT. Since consolidation, Portions 399,400, 401, 402, 408, 409 and 410 have been transferred off leaving the current remainder.

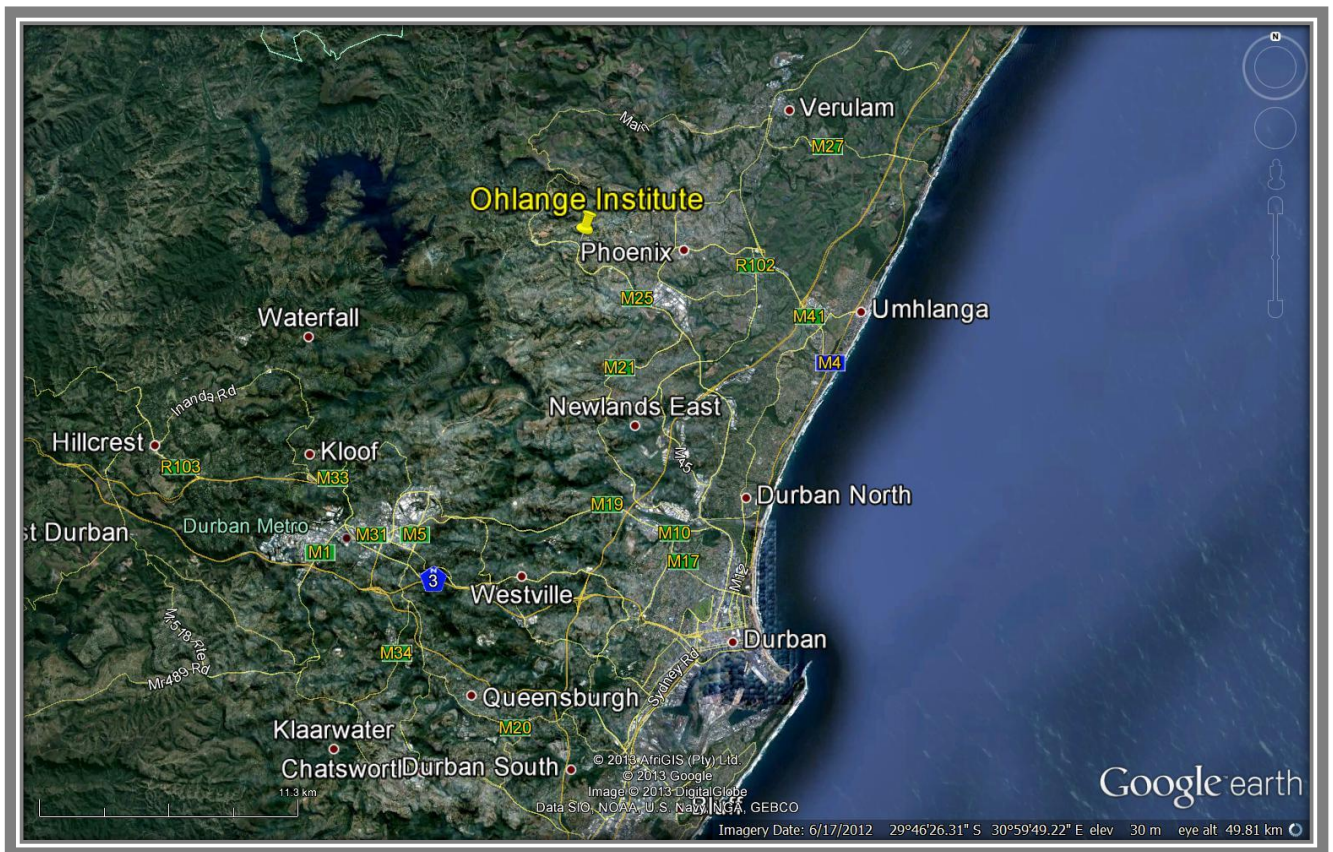


FIGURE 2 LOCATION OF OHLANGE INSTITUTE IN REGIONAL CONTEXT (SOURCE: GOOGLE EARTH).

<sup>2</sup> Undated document prepared by Peter Rutsch: Inanda Heritage Trail Land Legal Report.



FIGURE 3 LOCATION OF OHLANGE INSTITUTE IN LOCAL CONTEXT (SOURCE: GOOGLE EARTH).

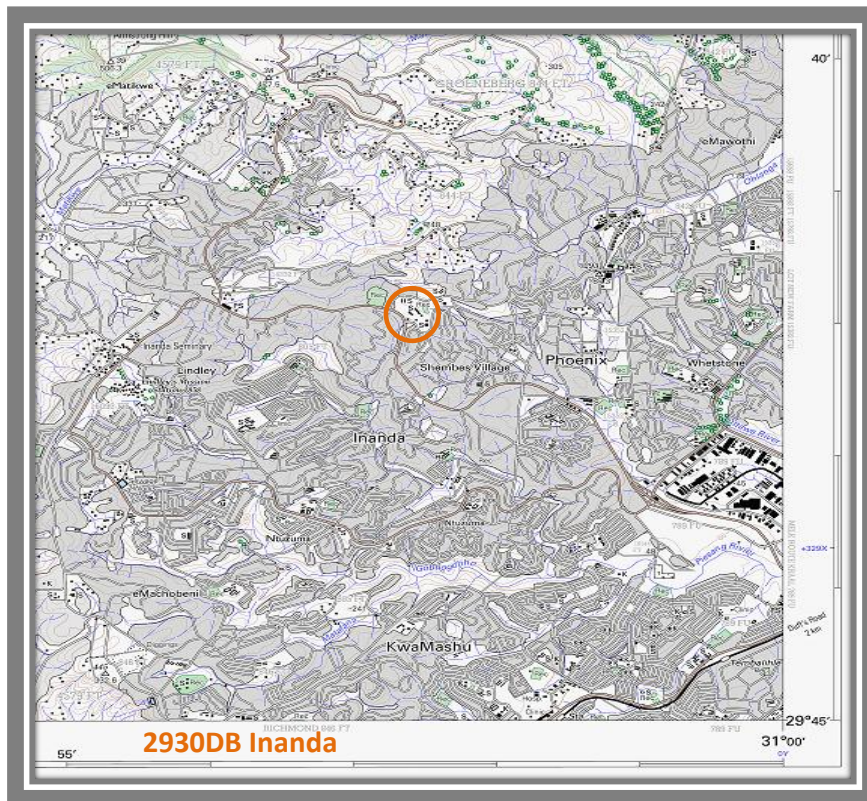


FIGURE 4 EXTRACT FROM THE RELEVANT SURVEYOR-GENERAL 1:50 000 MAP SHEET.

## 5 SITE DESCRIPTION

The JL Dube Memorial Site is located adjacent to Ohlange School. The site is fenced with metal palisades and pedestrian and vehicular access is through the school premises. The heritage resources within the Memorial Site are as follows:

### **JL Dube's original house (structure older than 60 years)**

John Dube's original house mud block home from 1901 which lay ruined for many years has been transformed into a museum (Figure 5; Harber & Associates IHR Consortium 2009).



FIGURE 5 JOHN DUBE'S ORIGINAL HOME, NOW A MUSEUM.

### **The graves of Dube and various family members (burials and memorial)**

A memorial stone has been erected at the site of the grave of JL Dube and various family members, close to the museum (Figure 6).



FIGURE 6 MEMORIAL STONE AT JL DUBE GRAVE SITE.

### **Original school foundations (structure older than 60 years)**

Inspection of the original school foundations revealed that they are compromised by the existing metal palisade boundary fence; the foundations extend northwards beyond the fence to within four metres of the reservoir (Figures 7 and 8).



**FIGURE 7 (LEFT) LACK OF SECURITY PROVIDED BY EXISTING JL DUBE MEMORIAL SITE FENCE.**



**FIGURE 8 (RIGHT) LEN VAN SCHALKWYK STANDING OUTSIDE THE EXISTING BOUNDARY FENCE AT THE VISIBLE LIMIT OF THE ORIGINAL SCHOOL FOUNDATIONS.**

## 6 HERITAGE STATEMENT

### — JL DUBE AND THE LIBERATION HISTORY OF SOUTH AFRICA<sup>3</sup>

John Langalibalele Dube was an educator, African nationalist and politician, ordained minister of the Congregational (American Board) Church, and an essayist, philosopher, publisher, editor, novelist and poet. He was the founding president of the South African Native National Congress (SANNC), which became the African National Congress in 1923. Dube served as SANNC president between 1912 and 1917.

Dube was born on 22 February 1871 at the Inanda Mission Station of the American Zulu Mission (AZM), a branch of the American Board of Commissioners for Foreign Missions. His father, the Rev. James Dube, was one of the first ordained African pastors of the AZM, a minor Zulu chief of the Ngcobo clan and a half-brother to Chief Mqhawe. His grandmother, Dalitha, was one of the first converts of the pioneer American Board missionary Daniel Lindley. Dube was not his real surname, which was Ngcobo. Dube was the name of his grandfather. When he was overseas the people there could not pronounce Ngcobo. When they heard his grandfather's name was Dube Ngcobo, John became known as Dube because it was easy to pronounce. Over the years this was the name that stuck and it became his official name. John Dube was educated at Inanda and then at the American Board Mission Theological School in Amanzimtoti which later became Adams College.

Seeing his potential, the American Board then sent him to Germany for further study. His parents allowed him to go because his father was a priest and was happy to see his son studying to follow in his footsteps. Once in Berlin John Dube realized there was no race discrimination and no restrictions on what he could study. Under the influence of his role model Dr John Nembula, the first African doctor in Natal, he chose to enroll for a degree in medicine at Oberlin College, Ohio, the first American College to open its doors to all races. However, when he went home after three years and told his father he was studying medicine and not priesthood because there is no money in priesthood, his father was outraged, insisting that he drop the medical studies in exchange for religious studies and so he returned to Inanda as a pastor, although his studies were not completed due to a prolonged illness.



In 1887 he accompanied the missionary William Cullen Wilcox (1850-1928) to America and attended Oberlin College, working at various jobs to support himself. He returned to Natal where he accepted a teaching post and in 1894 married Nokutela. During this time Dube and his brother-in-law, John Mdimba, worked at Incwadi where they established two churches and three preaching stations. Dube never lost his interest in education and what it could do for his people in Natal. After completing his theological training at Union Missionary Seminary in America he was ordained as a Congregational minister in March 1897. During this time he again tried to raise money for an industrial school based on the Tuskegee model of Booker T Washington. He would later become known as the 'Booker T Washington' of Africa.

**FIGURE 9 JL DUBE AS A YOUNG MAN (SOURCE: [HTTP://WWW.WITNESS.CO.ZA](http://www.witness.co.za))**

<sup>3</sup> Sources: Millard (1999); [http://en.wikipedia.org/wiki/John\\_Langalibalele\\_Dube](http://en.wikipedia.org/wiki/John_Langalibalele_Dube); <http://www.sahistory.org.za/topic/ohlange-school-founded-john-dube>; [http://wiki.ulwazi.org/index.php5?title=John\\_Langalibalele\\_Dube](http://wiki.ulwazi.org/index.php5?title=John_Langalibalele_Dube); <http://www.oberlin.edu/external/EOG/Dube/Dube.htm>; [http://www.witness.co.za/index.php?showcontent&global%5B\\_id%5D=18145](http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=18145); [http://wiki.ulwazi.org/index.php5?title=Lulu\\_Dube\\_-\\_Memories\\_from\\_Inanda,\\_Durban](http://wiki.ulwazi.org/index.php5?title=Lulu_Dube_-_Memories_from_Inanda,_Durban); also see Bibliography.

In February 1893 he was given a post attached to Adams Mission. Around this time Adams Mission had also established an outstation in the centre of Durban, where they had opened a small chapel in Beatrice Street. Durban was expanding at a rapid pace as a trade centre and many young African men were flocking to town for the employment opportunities the port and other public works offered. John Dube was responsible for preaching at the chapel on Sundays, as well as for music rehearsals. In addition to his duties in town, he also spent time assisting at the Groutville and Maphumulo mission stations. At the beginning of 1894 Dube started an independent mission at Incwadi near Pietermaritzburg, at the request of Qadi chief Mqhawe. He took with him his newly wedded wife Nokutela Mdimba. The Dubes rapidly won converts and within the year had more than a hundred children attending the mission school.

In 1896 John Dube petitioned to the American Board of Commissioners for Foreign Missions for a home for African girls in Durban. According to Heather Hughes in her book *First President: a life of John L. Dube, founding President of the ANC*, it was during this time that Dube acquired his praise name, Mafukuzela (The Zulu Storm). In the same year the Dubes departed for New York in order for John to further his religious studies at the Union Missionary Training Institute in Brooklyn. Here Dube's training as a missionary would be followed by preparation for ordination, while his wife chose to study music education. It was here that his idea of building an industrial school was shaped and formalised, much influenced by Booker T Washington, a prominent African American intellectual at the time. The Dubes also traveled widely to raise awareness of the plight of their people at home and raise funds for the school they intended to build on their return. In 1898 Dube graduated from the college and on 10 March 1899 he was finally ordained as Reverend. In April 1899 the Dubes sailed for Southampton and Cape Town to return home to their people.

For a missionary-educated person there was conflict between the newly-arrived Western education and African traditional society. However, Dube navigated this social schism with a statesman-like ability, as in his later years, when he was able to win the trust of the Zulu royal family. It is conceivable that Dube would never have been part of the SANNC, except that his teaching and discourse on the necessity of unity chimed in with the then nascent political atmosphere. It is now fashionable for biased historians to mention Dube's conservatism as evidence of his eventual parting of ways with ANC. But, actually, the truth is that the ANC was never a radical movement on the call of such issues as universal suffrage until it was radicalised by the formation of the ANC Youth League in the 1940s.

Dube's speeches as president of a black political mass-movement have never been made available. The next formation of black people into a coherent socio-political movement was to come into being with Marcus Garvey's Universal Negro Improvement Association and African Communities League, founded in 1914. In his politics Dube was cautious and conservative, yet he was forthright on the rights of blacks and the paramount tenet of unity – he foresaw the necessity of the unity of black people long before Garvey came to the international scene.

Dube was also an educator, a speaker of note on the circuit engaging whites in lectures around the country. His work in education was acclaimed and in 1936 he was awarded the honorary degree of doctor of philosophy by the University of South Africa. His role as an educator has been less documented, but he held and proposed views on education and culture that were to be used in inimical ways by the Apartheid government when it came into power in 1948 and legislating the Bantu Education Act. Dube had identified the need to combine Western education with local customs and traditions, all grounded in broad African communal behaviour. His theories on education are found in both *Ukuziphatha* and in *Isita*.

In 1900 Dube was able to obtain 200 acres of land in the Inanda district, where he opened the school that would become known as the Ohlange Institute<sup>4</sup>. While Dube was establishing the school he also founded the first Zulu/English newspaper *Ilanga laseNatali* (The Sun of Natal) which appeared for the first time on 10 April 1903 and which he ran until 1934. It was a four-page weekly under Dube's editorship. The

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<sup>4</sup> The history of the Ohlange Institute and the influence of Washington on Dube are discussed separately below.

first few editions were printed at the International Printing Press in Grey Street, Durban. Dube soon imported his own printing press and added a printing shop to the industrial division of Ohlange Institute. The newspaper reported on current events, social news, news from the mission stations, church events, debates from the local white press and government legislation. There were also advertisements for local business and much publicity for Ohlange. The tone of his writing in the paper often appeared radical and during the Bambata Rebellion of 1906 he was arrested as an 'Ethiopian' and agitator but was subsequently released. Dube then began to take part in a number of political meetings. He attended the gathering in Bloemfontein at which African leaders discussed the South Africa Bill of 1909. Three years later he founded the Natal Native Congress.

His writing for the paper established his political reputation and in 1912 he was invited to become the first president of the South African Native National Congress. He wrote to the chiefs and members of the SANNC and said: 'I recognize the hour is come when we, the Native races of South Africa, must be up and doing – for God helps those who help themselves' (Davis 1975: 497). Two years later he led a deputation of the SANNC, which included men such as Sol Plaatje and Walter Rubusana, to protest the Native Land Act in London. Dube fiercely resisted the Bill and wrote: 'Why must we, alone of all the peoples of the earth, condemn ourselves to serfdom in order to be permitted to live in our mother-country, while every nondescript from over the sea, be he black or white, is allowed to thrive on the fat of our land, and to erect a home wheresoever he will?' (Davis 1975: 520).

In 1917 he was ousted from the presidency of the SANNC and returned to Ohlange and Natal, where he remained a member of the Natal Congress. Over the years he was involved in a number of attempts at improving conditions for Africans and fostering better relations between the different races in South Africa. He received acclaim for his work in education and in 1936 he was awarded the honorary degree of Doctor of Philosophy by the University of South Africa. A year later Dube was elected to the first Natives Representative Council, an advisory body to the government. In these later years, then a widower, he married Angelina Khumalo of Pretoria and they had three sons and three daughters.

JL Dube was among the pioneering men of letters who helped to establish Zulu literature. He was one of the first published Zulu authors, although the first published Zulu book was written by Magema Fuze, whose history of the Zulus, *Abantu abamnyama lapo bavela ngakona* (translated as "The Black People and From Whence They Came"), was published in 1922 having been written in the 1880s and early 1890s. Dube's first published work was an essay in English on self-improvement and public decency that was published in 1910. The work that was to earn him the honorary doctorate of philosophy was the essay *Umntu Isita Sake Uqobo Lwake* (A man is his own worst enemy) (1992; text in pre-1936 Zulu old orthography). He went on to publish a historical novella that has proven to be popular and influential in Zulu canon titled *U-Jege insila KaShaka* (1931) (translated by Boxwell as 'Jege the body-servant of Shaka'). Dube also embarked on writing biographies of the Zulu royal family, especially that of King Dinizulu, making him the first biographer in African literature. Other works include *The Zulu's appeal for light, and England's duty* (1909), the essay *Ukuziphatha* [On Behaviour] (1910), *Isitha somuntu nguye uQobo Lwake*, *Ushembe* (1936) and *Ukaziphatha khale*.

Dube had close ties with many prominent people of the era, among them King Solomon, Prince Mshiyeni, Mr Isaiah Shembe, founder of the Shembe Church. Lulu Dube tells that Shembe (Isaiah) was one of her father's best friends and used to be involved in many meetings with him and other community leaders. She also remembers Mr Ngazani Luthuli, one time editor of the Ilanga Newspaper. "He had an office here at the house and I knew him well. Mr AWG Champion [also] used to come to the house to talk to Mafukuzela".

Dube died in Durban on 11 February 1946. He was a controversial figure. To the Zulu poet BW Vilikazi he was 'a great if not the greatest, black man of the missionary epoch in South Africa'. As Vil-Nkomo, who came from the same mission-educated society, said: 'No one else in his education generation has accomplished so much with such meager means'. To John X. Merriman, the liberal Cape politician, he

showed what it meant to be an African in British Natal: 'Dube in conversation gave me a glimpse of nationalism...How they must hate us – not without cause'. Edgar Brookes, the educator, summed up Dube's influence when he said: 'He was a Christian gentleman of whom all Natal, Black and White, may well be proud' (Marks 1975: 164).

In April 1914 Dube met the novelist Henry Rider Haggard in Durban. Haggard is best known as the author of *King Solomon's Mines*, *Allan Quatermain* and *She* written in the 1880s, but by 1914 he was recognised as an agricultural authority and it was for his expertise in this area that he was appointed to the Dominions Royal Commission tasked with visiting the dominions of Australia, New Zealand, Canada, Newfoundland and South Africa to investigate how they could assist Britain, then up against tough economic competition from Germany and the U.S. While he was in Durban, Haggard made a point of seeing Dube and their meeting is detailed in Haggard's *Diary of an African Journey*. Haggard initially recorded the interview in his rough notebook, reading it back to Dube who "declared it to be correctly set down".

Haggard noted that "[Dube] impressed me most favourably" and, after Dube had detailed his objections to the Land Act, observed that "the case which he presented seems to me one hard to answer. There is no doubt this new Land Act inflicts great hardships ... and if an effort were made to enforce it everywhere I do not know what would happen". However, Haggard thought Dube's petition to the British king had little hope of success. Pondering South Africa's future, Haggard added prophetically that the majority African population could not "be permanently neglected (or is oppressed the word?) by one million-and-a-quarter whites. Compressed steam will escape somehow and somewhere".

Recently, the work of JL Dube has been recorded and popularized by Chérif Keita, professor of French and Francophone African and Caribbean literature at Carleton College, Northfield, Minnesota, in the US, as well as an authority on the music of his native country, Mali<sup>5</sup>. Keita made the award-winning documentary film 'Oberlin-Inanda: The Life and Times of John L. Dube' that linked the story of Inanda to Dube's education in the U.S. at Oberlin College, Ohio.

Keita followed up with another film, 'Cemetery Stories: A Rebel Missionary in South Africa', detailing the previously untold story of the American missionary Reverend William Wilcox, under whose wing Dube first went to the US<sup>6</sup>. Keita also organised the Wilcox descendants' visit to South Africa in 2007 to meet the Dube family.

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<sup>5</sup> [http://www.witness.co.za/index.php?showcontent&global%5b\\_id%5d=71074](http://www.witness.co.za/index.php?showcontent&global%5b_id%5d=71074)

<sup>6</sup> See the section on Nokutela Dube for further information.



## — THE OHLANGE INSTITUTE

The Ohlange Institute was founded by JL Dube in 1900 on 200 acres of land in the Inanda district. The idea of the school was conceived when Dube returned to the United States of America in 1897 for further training. Upon arrival he enrolled at the Union Missionary Seminary in Brooklyn, in New York and in March 1899, Dube was ordained as a priest by the Congregational Church.

During this visit Dube was profoundly influenced by Booker T Washington, an African American educator who propagated self reliance. Washington's ideas dominated Dube's educational and political thoughts. Both Dube and Washington were inspired by the motto 'learning and labour', which Oberlin College had adopted. Both men were considered civil rights activists, educators and writers. Washington encouraged his students at Tuskegee to become self-reliant by teaching them skills such as printing, farming, shoemaking, and cooking, amongst others. Dube increasingly saw education as a means for Black social and economic advancement. This inspired him to develop a similar kind of initiative aimed at advancing the rights of Black people in South Africa. In a letter sent to Washington in March of 1897, Dube makes clear Tuskegee's influence on the founding of Ohlange:

I am very much interested in just the same work that you are for my people the Zulus of So. Africa. I am here preparing to return and start a school of an industrial character among them. I desire to have an interview with you for I wish to visit both Hampton and Tuskegee before my return to my native land...Please drop me a card early to-morrow morning so that I may have the pleasure of seeing you.

Dube was particularly influenced by reading Washington's *Up From Slavery*, a book on self-reliance, the gospel that was taught by the American sage Ralph Waldo Emerson. Washington's book proved immensely influential in Bantu thought and across the black world. It was subsequently translated into several Bantu languages in South Africa, but Dube never chose to translate it, instead putting its teachings into practice. This was a feat that was never duplicated, except by Garvey and his movement and, on a minor scale, by the political figure Steve Biko in his hometown of King William's Town in the province of the Eastern Cape. Dube had been inspired by Washington's Tuskegee Institute; years later Marcus Garvey attempted to see Washington because of a similar inspiration, but arrived in the US in 1916, a year after Washington had died.

Dube was a firm believer in self-reliance, both as an ethical and spiritual quest towards realisation of dignity and respect in the eyes of others. In *Isita* he preached self-reliance and the need for black people to initiate economic ventures in order to gain respect in the eyes of the world.



His daughter Lulu remembers that "...he was encouraged when he saw Black Americans who were then called 'Negros' and who were also black like his people back home, but are studying. He said he must try it at home, like they do overseas. Even though they were also oppressed like us, they are better than us. In those days, black people only reached standard six which was regarded as a good standard. Overseas, people studied further." He said to the people of Ohlange "I want to educate your children."

FIGURE 10

DR JL DUBE AND FAMILY (SOURCE: [HTTP://WIKI.ULWAZI.ORG](http://wiki.ulwazi.org)).

Upon his return from the US Dube established the Ohlange Native Industrial Institute on 8 August 1900. Chief Mqhawe offered Dube 200 pounds to purchase 200 acres of land in Inanda for the school. Following a foundation ceremony the school was erected on a hilltop with the name Ohlange, deriving from the word *uhlanga*. Dube chose the name Ohlange for the school because of its meaning of 'where all the nations come together'. He wanted all the peoples of the land to come together their and build a new nation. The institute became the first Black-directed institution and emulated Washington's Tuskegee Institute. On its launch a collection of funds \$275.00 was raised.

On 20 August 1900 the school opened with 63 male students, half of whom lived on the campus. Within three weeks the school had close to 100 pupils. The institute was renamed the Ohlange Institute in 1901. Ohlange functioned as a school where African children obtained education. For the first few years of its existence the institute was supported by the American Board of Missions. In addition, students paid tuition of \$12.00 for a term of four and a half months.

At first the school had only four instructors: Dube, his wife Nokutela, Pipile Msweli and John Mdimba. The school subscribed to the stern social Darwinist concept of 'survival of the fittest'. Dube stressed to his students that they 'honour the man who works' and he was convinced of the 'demise of the idler'. Through the institution he sought to create a class of independent and educated entrepreneurs who would represent the political and economic ideas of a specific class of Blacks in South Africa. This class was to be an educated, self-sufficient 'kholwa' elite – the word 'kholwa' was coined to refer to an African Christian bourgeoisie.

The first four years of Ohlange's operations were the most difficult. The students' tuition fees was not enough to pay for the teachers' salaries and Dube's salary as pastor from Inanda Congregation Church was scarcely enough for his family's needs. The school's intake increased to 103 boys who boarded at the school and 56 day scholars. By the end of 1902, 118 boarding pupils and 111 day scholars attended the school. To make room for more students, some scholars slept on mats on the school's floors, while others slept on the floors of two unfinished buildings.

Fortunately, in 1905, American Committee member Emaroy June Smith donated thousands of dollars to allow Ohlange to construct a men's dormitory. New instructors included Thomas Koza, an African educated at St Albans College in Pietermaritzburg; Mrs Reynolds L Scott (Scott's African bride), who obtained her education at Inanda Seminary; and Inanda graduate Mrs D Dlodla. All seven teachers taught English, Mathematics, General Science and Industrial Work.

Dube and his wife obtained outside funding through their trips to the US where they gave illustrated lectures and musical presentations. Another source of funding may have come from Dube's hunting activities, further evidence of American influence. "American missionaries were part of a frontier tradition, and they enjoyed hunting," says his biographer, Heather Hughes. "Dube went to Swaziland regularly, and also to Rhodesia and Mozambique. There is a possibility that ivory from these hunting expeditions funded the school."

In 1909 Dube went to England to collect funds for the school. By this time there were 139 scholars on the books and the teachers included his brother, Charles Dube (BA), who acted as headmaster, and Charles' wife Adelaide Dube (BSc), both of whom had studied at Wilberforce University, Nokutela Dube, Amy Nhangoti and Ntombi Zama. Other teachers were John Mdimba, Ezekiel Kuzwayo and Irving Nyembezi. There were also part-time teachers helping with some of the industrial courses. Dube appealed to the British sense of fairness, pleading for the education of the people of a land that had once been the sole property of the Zulus. 'They the Boers and the British took it from us, the land of my birth. That little spot of God's earth which Providence had given us to be our own, our native land – the home of our fathers – they annexed to the British Empire' (Dube 1909: 4). Now he needed help for the Ohlange Institute at which the people of Natal, who were part of this empire, were educated.



Local white officials were sceptical of Dube's motives, but the reputation of the school spread far and wide and by 1910 he succeeded in getting the support of a substantial group of influential whites. Upper class sectors such as the educated and affluent kholwa, the missionaries, influential sugar planters and liberal white politicians publicly supported Dube's institution, claiming it played a reforming and constructive function.

**FIGURE 11** OHLANGE SCHOOL BUILDINGS (SOURCE: [HTTP://WWW.HISTORICSCHOOLS.ORG.ZA](http://www.historicschools.org.za)).

By 1914, the school had 220 pupils. They paid £6.00 to attend classes for the nine month school year, although they were required to work on the premises for three hours every day. In 1917 a girls' dormitory was opened at Ohlange and the school initiated a teacher-training course primarily for women. By 1918 Ohlange was the first to offer the Cape Junior curriculum, later called the Junior Certificate course.

Dube's guiding principle in life, despite his incredible energy, was to "hasten slowly". This became the basis of the education policy he introduced at Ohlange, insisting that students be thoroughly equipped for their future careers. His concern was to produce self-reliant citizens, and he stressed the importance of providing students with industrial training as well as academic skills. This resulted in shoemaking, dressmaking, carpentry, motor mechanics, agriculture and journalism being taught together with academic subjects.

He also placed great emphasis on character formation. Politically he was a moderate and independent-minded person. He found himself in conflict with the Industrial and Commercial Union (ICU) as well as with the colonial government of the time. He worked with Mahatma Ghandi and condemned the resort to arms by the government to put down the Bambatha rebellion.



In 1924, Charles T Loram, Superintendent of Education, asked William Wells, a White teacher, to take up the position of headmaster at Ohlange. The Natal Education Department recognised Ohlange for the purposes of financial assistance and began to subsidise teachers' salaries.

**FIGURE 12** DR JL DUBE INTERPRETATION CENTRE ON THE SCHOOL PREMISES (SOURCE: [HTTP://WWW.HISTORICSCHOOLS.ORG.ZA](http://www.historicschools.org.za)).

On 24 February of the same year, the new Ohlange Institute Trust was empowered to direct the management and conduct of the school. In 1926, a tailoring course was introduced. By 1929 Ohlange students took Humanities and Social Science courses which prepared them for the Junior Certificate examination of the University of South Africa. The course could also serve as an entrance qualification for the University College of Fort Hare. Students studied for three years after reaching the standard six level.

In 1930, the Zulu choir of the Ohlange Training Institute, Phoenix, Natal, under the conductorship of Mr RT Caluza, a teacher at Ohlange, visited Great Britain for the purpose of making phonographic records for His Master's Voice Gramophone Company. The choir of 10 members also sang to large audiences in public halls. In 1950 the 'Mafukuzela Day' was instituted at Ohlange. In time, this became 'Mafukuzela Week' with figures such as the Zulu king in attendance.

The imposition of apartheid had a negative impact on the school. The Bantu Education Act of 1953 impacted hugely on Ohlange School as it did on all black schools, resulting in the decline of a proud school that was once described as a "citadel of light" in an impoverished area adjacent to the city of Durban. HIE Dlomo's poem written in 1912 captures the geographic and educational vision of the school:

Above the Ohlange heights  
There hover ever glorious lights  
They glow, they gleam, they quiver  
Ever, ever, ever,  
As a flowing river  
From the mighty hand of God.



When Nelson Mandela cast his vote in the first democratic elections in 1994, he chose to do so at the Dr JL Dube Interpretation Centre housed on the school premises.

**FIGURE 13** NELSON MANDELA CASTING HIS VOTE IN 1994 (SOURCE: [HTTP://WWW.HISTORICSCHOOLS.ORG.ZA](http://www.historicschools.org.za)).

## — NOKUTELA DUBE

Nokutela Dube, nee Mdimba, born in 1873 in Inanda, KwaZulu-Natal, was the first wife of JL Dube. As an equal partner to Dube Nokutela contributed to building everything known today as the John Dube legacy in South Africa<sup>7</sup>. Together they tirelessly raised funds in the United States between 1896 and 1899 to build the Ohlange Institute, the newspaper *Ilanga Lase Natal* and many other ground-breaking institutions that have furthered the cause of multiracial democracy in the country since the early 20<sup>th</sup> century. Her many talents were crucial in the establishment of the outstanding educational institution that Ohlange became from the very first day of its existence in Inanda, South Africa.

Chérif Keita, professor of French and Francophone African and Caribbean literature at Carleton College, Northfield, Minnesota, provides further information about Nokutela's life<sup>8</sup>:

"John Dube led me to the Wilcoxes and they led me back to Nokutela," says Keita. "It's as if she is crying out for my attention — she has invited me to speak for her. I did what I did for John Dube and for the Wilcoxes, now it's Nokutela's turn."

Keita describes the Wilcoxes as the American adoptive parents of John Dube and Nokutela Mdimba. "They both grew up together as mission kids," says Keita. "They were both moulded by William and Ida Wilcox. Nokutela was Ida's pupil at Inanda Seminary from 1881 on."

"In 1882 at the age of about 13 Nokutela wrote an essay titled 'My Home-Africa' which Ida sent to the Rice County Journal in Northfield, Minnesota, her home town," he says. "It was published as part of a regular series that Ida wrote about her experiences as a missionary and she used Nokutela's essay to demonstrate the dedication of Zulu pupils in learning English at the Inanda Mission Station." The Wilcoxes also provided both youth a role model as a couple, according to Keita. "Ida went everywhere with her husband. They were always together. And together they were strong."

In 1887, William Wilcox took Dube to the U.S. where he attended Oberlin High School and later the college. When Dube returned to Natal he accepted a teaching post and, in 1894, married Nokutela Mdimba. In 1896, the couple went to the U.S. for further education and subsequently made several visits there, mainly to raise funds to realise their joint vision of an independent school for Africans.

"It was a great partnership that generated so much in terms of fundraising and pioneering leadership for South Africa," says Keita. "And they were valued there as equals. The Los Angeles Times of February 13, 1898, included Nokutela in its feature 'Women of note'."

An American journalist described Nokutela as "young, with blazing black eyes, smooth brown skin and handsome regular features. She speaks good English with a deliberation that is charming and in the softest voice in the world. Her manner is grace itself."

"During the tour of the U.S. with John she was the first black South African woman to have used music to speak about her people, mesmerising audiences in the late 1890s singing click songs," says Keita. "Miriam Makeba was so excited in November 2001, when I told her about Nokutela and proud to have been on a trail blazed by another young South African woman more than 50 years before her. 'Alleluia,' she said, 'I come along 60 years later and do the same thing.' Miriam felt she was part of a tradition."

<sup>7</sup><http://www.sahistory.org.za/people/nokutela-nee-mdimba-dube>

<sup>8</sup>[http://www.witness.co.za/index.php?showcontent&global%5b\\_id%5d=71074](http://www.witness.co.za/index.php?showcontent&global%5b_id%5d=71074)

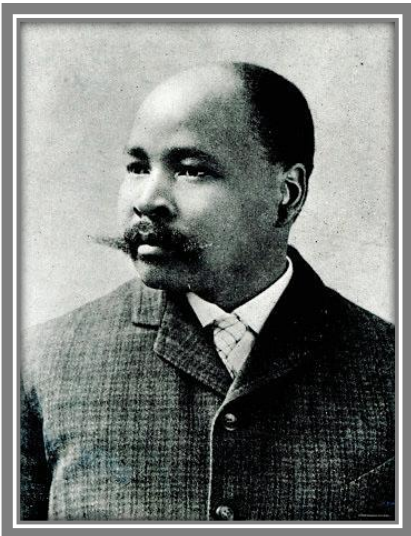


FIGURE 14 JL DUBE.

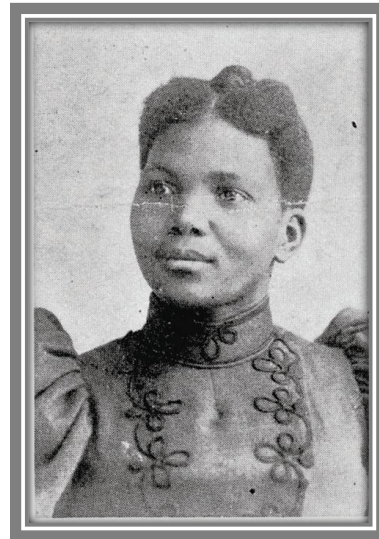


FIGURE 15 NOKUTELA DUBE.

Keita says Nokutela was a talented musician. “She built up the musical culture that was so much part of Ohlange and with her husband she produced *A Zulu Song Book* published in 1911. In it there is *A Prayer for the Children of Ohlange* — it is the tune of *Nkosi Sikelel’ iAfrica* but with different words; it’s essentially a praise song of Dube.”

“Ohlange was her creation along with John’s and as such she was the first mother of the Children of Ohlange.”

But the powerful partnership of husband and wife was to come to an abrupt end. In 1914, as revealed in Heather Hughes’s recent biography, *First President*, Dube had a child by a female student at Ohlange. The child died shortly thereafter thus making it easier to prevent the matter becoming public knowledge. In an interview with *The Witness* earlier this year Hughes talked about the event, more tragedy than scandal. “It came out of a long, long period of pain, almost mourning, that he and Nokutela couldn’t have children,” she said. “In hindsight we don’t have to moralise or be judgmental. We can explain and understand. It was the end of their marriage and the end of their joint venture.”

Nokutela was so distressed that she left Inanda and went to live on a farm in Wakkerstroom in the then Transvaal. “She left everything. It must have been so tragic for her,” says Keita. “The whole incident possibly led to the breakdown in her health.”

Dube also spent much of his time in Johannesburg, where the Dubes had a house in Sophiatown. When he heard Nokutela was suffering from a kidney infection Dube arranged for her to be brought back to Sophiatown for medical attention. But it was too late, Nokutela died on January 26, 1917, and was subsequently buried in the Brixton Cemetery, her grave recorded in the burial register as CK9763; the CK standing for “Christian Kaffir”.

Three years later, in 1920, Dube married Angelina Khumalo. They had six children, four surviving to adulthood. Dube died in 1946.

The site of Nokutela’s grave was left unmarked and its location forgotten. As Hughes noted in her biography, quoting Doris Lessing: “Women often get dropped from memory, and then history.”

That has been the case with Nokutela. Something that Keita now seeks to redress. During his visit in August he went to Brixton cemetery and assisted by Alan Buff, manager of Johannesburg’s Parks and Gardens and Rufus Moleseng, the cemetery’s caretaker, he was able to locate Nokutela Dube’s final resting place.

“My mission is to exhume her in a figurative sense,” says Keita. “Nokutela is crying for recognition. Biologically she may have been unable to produce children, but intellectually and spiritually she had many, many children at Ohlange and thousands of intellectual heirs who went on to become pioneers in South Africa.”



On 11 August 2012 family and friends of Nokutela Dube gathered for a tribute and unveiling of a temporary marker at her final place of rest in Brixton Cemetery. US Consul General Earl Miller paid his respects to Nokutela Dube 95 years after her death (Figure 16).

**FIGURE 16** PAYING TRIBUTE TO NOKUTELA DUBE.

#### — ANGELINA DUBE

Lulu Dube, third born child of John Langalibalele Dube was born in 1931 at Ohlange. The eldest was Namagugu, followed by Sobantu, and then Lulu. The youngest sibling was Siphso; all of them are now deceased. Their mother was Angeline Dube, neè Khumalo. The house where Lulu Dube lives now was built around 1922 and is the second house of Dr John Dube. Their first home was at Ohlange, where all the children were born.

Of the “Daughters of Africa” Organization, of which her mother Angeline was President, Lulu remembers that they helped to ensure children not to wander the streets. “What I can remember, is that when the school closed, the Durban branch [of the organization] would accompany children to the train stations and on each station there would be others waiting to escort the children. The organization was all over the world. They made sure that children were safe on their way home nothing like what is happening today. They also focused on Domestic Science things that mostly helped women. They said girls are growing up. When they get married they know nothing about being good wives. They taught them things like, how to lay a table, sewing, playing tennis etc.’

## — STATEMENT OF HERITAGE SIGNIFICANCE

JL Dube's original house, the foundations of his first school and the graves of him and various family members comprise an indivisible, coherent entity, in which each part is integral to the overall significance.

The JL Dube Memorial Site has **high historical value at all levels** for its strong and special association with a person whose life, works and activities have been significant within the history of the nation, province, region and community.

The site has **high social value at all levels** for its social, cultural, spiritual, symbolic, aesthetic and educational associations with the life of a prominent South African. Furthermore, it contributes to the sense of place of the local community and their association with a person of social and political eminence. The site is strongly associated with all that JL Dube stood and fought for, his sense of social justice and the significance that he ascribed to education.

The site is **unique**, as the place of living and death of an individual who made an indelible contribution to the socio-political development of South Africa.

## — RECOMMENDATION OF HERITAGE STATEMENT

The intention of recommendations for the protection of the JL Dube Memorial Site should be to ensure that its heritage significance and values are retained, protected and utilised to best effect. At present the three heritage resource elements (original home, graves and memorial stone and school foundations) are afforded general protection in terms of the NHRA and KZNHA.

The South African heritage resources management system is based on grading, which provides for assigning the appropriate level of management responsibility to a heritage resource. Grading is an important step in the process towards the formal protection of a heritage resource, such as a declaration as a National Heritage Site, Provincial Heritage Site, or, in the case of Grade III heritage resources, placement of a resource on the Heritage Register. It is not an end in itself, but a means of establishing an appropriate level of management in the process of formal protection.

Grading may be carried out only by the responsible heritage resources authority, or, in the case of a Grade III heritage resource, by the relevant local authority. Any person may however make recommendations for grading. These are known as field ratings and usually accompany surveys and other reports. Also, NHRA Section 30(5) requires that inventories of heritage resources should be drawn up by local authorities in certain circumstances and, further, Section 30(6) enables anyone to compile or draw up an inventory. Recommendations for grading should be made in whenever an inventory is compiled. Table 1 summarises the steps and responsible authorities associated with grading.

TABLE 1 GRADING PROCESSES AND AUTHORITIES.

| Field Rating        | Grading (by Heritage Resources Authorities) | Formal Gazette Status    | Level of Management | Responsible Heritage Resources Authority          |
|---------------------|---|--------------------------|---------------------|---|
| Suggested Grade I   | Grade I                                     | National Heritage Site   | National            | South African Heritage Resources Agency (SAHRA)   |
| Suggested Grade II  | Grade II                                    | Provincial Heritage Site | Provincial          | Provincial Heritage Resources Authority           |
| Suggested Grade III | Grade III                                   | Heritage Register        | Local               | Local Planning Authority (usually a municipality) |



Grading of heritage resources as Grade I, II or III heritage resources does not afford *formal* protection; and it must be noted that grade II and grade III heritage resources will **not** be *formally* protected until the formal processes have been followed which, in some cases may never be completed. In other words, the protection, management and decision-making in respect of all heritage resources that are graded I, II and III is the responsibility of the provincial heritage resource authorities and is afforded through the **general** protections provided for in Sections 33 to 38 of the NHRA.

The Heritage Western Cape Short Guide to Grading provides the following guidance relevant to the grading of the JL Dube Memorial Site:

Issues around the nomination of sites associated with individuals and groups can be complex, and highly contestable. Establishing the sphere of significance of a person or group is difficult, and the decision to memorialise a person can be fraught with subjectivity. Also deciding which site best encapsulates the person can be highly contested and there is a danger of numerous places being declared as heritage sites because of a link with that person. In considering nominations of sites relating to people of national, provincial or local significance, the following issues must be considered:

1. What is the sphere of greatest significance of the person or group – national, provincial, local?
2. Is it the person or an event that is associated with the person or group that is significant? Should rather the event be remembered by means of declaration of a site representing the event?
3. Would a heritage route relating to the person be more appropriate?
4. The place should be associated with a significant aspect of a person or group's contribution.
5. The place associated with a person or group must be compared with other places associated with the person or group to demonstrate that this place is an outstanding example that clearly articulates that association.
6. The number of declared heritage sites relating to a specific person must be limited.
7. The declaration of a series of sites as a serial declaration may in instances be considered if no single site is fully enough representative of the person.
8. Does the place retain enough integrity to convey its significant associations?
9. The person whom the site represents should no longer be living - unless under extraordinary circumstances.

#### — **SUGGESTED GRADING**

The JL Dube Memorial Site should be nominated for grading as a Grade II Provincial Landmark in recognition of its intrinsic significance that warrants the regulation of *any* alteration. This grading recognises its strong, special and unique association with a prominent South African, its contribution to the sense of place of the local community and their association with a person of social and political eminence.

## 7 DEVELOPMENT INFORMANTS

This section contains visual, spatial and site management informants for proposed interventions adjacent to the JL Dube Memorial Site.

— **Development Informant 1: Key Focal Point – Hilltop with museum and graves**

The location of the museum, graves and memorial stone and the original school foundations near the top of the hill comprises the key focal point of the JL Dube Memorial Site.

— **Development Informant 2: Key Spatial and Structuring Element – Relationship between Memorial Site and Ohlange School**

An intimate historical relationship exists between the heritage resources comprising the Memorial Site (Dube's original home and school, and his grave) and the Ohlange School. The school actively acknowledges and celebrates JL Dube's legacy.

— **Development Informant 3: Aspect – Views of surrounding landscape**

The Memorial Site affords and is enhanced by magnificent views of Ohlange School, surrounding residential areas and the city of Durban.

— **Development Informant 4 – Dynamic urban landscape**

The Memorial Site has witnessed dramatic changes to the surrounding landscape as it evolved from a semi-rural setting to a densely populated urban node with significant socio-economic challenges and opportunities.

## 8 ASSESSMENT OF PROPOSAL

This section assesses the impact of the development proposal (Section 3) on the heritage resources identified in Section 5, and their significance as detailed in Section 6, in terms of the Development Informants identified in Section 7. Criteria for determining the impact of the proposed development on heritage resources are provided in Appendix C. The impacts given below are for the proposed project with and without mitigation / management of heritage resources.

### — CONSTRUCTION OF A NEW ACCESS ROAD AND PARKING

The location of the new access road and parking below the existing fenced Memorial Site satisfies the visual, spatial and site management informants embodied in Development Informants 1, 3 and 4. In summary, the access road and parking will not compromise the key focal point of the hilltop location of the Site or the views of the surrounding landscape, and is in keeping with the nature of the dynamic urban landscape.

Development Informant 2, the key structuring and spatial element represented in the relationship between the Memorial Site and Ohlange School, could be compromised, since visitors will no longer access the Memorial Site through the school premises. However, this relationship is acknowledged and addressed extensively in the overall design concept for the integration of the JL Dube Memorial and Homestead Sites. Even if the entire concept plan is not implemented, visitors could be informed of the relationships between the Memorial and Homestead Sites and Ohlange School using appropriate interpretive material.

None of the three heritage resource elements (original home, graves and memorial stone and school foundations) comprising the JL Dube Memorial Site will be affected directly or indirectly by the construction of the new access road and parking.

**TABLE 2 POTENTIAL DEVELOPMENT IMPACT OF CONSTRUCTION OF A NEW ACCESS ROAD AND PARKING.**

|           | Nature              | Extent | Duration | Intensity | Impact on irreplaceable resources | Consequence | Probability | Significance |
|-----------|---------------------|--------|----------|-----------|-----------------------------------|-------------|-------------|--------------|
| Unmanaged | Neutral to Negative | Low    | High     | Low       | Low                               | Low         | Low         | Low          |
| Managed   | Positive            | Low    | High     | Low       | Low                               | Low         | Low         | Low          |

### — CONSTRUCTION OF AN AMPHITHEATRE

The location of the amphitheatre adjacent to and mostly below the existing fenced Memorial Site satisfies the visual, spatial and site management informants embodied in Development Informants 2 to 4. In summary, the amphitheatre will not compromise the key structuring and spatial element represented in the relationship between the Memorial Site and Ohlange School or the views of the surrounding landscape, and is in keeping with the nature of the dynamic urban landscape.

Development Informant 1, the key focal point of the JL Dube Memorial Site embedded in the location of the museum, graves and memorial stone and the original school foundations near the top of the hill, could be compromised by the construction of the amphitheatre. The mass and size of the proposed structure could draw attention away from and overshadow these more modest heritage resources. However, the location of the amphitheatre, which takes advantage of the natural slope of the site, lends itself to relatively unobtrusive incorporation into the existing landscape.

More significant is the real possibility that the footprint of the amphitheatre development could directly affect the foundations of the original school founded by JL Dube.

**TABLE 3 POTENTIAL DEVELOPMENT IMPACT OF CONSTRUCTION OF AN AMPHITHEATRE.**

|           | <b>Nature</b>       | <b>Extent</b> | <b>Duration</b> | <b>Intensity</b> | <b>Impact on irreplaceable resources</b> | <b>Consequence</b> | <b>Probability</b> | <b>Significance</b> |
|-----------|---------------------|---------------|-----------------|------------------|--|--------------------|--------------------|---------------------|
| Unmanaged | Negative            | Low           | High            | Medium           | High                                     | High               | Medium             | High                |
| Managed   | Neutral to Positive | Low           | High            | Low              | Low                                      | Low                | Low                | Low                 |

## 9 RECOMMENDATIONS

### — GENERAL

- Amafa and/or an independent heritage practitioner should compile a Cultural Heritage Management Plan for the JL Dube Memorial Site. Such a plan should recognise the tangible and intangible qualities and values of the site, while allowing for its intensive future use as a visitor attraction.
- Amafa should pursue the proclamation of the site as a Grade II Provincial Landmark.

### — ORIGINAL SCHOOL FOUNDATIONS

- A suitable fence or barrier should be erected around the structure to deter visitors from climbing onto and over it. A temporary barrier and explanatory signage should be erected as soon as possible, to be replaced by a permanent fence and signage once research is complete and final management requirements have been established. This will include the removal and relocation of the existing metal palisade fence.
- A full archaeological investigation of the structure is required to determine its nature and extent, including excavations and examination of all available documentary and oral sources. No construction activities associated with the amphitheatre may commence before such investigation has been completed and its recommendations approved by Amafa.
- All vegetation encroaching on the structure should be eradicated under the direct supervision of a heritage practitioner.
- The fig tree growing on the south-eastern corner of the structure requires removal, since it poses a serious threat to the integrity of the structure. It should be poisoned *in situ*, following the removal of a truncheon from the tree and its successful establishment elsewhere within the Memorial Site. No attempt should be made to remove the tree trunk following its poisoning, since this will destabilise the structure and possibly accelerate its collapse.

## 10 CONCLUSION

We recommend that the development proceed with the proposed heritage mitigation and have submitted this report to Amafa in fulfilment of the requirements of the NHRA. According to Section 38(4) of the Act the report shall be considered timeously by the Council which shall, after consultation with the person proposing the development, decide—

- whether or not the development may proceed;
- any limitations or conditions are to be applied to the development;
- what general protections in terms of the NHRA apply, and what formal protections may be applied to such heritage resources;
- whether compensatory action shall be required in respect of any heritage resources damaged or destroyed as a result of the development; and
- whether the appointment of specialists is required as a condition of approval of the proposal.

The client may contact Ms Ros Devereaux at Amafa's Pietermaritzburg office (telephone 033 3946 543) in due course to enquire about the Council's decision.

If permission is granted for development to proceed, the client is reminded that the NHRA requires that a developer cease all work immediately and contact Amafa should any heritage resources, as defined in the Act, be discovered during the course of development activities.

## 11 BIBLIOGRAPHY

- Davis, R. H. 1975/1976. John L. Dube: A South African Exponent of Booker Washington. *Journal of African Studies* 4.
- Dube, J. 1909. *The Zulu's Appeal for Light and England's Duty*. Pamphlet sl.sn.
- Gasa, ED. 1999. John L. Dube, his Ilanga Lase Natali and the Natal African administration, 1903-1910. <http://196.21.83.35/handle/10530/486>.
- Giliomee, H. & Mbenga, B. 2007. *New history of South Africa*. Cape Town.
- Harber & Associates IHR Consortium. November 2009. *Situation Analysis Report: Development Framework and Marketing Strategy for the Inanda Heritage Route*. Unpublished report prepared for eThekweni Municipality Procurement and Infrastructure Cluster Architecture Department. (Consortium comprises Harber & Associates, Lees + Short Associated Architects, DPA, Meluleki-DRPS, Peter Rutsch, Sabine Marschall, Richard Winn, Mister Walker).
- Hughes, H. 2011. *First president: the life of John Dube, founding president of the ANC*. Sunnyside: Jacana Media.
- John L. Dube: the positive and negative influences of missionaries. [www.oberlin.edu](http://www.oberlin.edu).
- Krüger, D. 1977. (ed.) *Dictionary of South Africa Biography*. Vol 3. Pretoria: HSRC.
- Kumalo, S. *Swinging between Belligerence and Servility: John Dube Struggle for Freedom(s) in South Africa, from the University of South Africa*. <http://uir.unisa.ac.za/bitstream/handle/10500/4507/Kumalo-SHEXXXIV%281%29-July2008.pdf?sequence=1>.
- Makhanda, L. 1982. 'Heroes of our revolution: Dr. JL Dube (1871-1945)' in *Dawn*, 1 January 1982, pp. 28-32. [www.disa.ukzn.ac.za](http://www.disa.ukzn.ac.za).
- Marable, M. 1976. *African nationalist: the life of John Langalibalele Dube*.
- Marks, S. 1975. The Ambiguities of Dependence: John L. Dube of Natal. *Journal of South African Studies* 2.
- Marks, S. 1986. *The ambiguities of dependence in South Africa: class, nationalism, and the State in the twentieth-century Natal*. John Hopkins University Press.
- Millard, JA. 1999. Dube, John Langalibalele (Mafukuzela) 1871 to 1946, *Congregational South Africa*, from *Dictionary of African Christian Biography*. Available at [www.dacb.org](http://www.dacb.org).
- Ohlange High School, from the *Historic Schools Restoration Project*. [www.historicschools.org.za](http://www.historicschools.org.za).
- Skota, T. 1933. (ed.) *The African Yearly Register: Being an Illustrated National Biographical Dictionary (Who's Who) of Black Folks in Africa*. Johannesburg: R. L. Esson.
- Switzer, Les (ed.). 1996. *South Africa's alternative press: voices of protest and resistance, 1880s-1960s*. Cambridge University Press.
- Walshe, P. 1987. *The Rise of African Nationalism in South Africa*. Johannesburg: A. D. Donker.
- Welsh, D. 1971. 'Missionaries after Shepstone' in *The roots of segregation: native policy in colonial Natal, 1845-1910*, pp 270-311.

## **APPENDIX A                      STATUTORY REQUIREMENTS**

### **General**

The Constitution of the Republic of South Africa Act 108 of 1996 is the source of all legislation. Within the Constitution the Bill of Rights is fundamental, with the principle that the environment should be protected for present and future generations by preventing pollution, promoting conservation and practising ecologically sustainable development. With regard to spatial planning and related legislation at national and provincial levels the following legislation may be relevant:

- Physical Planning Act 125 of 1991
- Municipal Structures Act 117 of 1998
- Municipal Systems Act 32 of 2000
- Development Facilitation Act 67 of 1995 (DFA)
- KwaZulu-Natal Planning and Development Act 6 of 2008.

The identification, evaluation and management of heritage resources in South Africa is required and governed by the following legislation:

- National Environmental Management Act 107 of 1998 (NEMA)
- KwaZulu-Natal Heritage Act 4 of 2008 (KZNHA)
- National Heritage Resources Act 25 of 1999 (NHRA)
- Minerals and Petroleum Resources Development Act 28 of 2002 (MPRDA)

### **National Heritage Resources Act 25 of 1999**

The NHRA established the South African Heritage Resources Agency (SAHRA) together with its Council to fulfil the following functions:

- co-ordinate and promote the management of heritage resources at national level;
- set norms and maintain essential national standards for the management of heritage resources in the Republic and to protect heritage resources of national significance;
- control the export of nationally significant heritage objects and the import into the Republic of cultural property illegally exported from foreign countries;
- enable the provinces to establish heritage authorities which must adopt powers to protect and manage certain categories of heritage resources; and
- provide for the protection and management of conservation-worthy places and areas by local authorities.

### **Heritage Impact Assessments**

Section 38(1) of the NHRA of 1999 requires the responsible heritage resources authority to notify the person who intends to undertake a development that fulfils the following criteria to submit an impact assessment report if there is reason to believe that heritage resources will be affected by such development:

- the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- the construction of a bridge or similar structure exceeding 50m in length;
- any development or other activity which will change the character of a site—
  - (i) exceeding 5 000m<sup>2</sup> in extent; or
  - (ii) involving three or more existing erven or subdivisions thereof; or
  - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or



- (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- the re-zoning of a site exceeding 10 000m<sup>2</sup> in extent; or
- any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

Reports in fulfilment of Section 38(3) of the Act must include the following information:

- the identification and mapping of all heritage resources in the area affected;
- an assessment of the significance of such resources in terms of the heritage assessment criteria set out in regulations;
- an assessment of the impact of the development on such heritage resources;
- an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- plans for mitigation of any adverse effects during and after completion of the proposed development.

### **Definitions of heritage resources**

The NHRA defines a heritage resource as any place or object of cultural significance i.e. of aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This includes, but is not limited to, the following wide range of places and objects:

- living heritage as defined in the National Heritage Council Act No 11 of 1999 (cultural tradition; oral history; performance; ritual; popular memory; skills and techniques; indigenous knowledge systems; and the holistic approach to nature, society and social relationships);
- ecofacts (non-artefactual organic or environmental remains that may reveal aspects of past human activity; definition used in KwaZulu-Natal Heritage Act 2008);
- places, buildings, structures and equipment;
- places to which oral traditions are attached or which are associated with living heritage;
- historical settlements and townscapes;
- landscapes and natural features;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds;
- public monuments and memorials;
- sites of significance relating to the history of slavery in South Africa;
- movable objects, but excluding any object made by a living person; and
- battlefields.

Furthermore, a place or object is to be considered part of the national estate if it has cultural significance or other special value because of—

- its importance in the community, or pattern of South Africa's history;
- its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;

- its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons; and
- its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa.

**'Archaeological'** means –

- material remains resulting from human activity which are in a state of disuse and are in or on land and are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;
- rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and is older than 100 years including any area within 10 m of such representation;
- wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the culture zone of the Republic, as defined respectively in sections 3, 4 and 6 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation;
- features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found.

**'Palaeontological'** means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

A **'place'** is defined as:

- a site, area or region;
- a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;
- a group of buildings or other structures which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures;
- an open space, including a public square, street or park; and
- in relation to the management of a place, includes the immediate surroundings of a place.

**'Public monuments and memorials'** means all monuments and memorials—

- erected on land belonging to any branch of central, provincial or local government, or on land belonging to any organisation funded by or established in terms of the legislation of such a branch of government;  
or
- which were paid for by public subscription, government funds, or a public-spirited or military organisation, and are on land belonging to any private individual;

**'Structures'** means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith.

## Management of Graves and Burial Grounds

- **Graves younger than 60 years** are protected in terms of Section 2(1) of the Removal of Graves and Dead Bodies Ordinance 7 of 1925 as well as the Human Tissues Act 65 of 1983. Such graves are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the Provincial Member of the Executive Council for Local Government and Planning, or in some cases the MEC for Housing and Welfare.

Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains the institution conducting the relocation should be authorised under Section 24 of the Human Tissues Act 65 of 1983.

- **Graves older than 60 years situated outside a formal cemetery administered by a local authority** are protected in terms of Section 36 of the NHRA as well as the Human Tissues Act of 1983. Accordingly, such graves are the jurisdiction of SAHRA. The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of NHRA) is applicable to graves older than 60 years that are situated outside a formal cemetery administered by a local authority. Graves in the category located inside a formal cemetery administered by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA authorisation.

If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

The **protocol for the management of graves older than 60 years situated outside a formal cemetery administered by a local authority** is detailed in Section 36 of the NHRA:

- (3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—
- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
  - (b) 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; or
  - (c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.
- (4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.
- (5) 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 the 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.
- (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 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; and

(b) if such grave is protected or is of significance, assist any person who or community 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.

### **The Vermillion Accord on Human Remains<sup>9</sup>**

#### **Adopted in 1989 at WAC Inter-Congress, South Dakota, USA**

1. Respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.
2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.
3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.
4. Respect for the scientific research value of skeletal, mummified and other human remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.
5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.
6. The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.

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<sup>9</sup> <http://www.worldarchaeologicalcongress.org/>

## **APPENDIX B                      METHODOLOGY**

### **Site survey**

eThembeni staff members have undertaken numerous site visits and interacted with the project team at the JL Dube Memorial and Homestead Sites for the past year to assess various conservation interventions.

### **Assessment of heritage resource value and significance**

Heritage resources are significant only to the extent that they have public value, as demonstrated by the following guidelines for determining site significance developed by Heritage Western Cape in 2007 and utilised during this assessment.

### **Grade I Sites (National Heritage Sites)**

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694 states that: Grade I heritage resources are heritage resources with qualities so exceptional that they are of special national significance should be applied to any heritage resource which is

- a) Of outstanding significance in terms of one or more of the criteria set out in section 3(3) of the NHRA;
- b) Authentic in terms of design, materials, workmanship or setting; and is of such universal value and symbolic importance that it can promote human understanding and contribute to nation building, and its loss would significantly diminish the national heritage.

1. Is the site of outstanding national significance?
2. Is the site the best possible representative of a national issue, event or group or person of national historical importance?
3. Does it fall within the proposed themes that are to be represented by National Heritage Sites?
4. Does the site contribute to nation building and reconciliation?
5. Does the site illustrate an issue or theme, or the side of an issue already represented by an existing National Heritage Site – or would the issue be better represented by another site?
6. Is the site authentic and intact?
7. Should the declaration be part of a serial declaration?
8. Is it appropriate that this site be managed at a national level?
9. What are the implications of not managing the site at national level?

### **Grade II Sites (Provincial Heritage Sites)**

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694 states that: Grade II heritage resources are those with special qualities which make them significant in the context of a province or region and should be applied to any heritage resource which -

- a) is of great significance in terms of one or more of the criteria set out in section 3(3) of the NHRA; and
- b) enriches the understanding of cultural, historical, social and scientific development in the province or region in which it is situated, but that does not fulfil the criteria for Grade 1 status.

Grade II sites may include, but are not limited to –

- (a) places, buildings, structures and immovable equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites; and
- (g) graves and burial grounds.

The cultural significance or other special value that Grade II sites may have, could include, but are not limited to –

- (a) its importance in the community or pattern of the history of the province;
- (b) the uncommon, rare or endangered aspects that it possess reflecting the province's natural or cultural heritage
- (c) the potential that the site may yield information that will contribute to an understanding of the province's natural or cultural heritage;
- (d) its importance in demonstrating the principal characteristics of a particular class of the province's natural or cultural places or objects;
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group in the province;
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period in the development or history of the province;
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons; and
- (h) its strong or special association with the life or work of a person, group or organization of importance in the history of the province.

### **Grade III (Local Heritage Resources)**

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694 states that: Grade III heritage status should be applied to any heritage resource which

- (a) fulfils one or more of the criteria set out in section 3(3) of the NHRA; or
- (b) in the case of a site contributes to the environmental quality or cultural significance of a larger area which fulfils one of the above criteria, but that does not fulfill the criteria for Grade 2 status.

### **Grade IIIA**

This grading is applied to buildings and sites that have sufficient intrinsic significance to be regarded as local heritage resources; and are significant enough to warrant *any* alteration being regulated. The significances of these buildings and/or sites should include at least some of the following characteristics:

- Highly significant association with a
  - historic person
  - social grouping
  - historic events
  - historical activities or roles
  - public memory
- Historical and/or visual-spatial landmark within a place
- High architectural quality, well-constructed and of fine materials
- Historical fabric is mostly intact (this fabric may be layered historically and/or past damage should be easily reversible)
- Fabric dates to the early origins of a place
- Fabric clearly illustrates an historical period in the evolution of a place
- Fabric clearly illustrates the key uses and roles of a place over time
- Contributes significantly to the environmental quality of a Grade I or Grade II heritage resource or a conservation/heritage area

Such buildings and sites may be representative, being excellent examples of their kind, or may be rare: as such they should receive maximum protection at local level.

### Grade IIIB

This grading is applied to buildings and/or sites of a marginally lesser significance than grade IIIA; and such marginally lesser significance argues against the regulation of internal alterations. Such buildings and sites may have similar significances to those of a grade IIIA building or site, but to a lesser degree. Like grade IIIA buildings and sites, such buildings and sites may be representative, being excellent examples of their kind, or may be rare, but less so than grade IIIA examples: as such they should receive less stringent protection than grade IIIA buildings and sites at local level and internal alterations should not be regulated (in this context).

### Grade IIIC

This grading is applied to buildings and/or sites whose significance is, in large part, a significance that contributes to the character or significance of the environs. These buildings and sites should, as a consequence, only be protected and regulated *if the significance of the environs is sufficient to warrant protective measures*. In other words, these buildings and/or sites will only be protected if they are within declared conservation or heritage areas.

### **Assumptions and limitations of this HIA**

- The description and intent of the proposed project, provided by the client, is accurate.
- A public consultation process has been undertaken as part of the larger Legacy Project and is ongoing in an attempt to generate a range of community-development beneficiation opportunities associated with the JL Dube Memorial and Homestead Sites.
- A key concept in the management of heritage resources is that of non-renewability: damage to or destruction of most resources, including that caused by bona fide research endeavours, cannot be reversed or undone. Accordingly, management recommendations for heritage resources in the context of development are as conservative as possible.
- Human sciences are necessarily both subjective and objective in nature. eThembeni staff members strive to manage heritage resources to the highest standards in accordance with national and international best practice, but recognise that their opinions might differ from those of other heritage practitioners.
- Staff members involved in this project have no vested interest in it; are qualified to undertake the tasks as described in the terms of reference (refer to Appendix C); and comply at all times with the Codes of Ethics and Conduct of the Association of Southern African Professional Archaeologists.
- eThembeni staff members take no personal or professional responsibility for the misuse of the information contained in this report, although they will take all reasonable precautions against such misuse.

## APPENDIX C SPECIALIST COMPETENCY AND DECLARATION OF INDEPENDENCE

### Specialist competency

Len van Schalkwyk is accredited by the Cultural Resources Management section of the Association of Southern African Professional Archaeologists (ASAPA) to undertake HIAs in South Africa. He is also a member of the ASAPA Cultural Resources Management Committee for 2011 and 2012. Mr van Schalkwyk has a master's degree in archaeology (specialising in the history of early farmers in southern Africa) from the University of Cape Town and 25 years' experience in heritage management. He has worked on projects as diverse as the establishment of the Ondini Cultural Museum in Ulundi, the cultural management of Chobe National Park in Botswana and various archaeological excavations and oral history recording projects. He was part of the writing team that produced the KwaZulu-Natal Heritage Act 1997. He has worked with many rural communities to establish integrated heritage and land use plans and speaks good Zulu.

Mr van Schalkwyk left his position as assistant director of Amafa aKwaZulu-Natali, the provincial heritage management authority, to start eThembeni in partnership with Elizabeth Wahl, who was head of archaeology at Amafa at the time. Over the past decade they have undertaken almost 1000 heritage impact assessments throughout South Africa, as well as in Mozambique.

Elizabeth Wahl has a BA Honours in African Studies from the University of Cape Town and has completed various Masters courses in Heritage and Tourism at the University of KwaZulu-Natal. She is currently studying for an MPhil in the Conservation of the Built Environment at UCT. She is also a member of ASAPA.

Ms Wahl was an excavator and logistical coordinator for Glasgow University Archaeological Research Division's heritage programme at Isandlwana Battlefield; has undertaken numerous rock painting surveys in the uKhahlamba/Drakensberg Mountains, northern KwaZulu-Natal, the Cederberg and the Koue Bokkeveld in the Cape Province; and was the principal excavator of Scorpion Shelter in the Cape Province, and Lenjane and Crystal Shelters in KwaZulu-Natal. Ms Wahl compiled the first cultural landscape management plan for the Mnweni Valley, northern uKhahlamba/Drakensberg, and undertook an assessment of and made recommendations for cultural heritage databases and organisational capacity in parts of Lesotho and South Africa for the Global Environment Facility of the World Bank for the Maloti Drakensberg Transfrontier Conservation and Development Area. She developed the first cultural heritage management plan for the uKhahlamba Drakensberg Park World Heritage Site, following UNESCO recommendations for rock art management in southern Africa.

### Declaration of independence

We declare that Len van Schalkwyk, Elizabeth Wahl and eThembeni Cultural Heritage have no financial or personal interest in the proposed development, nor its developers or any of its subsidiaries, apart from in the provision of heritage impact assessment and management consulting services.

