

Phase 1 Heritage Impact Assessment Report:

OR Tambo Homestead,  
Mdikiso Village,  
Mbizana Local Municipality,  
Oliver Tambo District,  
Eastern Cape Province, South Africa

Prepared for

**The Independent Development Trust**

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## **EXECUTIVE SUMMARY**

eThembeni Cultural Heritage was appointed by the Independent Development Trust to undertake a Phase 1 Heritage Impact Assessment of the OR Tambo Homestead at Mdikiso village in the Eastern Cape Province, in terms of Section 38 of the National Heritage Resources Act 25 of 1999, as amended.

### **HERITAGE RESOURCE DESCRIPTION AND SIGNIFICANCE**

The OR Tambo Homestead has been occupied continuously for the past sixty years and has seen episodes of growth and demise depending on the family's needs and means. The 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. The site is unique, as the rural home of an individual who made an indelible contribution to the socio-political development of South Africa.

### **DEVELOPMENT INFORMANTS**

- 1 – Site authenticity
- 2 – Multi-layered social and historical fabric
- 3 – Domestic scale of the site
- 4 – Dynamic rural landscape

### **ASSESSMENT OF PROPOSAL**

Potential impacts have been assessed in 'worst case' terms, given the lack of detail regarding proposed interventions available from the client at the time of assessment. Overall, unmanaged interventions could have a medium to high negative impact on irreplaceable heritage resources.

### **RECOMMENDATIONS**

The following general recommendations pertain to the development proposal. Specific recommendations for each proposed intervention are made in the body of the report.

- No existing structure may be demolished, since each attests to the growth and development of the family over six decades.
- All interventions must be sanctioned by family members who reside at or have a close relationship with the homestead, in order to maintain familial and social bonds and conventions.
- The layout and position of existing structures must remain unchanged to maintain the domestic scale of the site.
- Intervention strategies must be monitored by a suitably qualified heritage practitioner in conjunction with the architects and civil engineers.

### **CONCLUSION**

We recommend that the development proceed with the proposed heritage mitigation and have submitted this report to SAHRA in fulfilment of the requirements of the NHRA. If permission is granted for development to proceed, the client is reminded that the NHRA requires that a developer cease all work immediately and follow the protocol contained in Section 9 of this report should any heritage resources, as defined in the Act, be discovered during the course of development activities.

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## 1 INTRODUCTION

eThembeni Cultural Heritage was appointed by the Independent Development Trust to undertake a Phase 1 Heritage Impact Assessment (HIA) of the OR Tambo Homestead at Mdikiso village in the Eastern Cape Province, in terms of Section 38 of the National Heritage Resources Act 25 of 1999, as amended (NHRA) (Refer to Appendix A).

The prime objective of the proposed interventions at the OR Tambo Homestead is to restore and conserve the historical domestic locus in order to create a living and tangible link with the great personality of the late Oliver Reginald Tambo, and the significant socio-political events in South Africa that were profoundly influenced by his actions.

This report represents compliance with a full Phase 1 HIA for the proposed development, excluding a specialist palaeontological study. The general area is not considered to be palaeontologically sensitive (Dr J. Almond pers. comm.) and the proposed interventions will have no impact on bedrock.

## 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

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 OR Tambo Legacy Project is to create a living link between the legacy of OR Tambo and the greater South Africa, while recognizing both the tangible and intangible heritage inherent to his natal district.

The intentions of the project include:

- Expounding the legacy of OR Tambo as a hero of the struggle and an international iconic figure;
- Regenerating a heritage site associated with a person of international significance;
- Implementing a broad spectrum of interventions for community development; and
- Honouring the family of OR Tambo through the rehabilitation of existing infrastructure and the provision of a new home for his descendants, including his sister, Mrs Gertrude Tambo.

This HIA is triggered by the proposed interventions relating specifically to the rehabilitation and upgrading of the OR Tambo family homestead at Mdikiso, comprising the following scope of work:

- Fencing the homestead;
- Upgrading the family cemetery;
- Upgrading the cattle byre and small stock enclosure;
- Replacing or restoring the rondavels;
- Replacing or restoring the OR Tambo Dwelling;
- Restoring Mrs Gertie Tambo's house; and
- Landscaping the homestead.

## 4 PROJECT LOCATION AND SOCIAL ENVIRONMENT

The OR Tambo Homestead lies within the jurisdictions of Bizana Local Municipality, Oliver Tambo District, at 30°46'49"S 29°43'02"E (Figures 1 and 2). The relevant Surveyor-General 1:50 000 map sheet is 3029DC Magusheni (Figure 3).

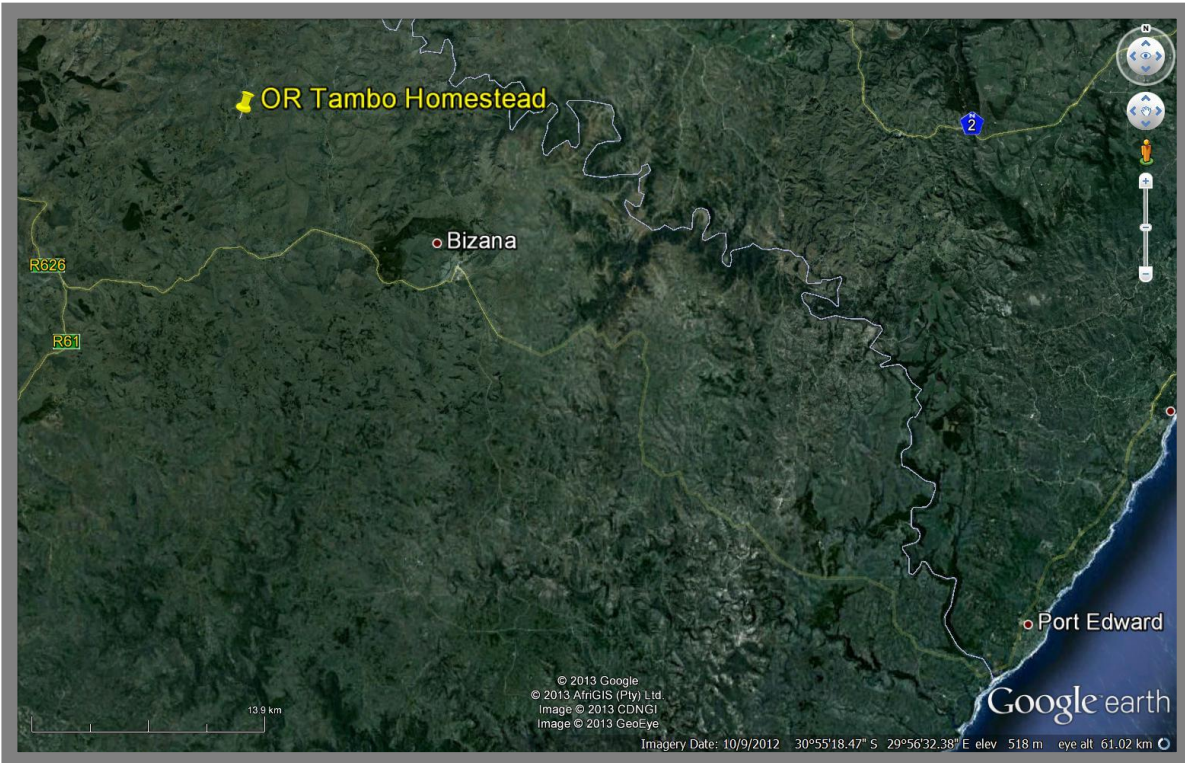


FIGURE 1 LOCATION OF PROJECT IN REGIONAL CONTEXT (SOURCE: GOOGLE EARTH).



FIGURE 2 LOCATION OF PROJECT IN LOCAL CONTEXT (SOURCE: GOOGLE EARTH).

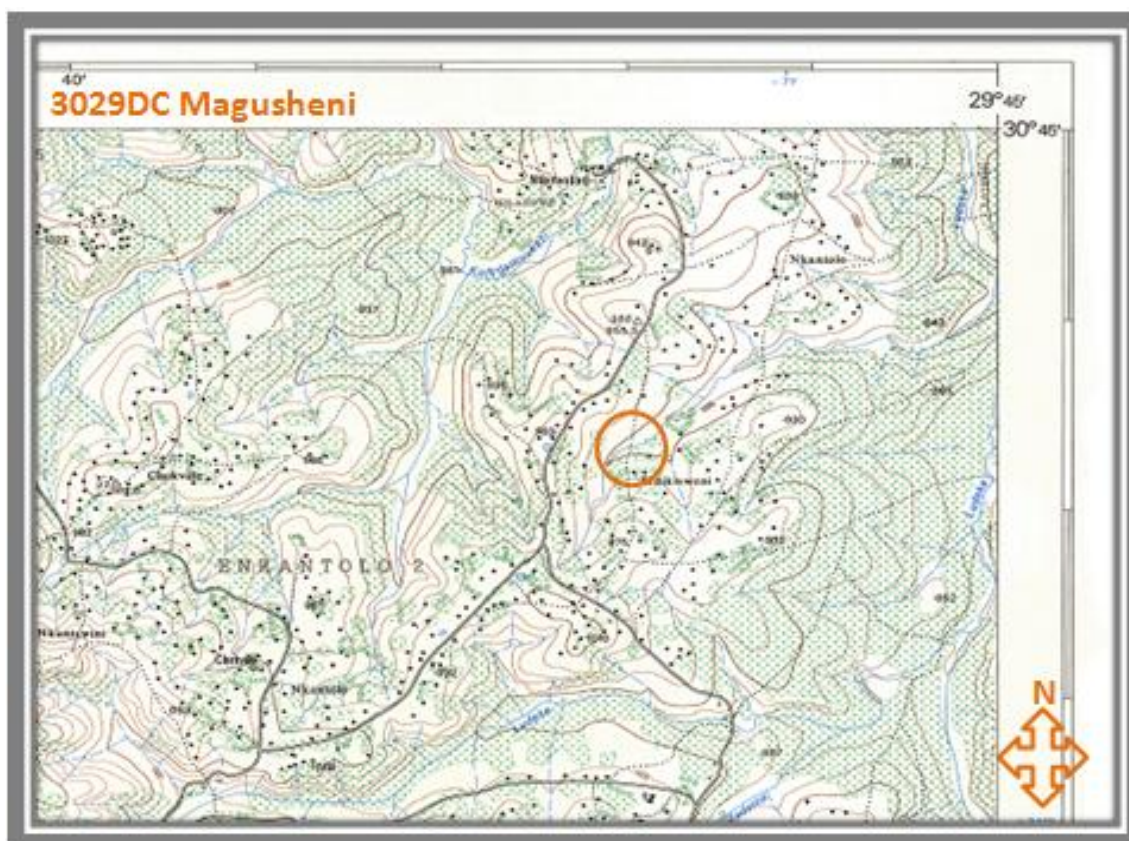


FIGURE 3 EXTRACT FROM THE RELEVANT SURVEYOR-GENERAL 1:50 000 MAP SHEET.

The OR Tambo homestead at Mdikiso is located in a typical rural Pondoland setting of rolling grassland interfluvies between steeply incised streamlines and river courses. The settlement history of the general area is summarised in Appendix B. Nguni language-speakers, including the amaPondo, have traditionally lived in dispersed nuclear homesteads scattered across the landscape as resource availability prescribed.

However, from the late 1950s, recommendations of the Tomlinson Commission of 1954 were implemented, whereby many people were forcibly moved into villages (*amalali*) and the surrounding landscape was formally demarcated into crop-lands and grazing camps. This social engineering and land management was enforced by local magistrates and fed into the anger and wider frustrations and disenfranchisement that gave cause to the Pondo Uprising of 1960. Whilst some individuals have broken from this mould, *amalali* remain a characteristic feature of the modern rural settlement pattern.

With the relaxation of controls over communal grazing camps and dedicated agricultural fields, fenced homestead precincts have become a necessity to protect vegetable gardens and maize fields from free-ranging cattle and small-stock (Figure 4).





**FIGURE 4 TYPICAL FENCED HOMESTEAD PRECINCT, NKANTOLO, BIZANA.**

## 5 SITE DESCRIPTION

### — SITE HISTORY

“In circa.1942, OR Tambo’s father, Mzimeli Tambo, established the Mdikiso homestead for his third wife, Lena (MaSwazini). She is the mother of OR Tambo’s sister, Aunt Gertie. As there was no male head-of-household Mzimeli invested OR as *inhlokoyekhaya* to look after his ‘younger mother’ and so the place became OR’s” (Vernon Tambo pers. comm. August 2012<sup>1</sup>). The homestead is currently home to a fifth generation of Tambo descendants, the oldest being MaSwazini’s daughter, Mrs Gertrude (Gertie) Tambo, OR Tambo’s sister. This lineage is poignantly attested to in the family graveyard located in the maize field down slope of the residential area.

Construction of the OR Tambo Homestead was inceptioned in 1942 and included a large L-shaped building comprising four rooms: three bedrooms and a dining room. It was built by the *mFundisi* (minister) of the Full Gospel Church at Nkantolo, Mr Natinga Mjuba, for the Tambo family.

OR Tambo specifically recalled a neighbor known as Natinga, meaning ‘Nothing’:

*“He was a new immigrant into our area and at first he stayed at my home, with his wife and children as he had arrived with nothing. We gave him a goat or two – I can’t remember how many – and helped him to set up a home about three quarters of a mile from our home... [Natinga had] no cattle to begin with. And he was loaned some cattle in keeping with the practice of the time of lending cattle out, on condition that the beneficiary would look after the cattle and see to their natural increase, and then after so many years, there would be repossession of the original number – the individual cattle – leaving the rest of the increase with the person who had been looking after the cattle... Within a few years, Natinga was a fairly well-off man; he had married two more wives, had a lot of children and his herd of cattle had increased. He had many goats and was a well-established, respected man... To achieve that position, he had cheated no one. He had robbed nobody, and he was in turn willing to help others who were less able to solve their problems than he was”* (Callinicos 2004: 33).

The L-shaped building was demolished in 1985. The existing OR Tambo Dwelling was constructed on part of the foundations of this building in 1989 by the late Mr Lalamntwini Mpingana Zulu. Mrs Gertie Tambo and her sister, Greta, commissioned and paid for the construction.

### — SITE COMPONENTS

Repeated field inspections of the OR Tambo Homestead over a period of four months have revealed no traces of heritage resources, including archaeological remains, other than the built structures and other homestead elements described below.

The homestead has been continuously occupied for the past sixty years and has seen episodes of growth and demise depending on the family’s needs and means. The most recent intervention was the building of a modern style bungalow dwelling, of questionable construction quality, to the rear of the historical domestic locus, provided for Mrs Gertie Tambo by the District Municipality within the past 15 years.

The historical domestic locus comprises a number of elements: an *indlunkulu* (a meeting place), a hexagonal thatched residential dwelling, a two-roomed “4-corner” house that was the private residence of OR Tambo on his return from exile, and two rondawels. The smaller of the two rondawels is the family shrine

<sup>1</sup> Vernon is Aunt Gertie’s son and OR Tambo’s nephew.

or *indluyamadlozi*, where the ancestors reside and are honoured. It functions secularly as a cooking and meeting place of family and friends.

The cattle byre and small-stock pen are located immediately in front and down slope of the residential units. The cattle byre is a spiritually sacrosanct place also associated with the ancestors, birth, life and death; and consequently subject to pollution and ritual taboos.

The historical precinct of the OR Tambo Homestead, comprising the following elements, is the fabric and physical manifestation of the site's significance (Figure 5<sup>2</sup>):

- *Indluyamadlozi* or family shrine (Rondavel 1; Figure 6)
- Second rondavel (Rondavel 2; Figure 7)
- *Indlunkulu* (Rondavel 3; Figure 8)
- Hexagonal thatched dwelling (Rondavel 4; Figure 9)
- OR Tambo's two-roomed "4-corner" dwelling (Figures 10 and 11)
- Mrs Gerty Tambo's house (Figure 12)
- The kitchen garden and maize fields
- The cattle byre and small-stock pen (Figure 13)
- The family cemetery (Figure 14)

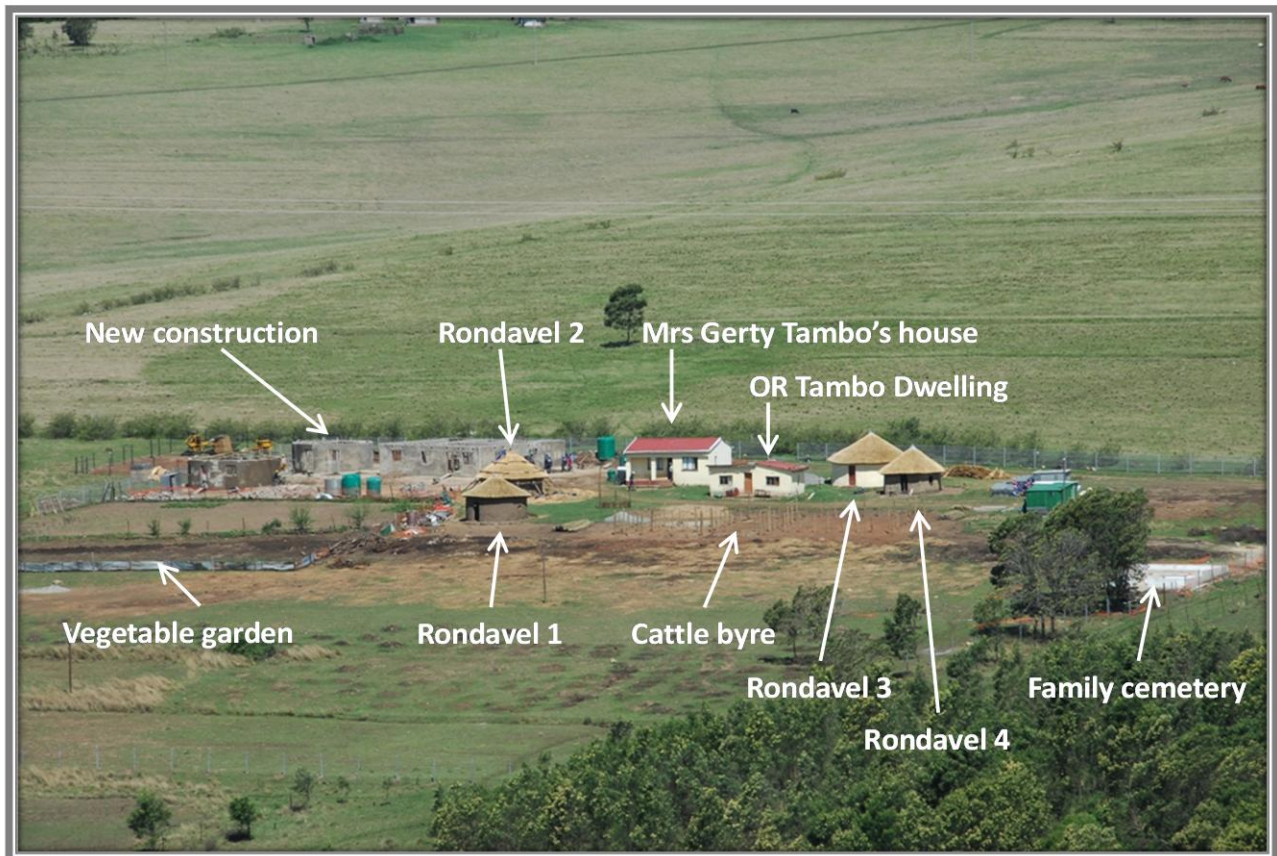


FIGURE 5 OR TAMBO HOMESTEAD LAYOUT.

<sup>2</sup> All photographs taken by the author on 17 and 18 October 2012.



FIGURE 6 RONDAVEL 1.



FIGURE 7 RONDAVEL 2.



FIGURE 8 RONDAVEL 3.



FIGURE 9 RONDAVEL 4.



FIGURE 10 OR TAMBO DWELLING; NORTHERN ELEVATION.



FIGURE 11 OR TAMBO DWELLING, SOUTHERN ELEVATION.



**FIGURE 12**      **MRS GERTIE TAMBO'S HOUSE.**



**FIGURE 13**      **CATTLE BYRE.**



**FIGURE 14**      **TAMBO FAMILY CEMETERY.**

## 6 HERITAGE STATEMENT

### — OR TAMBO AND THE LIBERATION HISTORY OF SOUTH AFRICA

Oliver Reginald Tambo was born on 27 October 1917 to Mzimeli Lokomane Tambo and his second wife, Julia (MaNzala), at Kantolo in the Bizana region of eastern Pondoland. He started school at the local Ludeke Methodist Mission School and was subsequently enrolled at the Holy Cross Mission School in the Flagstaff District. He completed his high school career at St. Peters School in Johannesburg.

On matriculating he qualified to enroll for degree purposes at Fort Hare University. In 1940 he, along with several others, including Nelson Mandela, was expelled from the University for participating in a student strike. In 1942 Tambo returned to his former high school in Johannesburg to teach science and mathematics.

Along with Mandela and Walter Sisulu, OR Tambo was a founding member of the African National Congress Youth League in 1943, becoming its first National Secretary and later a member of the National Executive in 1948. The youth league proposed a change in tactics in the anti-apartheid movement. Previously the ANC had sought to further its cause by actions such as petitions and demonstrations; the Youth League felt that these actions were insufficient to achieve the group's goals and proposed their own 'Programme of Action'. This programme advocated tactics such as boycotts, civil disobedience, strikes and non-collaboration.

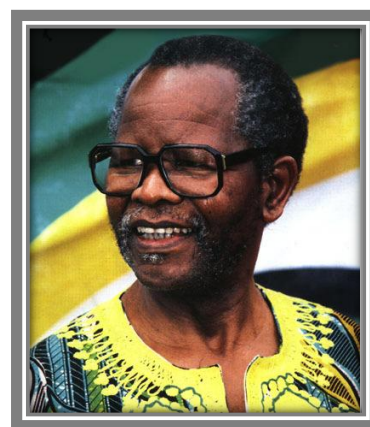


FIGURE 15 OR TAMBO.

In 1955, Tambo became Secretary General of the ANC after Walter Sisulu was banned by the South African government under the Suppression of Communism Act. In 1958 he became Deputy President of the ANC and in 1959 was served with a five year banning order by the apartheid government. Oliver Tambo, the co-founder of the modern South African state, came to London penniless and unknown in 1960, with the police on his tail. His wife, Adelaide, and young children were smuggled out to join him and they settled in Muswell Hill, north London, where he lived until 1990.

When Tambo first began the work of lobbying for international recognition, almost the only head of government prepared to support him was Kwane Nkrumah, in Ghana. But over the years he established ANC missions, shadow embassies for a future South Africa, in 27 countries, which by then was more than the number that continued to recognise white South Africa. He also founded the military wing of the ANC, Umkhonto we Sizwe. When the Portuguese empire collapsed in 1975, Tambo moved his guerrillas out of training camps in Tanzania and Zambia, into Angola, near the South African border, as a warning that if the apartheid system was not dismantled peacefully, the ANC was prepared to use force.

Tambo was involved in the formation of the South African Democratic Front and in 1967 he became Acting President of the ANC, following the death of Chief Albert Luthuli. In 1985 he was re-elected President of the ANC. He returned to South Africa in 1991 after over 30 years in exile, and was elected National Chairperson of the ANC in July of the same year. Tambo died aged 75 due to complications from a stroke on 24 April 1993.

## — STATEMENT OF HERITAGE SIGNIFICANCE

Of all the structures and elements that comprise the OR Tambo Homestead, the OR Tambo Dwelling has the greatest significance. However, the following statement of heritage significance applies to the site as an indivisible, coherent entity, in which each part is integral to the overall significance.

The OR Tambo Homestead 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 homestead comes to symbolise all that OR Tambo stood and fought for, his sense of social justice and the significance that he ascribed to family cohesion and family values.

The site is **unique**, as the rural home 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 OR Tambo Homestead should be to ensure that its heritage significance and values are retained, protected and utilised to best effect. At present only the structures older than sixty years are afforded general protection in terms of NHRA Section 36.

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 Khananda Hill and its graves:

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 OR Tambo Homestead should be nominated for grading as a Grade IIIA Local Heritage Site 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. However, it also recognises that the site is occupied as a domestic space that is subject to the needs and desires of an evolving extended family unit.



## **7 DEVELOPMENT INFORMANTS**

This section contains visual, spatial and site management informants for proposed interventions within the OR Tambo Homestead.

### **— Development Informant 1 – Site authenticity**

The OR Tambo Homestead has been constructed, occupied and maintained by and for the Tambo family and close community members. This history is visible in existing structures, and attested to in family narratives. Even the separate modern building that is Mrs Gertie Tambo's house does not impinge on the integrity of older structures, finding echoes in numerous similar homesteads in the surrounding landscape.

### **— Development Informant 2 – Multi-layered social and historical fabric**

The OR Tambo Homestead has developed over more than half a century, and is the embodiment of the family's desires, needs and means over time. Structures attest to the interaction of social and familial decision-making conventions with building materials and techniques both traditional and modern. Changes in structural function have strived to maintain a balance between secular and sacred family and social requirements.

### **— Development Informant 3 – Domestic scale of the site**

The OR Tambo Homestead is fundamentally a typically modest group of structures tailored to the needs of an extended family over time. No single built element is dominant, and all structures attest to a rural way of life in which most of a person's day is spent out of doors.

### **— Development Informant 4 – Dynamic rural landscape**

The domestic sphere of the OR Tambo Homestead extends beyond the various dwellings to the cattle byre, vegetable garden, cemetery and communal grazing lands which extend as far as the eye can see. The nature and scale of the homestead is repeated apparently infinitely in the surrounding landscape, where neighbouring homesteads are linked both by informal tracks and by familial and social ties. All homesteads have evolved over time to accommodate change, both social and consumable.

## 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 without mitigation / management of heritage resources. Please note that potential impacts have been assessed in 'worst case' terms, given the lack of detail regarding proposed interventions available from the client at the time of assessment.

### — FENCING THE HOMESTEAD

This intervention could visually and physically impede interactions between the homestead and its residents and the surrounding landscape. In general, fences around homesteads in the area protect crops from animals and demarcate homestead boundaries, rather than comprising serious security measures.

**TABLE 2 POTENTIAL DEVELOPMENT IMPACT OF FENCING THE HOMESTEAD.**

Nature	Extent	Duration	Intensity	Impact on irreplaceable resources	Consequence	Probability	Significance
Negative	Low	High	Medium	Low	Medium	Medium	Medium

### — UPGRADING THE FAMILY CEMETERY

This intervention could interfere with the domestic scale of the site, giving prominence to an element that is currently a harmonious element within the site.

**TABLE 3 POTENTIAL DEVELOPMENT IMPACT OF UPGRADING THE FAMILY CEMETERY.**

Nature	Extent	Duration	Intensity	Impact on irreplaceable resources	Consequence	Probability	Significance
Negative	Low	High	Medium	High	Medium-High	Medium	Medium-High

### — UPGRADING THE CATTLE BYRE AND SMALL STOCK ENCLOSURE

This intervention could interfere with the domestic scale of the site, giving prominence to an element that is currently a harmonious element within the site.

**TABLE 4 POTENTIAL DEVELOPMENT IMPACT OF UPGRADING THE CATTLE BYRE AND SMALL STOCK ENCLOSURE.**

Nature	Extent	Duration	Intensity	Impact on irreplaceable resources	Consequence	Probability	Significance
Negative	Low	High	Low	Low	Low-Medium	Medium	Low-Medium

#### — REPLACING OR RESTORING THE RONDAVELS

Replacing or over-restoring the rondavels could seriously jeopardize the authenticity and integrity of the site, as well as alter its domestic scale.

**TABLE 5 POTENTIAL DEVELOPMENT IMPACT OF REPLACING OR RESTORING THE RONDAVELS.**

Nature	Extent	Duration	Intensity	Impact on irreplaceable resources	Consequence	Probability	Significance
Negative	Low	High	Medium-High	Medium-High	High	Medium	Medium-High

#### — REPLACING OR RESTORING THE OR TAMBO DWELLING

Replacing or over-restoring the OR Tambo Dwelling could have an irrevocably negative effect on the authenticity and integrity of the site, as well as alter its domestic scale.

**TABLE 6 POTENTIAL DEVELOPMENT IMPACT OF REPLACING OR RESTORING THE OR TAMBO DWELLING.**

Nature	Extent	Duration	Intensity	Impact on irreplaceable resources	Consequence	Probability	Significance
Negative	Low	High	Medium-High	High	High	Medium	Medium-High

#### — RESTORING MRS GERTIE TAMBO'S HOUSE

This structure has become an integral part of the historic OR Tambo Homestead. At present it requires structural restorations and routine maintenance, but no significant alterations to the footprint and mass of the structure are proposed.

**TABLE 7 POTENTIAL DEVELOPMENT IMPACT OF RESTORING MRS GERTIE TAMBO'S HOUSE.**

Nature	Extent	Duration	Intensity	Impact on irreplaceable resources	Consequence	Probability	Significance
Positive	Low	High	Low	Low	Low	Low	Low

#### — LANDSCAPING THE HOMESTEAD

Inappropriate landscaping of the homestead could affect its prospect and aspect, and the relationships between its elements.

**TABLE 8 POTENTIAL DEVELOPMENT IMPACT OF LANDSCAPING THE HOMESTEAD.**

Nature	Extent	Duration	Intensity	Impact on irreplaceable resources	Consequence	Probability	Significance
Positive	Low	High	Low	Low	Low	Low	Low

## 9 RECOMMENDATIONS

### — GENERAL

- No existing structure may be demolished, since each attests to the growth and development of the family over six decades.
- All interventions must be sanctioned by family members who reside at or have a close relationship with the homestead, in order to maintain familial and social bonds and conventions.
- The layout and position of existing structures must remain unchanged to maintain the domestic scale of the site.
- Intervention strategies must be monitored by a suitably qualified heritage practitioner in conjunction with the architects and civil engineers.

### — FENCING THE HOMESTEAD

- Fencing of the perimeter of the homestead, maize field and the vegetable garden should comprise a mesh such as Clear-Vu that provides long-lasting security while minimising the visual impact on both the homestead and the surrounding landscape.

### — UPGRADING THE FAMILY CEMETERY

- The family cemetery should be surrounded with a low whitewashed wall to protect the graves from damage by animals.
- Consideration should be given to consulting the family regarding headstones to mark the currently unnamed graves.

### — UPGRADING THE CATTLE BYRE AND SMALL STOCK ENCLOSURE

- The palisade surround of the cattle byre and small-stock pen should be reconstructed with wattle and eucalyptus uprights and horizontals, and finished with a wattle-lath weave.
- Roofing of the small-stock pen should be implemented with corrugated iron and a race and crush should be constructed, as requested by the Tambo family stockmen.

### — RESTORING THE RONDAVELS

- The rondavels should be restored to full functionality employing indigenous knowledge, traditional materials and techniques, wherever possible.

### — RESTORING THE OR TAMBO DWELLING

- The OR Tambo Dwelling should be restored according to a peer reviewed structural engineer's report and approval by conservation architects.

### — RESTORING MRS GERTIE TAMBO'S HOUSE

- Mrs Gertie Tambo's municipal house should be improved and restored, without significantly altering its current mass, footprint and proportions.

### — LANDSCAPING THE HOMESTEAD

- Landscaping of the homestead should occur post-construction and comprise restoration of the indigenous grass sward and stabilization only of pathways that have developed along desire-lines.

## 10 CONCLUSION

We recommend that the development proceed with the proposed heritage mitigation and have submitted this report to SAHRA 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 this Act 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.

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 SAHRA should any heritage resources, as defined in the Act, be discovered during the course of development activities.

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## **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>3</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>3</sup> <http://www.worldarchaeologicalcongress.org/>

## APPENDIX B ARCHAEOLOGICAL AND HISTORICAL CONTEXT OF THE STUDY AREA

### The Stone Age<sup>4</sup>

No systematic Early and Middle Stone Age research has been undertaken in the proposed development area, hence the general nature of this section. Open air scatters of stone artefacts, probably with low heritage significance, could be expected in areas with minimal environmental disturbance.

South Africa's prehistory has been divided into a series of phases based on broad patterns of technology. The primary distinction is between a reliance on chipped and flaked stone implements (the Stone Age) and the ability to work iron (the Iron Age). Spanning a large proportion of human history, the Stone Age in Southern Africa is further divided into the Early Stone Age, or Paleolithic Period (about 2 500 000–150 000 years ago), the Middle Stone Age, or Mesolithic Period (about 150 000–30 000 years ago), and the Late Stone Age, or Neolithic Period (about 30 000–2 000 years ago). The simple stone tools found with australopithecine fossil bones fall into the earliest part of the Early Stone Age.

#### — The Early Stone Age

Most Early Stone Age sites in South Africa can probably be connected with the hominin species known as *Homo erectus*. Simply modified stones, hand axes, scraping tools, and other bifacial artifacts had a wide variety of purposes, including butchering animal carcasses, scraping hides, and digging for plant foods. Most South African archaeological sites from this period are the remains of open camps, often by the sides of rivers and lakes, although some are rock shelters, such as Montagu Cave in the Cape region.

#### — The Middle Stone Age

The long episode of cultural and physical evolution gave way to a period of more rapid change about 200 000 years ago. Hand axes and large bifacial stone tools were replaced by stone flakes and blades that were fashioned into scrapers, spear points, and parts for hafted, composite implements. This technological stage, now known as the Middle Stone Age, is represented by numerous sites in South Africa.

Open camps and rock overhangs were used for shelter. Day-to-day debris has survived to provide some evidence of early ways of life, although plant foods have rarely been preserved. Middle Stone Age bands hunted medium-sized and large prey, including antelope and zebra, although they tended to avoid the largest and most dangerous animals, such as the elephant and the rhinoceros. They also ate seabirds and marine mammals that could be found along the shore and sometimes collected tortoises and ostrich eggs in large quantities.

#### — The Late Stone Age

Basic toolmaking techniques began to undergo additional change about 40 000 years ago. Small finely worked stone implements known as microliths became more common, while the heavier scrapers and points of the Middle Stone Age appeared less frequently. Archaeologists refer to this technological stage as the Late Stone Age. The numerous collections of stone tools from South African archaeological sites show a great degree of variation through time and across the subcontinent.

The remains of plant foods have been well preserved at such sites as Melkhoutboom Cave, De Hangen, and Diepkloof in the Cape region. Animals were trapped and hunted with spears and arrows on which were mounted well-crafted stone blades. Bands moved with the seasons as they followed game into higher lands in the spring and early summer months, when plant foods could also be found. When available, rock overhangs became shelters; otherwise, windbreaks were built. Shellfish, crayfish, seals, and seabirds

<sup>4</sup> <http://www.britannica.com>; article authored by Colin J. Bundy, Julian R. D. Cobbing, Martin Hall and Leonard Monteath Thompson

were also important sources of food, as were fish caught on lines, with spears, in traps, and possibly with nets.

Dating from this period are numerous engravings on rock surfaces, mostly on the interior plateau, and paintings on the walls of rock shelters in the mountainous regions, such as the Drakensberg and Cederberg ranges. The images were made over a period of at least 25 000 years. Although scholars originally saw the South African rock art as the work of exotic foreigners such as Minoans or Phoenicians or as the product of primitive minds, they now believe that the paintings were closely associated with the work of medicine men, shamans who were involved in the well-being of the band and often worked in a state of trance. Specific representations include depictions of trance dances, metaphors for trance such as death and flight, rainmaking, and control of the movement of antelope herds.

## **Iron Age<sup>5</sup>**

Archaeological evidence shows that Bantu-speaking agriculturists first settled in southern Africa around AD 300. Bantu-speakers originated in the vicinity of modern Cameroon from where they began to move eastwards and southwards, some time after 400 BC, skirting around the equatorial forest. An extremely rapid spread throughout much of sub-equatorial Africa followed: dating shows that the earliest communities in Tanzania and South Africa are separated in time by only 200 years, despite the 3 000 km distance between the two regions. It seems likely that the speed of the spread was a consequence of agriculturists deliberately seeking iron ore sources and particular combinations of soil and climate suitable for the cultivation of their crops.

The earliest agricultural sites in KwaZulu-Natal date to between AD 400 and 550. All are situated close to sources of iron ore, and within 15 km of the coast. Current evidence suggests it may have been too dry further inland at this time for successful cultivation. From 650 onwards, however, climatic conditions improved and agriculturists expanded into the valleys of KwaZulu-Natal, where they settled close to rivers in savanna or bushveld environments. There is a considerable body of information available about these early agriculturists.

Seed remains show that they cultivated finger millet, bulrush millet, sorghum and probably the African melon. It seems likely that they also planted African groundnuts and cowpeas, though direct evidence for these plants is lacking from the earlier periods. Faunal remains indicate that they kept sheep, cattle, goats, chickens and dogs, with cattle and sheep providing most of the meat. Men hunted, perhaps with dogs, but hunted animals made only a limited contribution to the diet in the region.

Metal production was a key activity since it provided the tools of cultivation and hunting. The evidence indicates that people who worked metal lived in almost every village, even those that were considerable distances from ore sources.

Large-scale excavations in recent years have provided data indicating that first-millennium agriculturist society was patrilineal and that men used cattle as bridewealth in exchange for wives. On a political level, society was organised into chiefdoms that, in our region, may have had up to three hierarchical levels. The villages of chiefs tended to be larger than others, with several livestock enclosures, and some were occupied continuously for lengthy periods. Social forces of the time resulted in the concentration of unusual items on these sites. These include artefacts that originated from great distances, ivory items (which as early as AD 700 appear to have been a symbol of chieftainship), and initiation paraphernalia.

This particular way of life came to an end around AD 1000, for reasons that we do not yet fully understand. There was a radical change in the decorative style of agriculturist ceramics at this time, while the

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<sup>5</sup> Whitelaw (1997). See also Prins and Granger (1993), Whitelaw (1991, 2009).

preferred village locations of the last four centuries were abandoned in favour of sites along the coastal littoral. In general, sites dating to between 1050 and 1250 are smaller than most earlier agriculturist settlements. It is tempting to see in this change the origin of the Nguni settlement pattern. Indeed, some archaeologists have suggested that the changes were a result of the movement into the region of people who were directly ancestral to the Nguni-speakers of today. Others prefer to see the change as the product of social and cultural restructuring within resident agriculturist communities.

Whatever the case, it seems likely that this new pattern of settlement was in some way influenced by a changing climate, for there is evidence of increasing aridity from about AD 900. A new pattern of economic inter-dependence evolved that is substantially different from that of earlier centuries, and is one that continued into the colonial period nearly 500 years later.

## The Pondo People<sup>6</sup>

The people of the Mbizana region are descendants of Nguni clans that migrated across the Umtamvuna River in the 1700s. They speak a dialect of Xhosa known as Pondo and the people themselves are called the amaPondo. In those early years, the amaPondo lived in small clans ruled by chieftains assisted by clan elders and councillors - who were usually members of the extended royal family. The affairs of the clans were regulated by customary law.

Sons of chieftains other than the direct heir to the chieftaincy were free to start their own clans with reasonably loose bonds of loyalty to their fathers' clans. Lineages tended to die out after three or four generations. That, coupled with the fact that most amaPondo history is based on oral tradition, has made tracing lineages difficult. Interference, in terms of the arbitrary appointment of traditional leaders by both the British colonial government during the 1800s and the Nationalist government during the 20<sup>th</sup> Century, has complicated matters further.

### — Historical Rules of Succession

By oral tradition, Sibiside is said to be the common patriarch of a number of Nguni communities. He had three sons, Njanya, Dlamini and Mkhize. Njanya fathered twins, Mpondo and Mpondomise. Mpondo established his own clan, known as the amaMpondo. Mpondomise's descendants are known as the amaMpondomise.

AmaPondo succession follows ancient traditions based on primogeniture (a woman may not succeed to the throne) and the number and importance of a king's wives. Upon marriage to a king each wife is assigned status by being allocated a 'house'. The two most important houses are the great house (*indlunkulu*) and the right hand house. Additional wives, known as *iqadi*, are regarded as support for these two houses. There may be as many *amaqadi* houses as there are wives married to a king. However, among the *amaqadi*, there is also a great house (*iqadi lendlunkulu*) and a right hand house (*iqadi lekunene*).

The first born son of the great house succeeds his father. The first born son of the right hand house may establish a separate "tribe". Such a community would be semi-independent of but not of equal status to the great house. The son of *iqadi* to the great house succeeds his father if there is no male issue in the great house. In other words, the first born son of the right hand house does not automatically succeed if there is no son born to the great house. If there is no male issue in the right hand house, the son of *iqadi* of the right hand house succeeds to chieftaincy of the right hand house.

The wife whose *lobola* is derived from contributions made by the community assumes the highest status and is known as the great wife (*undlunkulu*). When there are twins from the great house, such as

<sup>6</sup> [http://ortamboroute.co.za/index.php?option=com\\_content&view=article&id=48:the-pondo-people&catid=36:the-people&Itemid=79](http://ortamboroute.co.za/index.php?option=com_content&view=article&id=48:the-pondo-people&catid=36:the-people&Itemid=79)

Mpondo and Mpondomise, or there is a dispute among the sons of a great house, prioritising the rights of inheritance becomes a matter of the father's preference. In naming his heir, the father takes into account the preferences of his tribal elders and the community at large. Mpondo's father chose him as his heir.

Mpondo's direct lineage includes Sihula, Santsabe, Mkhondwane, Sukude, Hlambangobubende, Siquelekazi, Hlamandana, Tahle, Msiza, Ncindise, and Cabe.

Cabe fathered five sons, Qiya, Cwera, and Gangatha, from the great house, and Gwaru and Njilo from the right hand house. Although, as the eldest, Qiya was the rightful heir and successor to his father, Gangatha was favoured by his father and the people at large. A fight ensued between Qiya and Gangatha, resulting in Qiya being forced to retreat across the Mthatha River, leaving Gangatha to ascend the throne.

After Gangatha, the amaMpondo were led, successively, by Bhala, Chithwayo, Ndayeni, Tahle, Nyawuza, Ngqungushe, and Faku.

#### — **Faku**

Faku (1824-1867) is considered the most significant ruler in the history of amaPondo. He successfully defended his people against Shaka, king of amaZulu, in the Mfecane wars (1824-1828). In the process, he crossed to the west of the Mzimvubu River and established his Great Place at Qaukeni near the Mngazi River. He then expanded the amaPondo's sphere of influence by accommodating refugees from the Mfecane – including the amaBhaca, amaXesibe, and amaCwera.

He also consolidated under his authority several neighbouring communities such as the imiZizi, amaNgutyana, and amaTshangase. In other words, he was the first of the amaPondo leaders to rule a community of some considerable size – and to integrate diverse cultures into a single society.

Acknowledged by then as King Faku and having completed the consolidation of his peoples, he returned to Qaukeni near Mngazi, leaving Ndamase, his eldest son, to rule on his behalf the regions adjacent to the Mzimvubu River. Ndamase set up his Great Place at Nyandeni.

Ndamase was from the right hand house. Tradition has it that he once killed a lion whose skin he was expected to hand over to Mqikela, his much younger brother from the great house. Ndamase refused, triggering a fight between his own supporters and those of Mqikela. The ensuing tensions between the brothers made it expedient for Faku to offer Ndamase leadership of a region a fair distance away from his own Great Place and, therefore, from his younger son and heir.

Here oral history gives us two versions of Ndamase's status. One is that Ndamase was to remain forever subordinate to the great house. Another is that, when he crossed the Mzimvubu River he subjugated the communities he found there. When Faku visited Ndamase, he instructed that all skins of animals killed be taken to Nyandeni, instead of Qaukeni. This was interpreted as a sign that Faku had handed over kingship to Ndamase.

Whatever the truth of these stories, the disagreements between Ndamase and his brother effectively divided the amaPondo, a situation that the British colonial powers exploited to their own advantage.

## Colonial rule and apartheid<sup>7</sup>

By the closing decades of the 18th century, South Africa had fallen into two broad regions: west and east. Colonial settlement dominated the west, including the winter rainfall region around the Cape of Good Hope, the coastal hinterland northward toward the present-day border with Namibia, and the dry lands of the interior. Trekboers took increasingly more land from the Khoekhoe and from remnant hunter-gatherer communities, who were killed, were forced into marginal areas, or became labourers tied to the farms of their new overlords. Indigenous farmers controlled both the coastal and valley lowlands and the Highveld of the interior in the east, where summer rainfall and good grazing made mixed farming economies possible.

A large group of British settlers arrived in the Eastern Cape in 1820; this, together with a high European birth rate and wasteful land usage, produced an acute land shortage, which was alleviated only when the British acquired more land through massive military intervention against Africans on the eastern frontier. Until the 1840s the British vision of the colony did not include African citizens (referred to pejoratively by the British as “Kaffirs”), so, as Africans lost their land, they were expelled across the Great Fish River, the unilaterally proclaimed eastern border of the colony.

The first step in this process included attacks in 1811–12 by the British army on the Xhosa groups, the Gqunukhwebe and Ndlambe. An attack by the Rharhabe-Xhosa on Graham’s Town in 1819 provided the pretext for the annexation of more African territory, to the Keiskamma River. Various Rharhabe-Xhosa groups were driven from their lands throughout the early 1830s. They counterattacked in December 1834, and Governor Benjamin D’Urban ordered a major invasion the following year, during which thousands of Rharhabe-Xhosa died. The British crossed the Great Kei River and ravaged territory of the Gcaleka-Xhosa as well; the Gcaleka chief, Hintsu, invited to hold discussions with British military officials, was held hostage and died trying to escape. The British colonial secretary, Lord Glenelg, who disapproved of D’Urban’s policy, halted the seizure of all African land east of the Great Kei. D’Urban’s initial attempt to rule conquered Africans with European magistrates and soldiers was overturned by Glenelg; instead, for a time, Africans east of the Keiskamma retained their autonomy and dealt with the colony through diplomatic agents.

However, after further fighting with the Rharhabe-Xhosa on the eastern frontier in 1846, Governor Colonel Harry Smith finally annexed, over the next two years, not only the region between the Great Fish and the Great Kei rivers (establishing British Kaffraria) but also a large area between the Orange and Vaal rivers, thus establishing the Orange River Sovereignty. These moves provoked further warfare in 1851–53 with the Xhosa (joined once more by many Khoes), with a few British politicians ineffectively trying to influence events.

The Pondo people, under Faku (and west of the Kei), had never clashed with the British and the British treated the amaPondo as an independent nation<sup>8</sup>. However, the Boers who trekked into Natal (now KwaZulu-Natal) to escape British rule in first the Western and then the Eastern Cape, found themselves under British sovereignty again. They sought new farms in Pondo territory and Faku turned to the British to help him resist the Boer invasion.

As the first of the amaPondo kings to rule a united nation, he was deemed by his own people and the British to have the authority to sign the Maitland Treaty of 1844. The treaty confirmed his claim to the land of the amaPondo (from the Drakensberg mountains in the west to the coast in the east, and from Mthatha in the south to the Umzimkhulu River in the north). It also guaranteed him protection from annexation of that land by the British. In addition, the colonial government promised to stand by him should he need to defend his own territory and gave him cattle valued at seventy-five pounds.

<sup>7</sup> <http://www.britannica.com>; article authored by Colin J. Bundy, Julian R. D. Cobbing, Martin Hall and Leonard Monteath Thompson.

<sup>8</sup> [http://ortamboroute.co.za/index.php?option=com\\_content&view=article&id=53:british-colonialism&catid=36:the-people&Itemid=79](http://ortamboroute.co.za/index.php?option=com_content&view=article&id=53:british-colonialism&catid=36:the-people&Itemid=79)

In return, he committed the amaPondo to avoiding conflict with the Cape Colony, handing over any criminal elements who tried to hide on his land, returning any stolen cattle to their rightful owners, protecting the whites living legitimately on his land as well as traders passing through his territory, maintaining peace amongst the various clans under his sovereignty, and supporting the Cape government with his forces if requested.

Between 1811 and 1858 colonial aggression deprived Africans of most of their land between the Sundays and Great Kei rivers and produced poverty and despair. From the mid-1850s British magistrates held political power in British Kaffraria, destroying the power of the Xhosa chiefs. Following a severe lung sickness epidemic among their cattle in 1854–56, the Xhosa killed many of their remaining cattle and in 1857–58 grew few crops in response to a millenarian prophecy that this would cause their ancestors to rise from the dead and destroy the whites. Many thousands of Xhosa starved to death, and large numbers of survivors were driven into the Cape Colony to work. British Kaffraria fused with the Cape Colony in 1865, and thousands of Africans newly defined as Fingo resettled east of the Great Kei, thereby creating Fingoland.

After Faku died in 1867, Mqikela refused to co-operate with the government. Accordingly, the Cape government curtailed his powers, dividing Pondoland, as it had become known, into two and threatening to elevate Nqwiliso, the son and successor to Ndamase, to paramountcy. In 1878, in order to ensure that he did indeed get the paramountcy, Nqwiliso sold land at Port St. Johns to the British for one thousand pounds. The British wanted the land to secure the port for their ships.

On his accession to power Nqwiliso made it clear that, while recognising Mqikela's house as the Great House of the amaPondo, he intended to follow in Ndamase's footsteps and owe allegiance to no one, and maintain his position as an independent chief. That meant he would suffer no interference from Mqikela. In this declaration he was supported by the Government. Once again, dissent among the amaPondo gave the colonial power an opportunity to further erode traditional leadership. Colonial officialdom either ignored traditional authorities completely or allowed them to, at best, play a marginal role in governing their communities.

The Transkei, as the Fingoland region comprising the hilly country between the Cape and Natal became known, grew to be a large African reserve that expanded when those parts that were still independent were annexed in the 1880s and '90s. Pondoland lost its independence in 1894.

Traditional leaders had very little or no say in the administration of their areas. However, they were expected to maintain law and order and were granted jurisdiction to hear civil cases under customary law. Appeals lay to the magistrates. Ironically, the Black Administration Act of 1927 had re-affirmed colonial "recognition" of chiefs and headmen. But, in terms of section 1, the Governor-General (later State President) was declared supreme chief of all black people in the country and other chiefs had to be officially appointed. Provision was made for the appointment of paramount chiefs. In addition tribes could be established or disestablished. In other words, existing royal lineages could be ignored and frequently were.

In 1931, all the Transkei magisterial districts were amalgamated into the Transkeian Territories General Council and traditional leaders and their councils continued to play only a minor role in district administration. Chiefs were paid a quarterly stipend for which they were expected to perform minor functions, mainly aimed at maintaining law and order.

Under apartheid blacks were treated like "tribal" people and were required to live on reserves under hereditary chiefs except when they worked temporarily in white towns or on white farms. The government began to consolidate the scattered reserves into eight (eventually ten) distinct territories, designating each of them as the "homeland," or Bantustan, of a specific black ethnic community. The government manipulated homeland politics so that compliant chiefs controlled the administrations of most of those territories. Arguing



that Bantustans matched the decolonization process then taking place in tropical Africa, the government devolved powers onto those administrations and eventually encouraged them to become “independent.” Between 1976 and 1981 four accepted independence—Transkei, Bophuthatswana, Venda, and Ciskei—though none was ever recognized by a foreign government. Like the other homelands, however, they were economic backwaters, dependent on subsidies from Pretoria.

Conditions in the homelands continued to deteriorate, partly because they had to accommodate vast numbers of people with minimal resources. Many people found their way to the towns; but the government, attempting to reverse this flood, strengthened the pass laws by making it illegal for blacks to be in a town for more than 72 hours at a time without a job in a white home or business. A particularly brutal series of forced removals were conducted from the 1960s to the early '80s, in which more than 3.5 million blacks were taken from towns and white rural areas (including lands they had occupied for generations) and dumped into the reserves, sometimes in the middle of winter and without any facilities.

## APPENDIX C METHODOLOGY

### Site survey

eThembeni staff members have interacted with the professional IDT team at Mdikiso over a period of three months whilst assessing the site “as built”, conducting interviews with members of the Tambo family in order to construct a time-line and historical layering for the heritage precinct, and assessing various restoration and 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 OR Tambo Homestead.
- 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 D); 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 D 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.

