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PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

**INFRASTRUCTURE AND HOUSING DEVELOPMENT:  
GENYU VILLAGE, STUTTERHEIM,  
EASTERN CAPE, SOUTH AFRICA**

**DATE:** 2011-12-30

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**REPORT TO:**

MARY-ANNE CROCKER (Arcus Gibb Engineering and Science)

Tel: 043 706 3642; Fax: 043 721 0141;

Postal Address: P.O. Box 19844, Tecoma, 5214;

E-mail: macrocker@gibb.co.za

MARIAGRAZIA GALIMBERTI (South African Heritage Resources Agency – SAHRA, APM Unit)

Tel: 021 462 4505; Fax: 021 462 4509;

Postal Address: P.O. Box 4637, Cape Town, 8000;

E-mail: mgalimberty@sahra.org.za

**PREPARED BY:**

KAREN VAN RYNEVELD (ArchaeoMaps Archaeological Consultancy)

Tel: 084 871 1064; Fax: 086 515 6848;

Postnet Suite 239, Private Bag X3, Beacon Bay, 5205;

E-mail: kvanryneveld@gmail.com

**PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT  
INFRASTRUCTURE AND HOUSING DEVELOPMENT: CENYU VILLAGE,  
STUTTERHEIM, EASTERN CAPE, SOUTH AFRICA**

**EXECUTIVE SUMMARY**

**TERMS OF REFERENCE:**

Arcus Gibb has been appointed by the project proponent, the Department of Human Settlement, to prepare the EIA and EMP for the proposed project, the *Infrastructure and Housing Development, Cenyu Village*, near Stutterheim in the Eastern Cape. The *Cenyu Village* development proposal centers on the in situ upgrade through improvement of services (roads and bulk services including water and sanitation) at Cenyulands and the construction of houses (including associated services) at Cenyu. ArchaeoMaps was appointed by Arcus Gibb to prepare the Phase 1 AIA for the *Cenyu Village* development.

**THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT:**

**PROJECT AREA:** 280ha *Cenyu Village* development, near Stutterheim, including Cenyulands (230ha – S32°33'34.9"; E27°27'30.3") and Cenyu (50ha – S32°32'45.2"; E27°27'16.9") [1:50,000 map ref – 3227DA].

**GAP ANALYSIS:** Phase 1 AIA assessment covered the proposed study site and immediate surrounds.

**METHODOLOGY:** Three day field assessment; GPS co-ordinates – Garmin Oregon 550; Photographic documentation – Pentax K20D. Archaeological and cultural heritage site significance assessment and mitigation recommendations – SAHRA 2007 system.

**SUMMARY:**

Code	Site	Period	Co-ordinates	Recommendations
C1	Fortified Gangers' Cottage No 17 (Provincial Heritage Site)	Colonial Period	S32°32'43.7"; E27°27'44.1"	Formal Conservation – permanent fence with access gate. Replacement of information display. Permanent sign posting.
C2	Railway Bridge	Colonial Period	S32°32'43.4"; E27°27'40.9"	Formal Conservation – permanent fence with 60-70m conservation barrier towards west and south of site. Permanent sign posting.
C3	Cemetery	Iron Age / Contemporary	S32°32'43.9"; E27°27'30.2"	Formal conservation – permanent fence with at least one access gate.
C4	Cemetery	Iron Age / Contemporary	S32°33'20.9"; E27°26'55.8"	N/A

**RECOMMENDATIONS:**

It is recommended that the proposed development, the *Infrastructure and Housing Development, Cenyu Village*, near Stutterheim in the Eastern Cape, proceeds as applied for provided the developer complies with the abovementioned recommendations.

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## 1) TERMS OF REFERENCE

Arcus Gibb Engineering and Science (Arcus Gibb) has been appointed by the project proponent, the Department of Human Settlement, to prepare the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for the proposed project, the *Infrastructure and Housing Development, Cenyu Village*, near Stutterheim in the Eastern Cape. The *Cenyu Village* development proposal centers on the in situ upgrade through improvement of services (roads and bulk services including water and sanitation) at Cenyulands and the construction of houses (including associated services) at Cenyu.

ArchaeoMaps Archaeological Consultancy was appointed by Arcus Gibb to prepare the Phase 1 Archaeological Impact Assessment (AIA) for the *Cenyu Village* development.

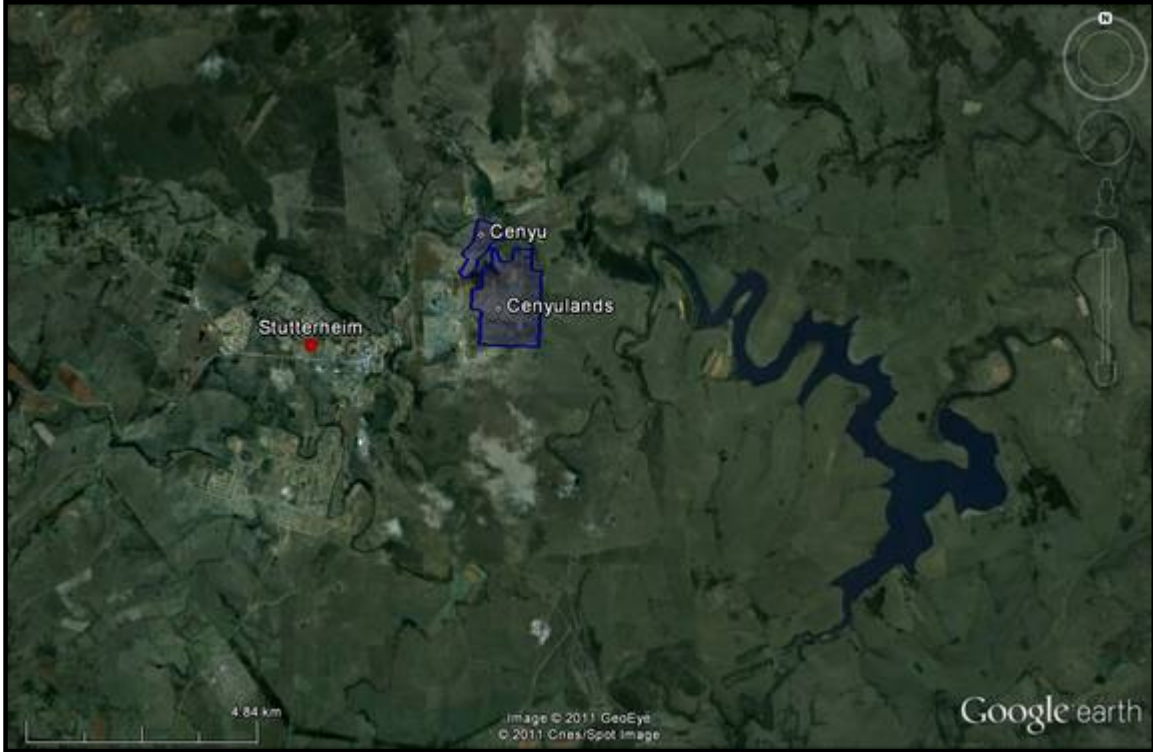
### ❖ *Development Location, Details & Impact*

The proposed, approximate 280ha *Cenyu Village* development is situated approximately 4km north-east of Stutterheim in the Amathole district of the Eastern Cape [1:50,000 map ref – 3227DA]. The *Cenyu Village* development is twofold in nature, including (Arcus Gibb 2011):

- Cenyulands (S32°33'34.9"; E27°27'30.3") – Proposed development centers on the in situ upgrade through improvement of services (roads and bulk services including water and sanitation) at the existing informal, approximate 230ha, settlement of Cenyulands; and
- Cenyu (S32°32'45.2"; E27°27'16.9") – Proposed development includes the construction of further houses, roads and related services on the approximate 50ha of land.



Figure 1: Stutterheim, Amathole District, Eastern Cape



**Figure 2:** Locality of the proposed *Cenyu Village* study site, including Cenyulands and Cenyu, in relation to Stutterheim and the Wriggleswade Dam



**Figure 3:** Locality of the proposed *Cenyu Village* study site, including Cenyulands and Cenyu

## 2) THE ARCHAEOLOGICAL IMPACT ASSESSMENT

### ❖ *Archaeological Legislative Compliance*

The Phase 1 Archaeological Impact Assessment (AIA) was done for purposes of compliance to the South African Heritage Resources Agency (SAHRA) requirements in terms of the National Heritage Resources Act, No 25 of 1999 (NHRA 1999), with specific reference to Section 38.

The Phase 1 AIA was requested as specialist sub-section with findings and recommendations thereto to be included in the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) of the project in compliance with requirements of the National Environmental Management Act, No 107 of 1998 (NEMA 1998) and associated Regulations (2006 and 2010).

The Phase 1 AIA aimed to locate, identify and assess the significance of cultural heritage resources, inclusive of archaeological deposits / sites, built structures older than 60 years, burial grounds and graves, graves of victims of conflict and basic cultural landscapes or views as defined and protected by the NHRA 1999, that may be affected by the proposed development.

This report comprises of a basic AIA, including a basic pre-feasibility and Phase 1 AIA assessment only. The report does not include any specialist heritage components inclusive of socio-cultural consultation, historical architecture or cultural landscapes.

### ❖ *Methodology & Assessor Accreditation*

The Phase 1 AIA was conducted over a 3 day period (2011-12-17, 12-18 & 12-21) by one archaeologist. The assessment was done by vehicle and foot, and limited to a Phase 1 surface survey; no excavation or sub-surface testing was done. GPS co-ordinates were taken with a Garmin Oregon 550 (Datum: WGS84). Photographic documentation was done with a Pentax K20D camera. A combination of Garmap and Google Earth software was used in the display of spatial information.

<b>SAHRA ARCHAEOLOGICAL AND CULTURAL HERITAGE SITE SIGNIFICANCE ASSESSMENT</b>			
<i>SITE SIGNIFICANCE</i>	<i>FIELD RATING</i>	<i>GRADE</i>	<i>RECOMMENDED MITIGATION</i>
High Significance	National Significance	Grade 1	Site conservation / Site development
High Significance	Provincial Significance	Grade 2	Site conservation / Site development
High Significance	Local Significance	Grade 3A / 3B	Site conservation or extensive mitigation prior to development / destruction
High / Medium Significance	Generally Protected A	-	Site conservation or mitigation prior to development / destruction
Medium Significance	Generally Protected B	-	Site conservation or mitigation / test excavation / systematic sampling / monitoring prior to or during development / destruction
Low Significance	Generally Protected C	-	On-site sampling, monitoring or no archaeological mitigation required prior to or during development / destruction

**Table 1:** SAHRA archaeological and cultural heritage site significance assessment

Archaeological and cultural heritage site significance assessment and associated mitigation recommendations were done according to the system prescribed by SAHRA (2007).

The assessment was done by Karen van Ryneveld (ArchaeoMaps):

- Qualification: MSc Archaeology (2003) WITS University.
- Accreditation:
  1. 2004 – Association of Southern African Professional Archaeologists (ASAPA) – Professional Member.
  2. 2005 – ASAPA CRM Section: Accreditation – Field Director (Stone Age, Iron Age, Colonial Period).
  3. 2010 – ASAPA CRM Section: Accreditation – Principle Investigator (Stone Age).

Karen van Ryneveld is a SAHRA listed CRM archaeologist.

### ❖ *Coverage and Gap Analysis*

The Phase 1 AIA covered the approximate 280ha *Cenyu Village* study site (including the 230ha Cenyulands and the 50ha Cenyu area) and immediate surrounds.



## 2.1) PRE-FEASIBILITY ASSESSMENT

Based on the basic introductory literature assessment of South African archaeology (see Appendix – A) the probability of archaeological and cultural heritage sites within the proposed *Cenyu Village* development study site can briefly be described as:

1. **EARLY HOMININ** : Probability – *None*
  
2. **STONE AGE**
  - a. ESA : Probability – *Low - Medium*
  - b. MSA : Probability – *Low - Medium*
  - c. LSA : Probability – *Low - Medium* (Human remains may be expected; should they be identified they will be of both scientific and social significance)
    - i. Rock Art : Probability – *None*
    - ii. Shell Middens : Probability – *None*
  
3. **IRON AGE**
  - a. Early Iron Age : Probability – *Low*
  - b. Middle Iron Age : Probability – *None*
  - c. Later Iron Age : Probability – *Medium* (Human remains expected to be in direct association with archaeological and contemporary sites – of scientific / social significance)
  
4. **COLONIAL PERIOD**
  - a. Colonial Period : Probability – *Medium* (Human remains expected to be primarily associated with formal cemeteries)
    - i. Iron Age / Colonial Period Contact : Probability – *Medium*
    - ii. Industrial Revolution : Probability – *Low*

The SAHRA mapping project (2009) indicates no record of Cultural Resources Management (CRM) projects done in the immediate vicinity of the *Cenyu Village* study site. Projects recorded within an approximate 50km radius from the study site are summarized as:

- Becker, E. (Knight Preshold Consultants). 2008. *Phase 1 Archaeological Impact Assessment for the Cata / Mnyameni Area, East London, Eastern Cape*. (SAHRA reference: 2008-SAHRA-0473);
- Hirst, M. & Victor, S. (Amathole Museum). 2004. *An Heritage Impact Assessment of the Development of the East London Regional Waste Disposal Site on the Grave of the Xhosa Poet Laureate, S.E.K. Mqhayi (1875-1945), at Nab'Ozuko, Berlin, Eastern Cape*. (SAHRA Reference: 2004-SAHRA-0126);
- Van Schalkwyk, J.A. (National Cultural History Museum). 2008. *Heritage Impact Survey Report for the Proposed Development South West of Bisho, King William's Town Magisterial District*. (SAHRA Reference: 2008-SAHRA-0409);
- Van Schalkwyk, L.O. (eThembeni). 2008. *Heritage Impact Assessment of the Proposed N2 Wild Coast Toll Highway*. (SAHRA Reference: 2008-SAHRA-0167);
- Van Ryneveld, K. (ArchaeoMaps). 2008. *Phase 1 Archaeological Impact Assessment: Residential Development, Matola Private Game Reserve, Portion 2 of Farm 36. Komga, Eastern Cape, South Africa*. (SAHRA Reference: 2008-SAHRA-0635);

- Van Ryneveld, K. (ArchaeoMaps). 2008. *Phase 1 Archaeological Impact Assessment: Proposed Construction of Commercial Offices and Retail Space, Erf 9582, Sweetwaters, King William's Town, Eastern Cape, South Africa*. (SAHRA-Reference-0234); and
- Webley, L.E. (Albany Museum). 2008. *Phase 1 Archaeological Impact Assessment: Dairy Development at Ann Shaw, Middledrift, Eastern Cape*. (SAHRA Reference: 2008-SAHRA-0186).

More recent CRM studies may well have been done in the more immediate Stutterheim, and by implication the *Cenyu Village* area, including but not necessarily limited to:

- Anderson, G. (Umlando). 2010. *Heritage Survey of the Proposed Thomas River Wind Energy Project, Cathcart*. Unpublished report to CES.

[The Thomas River study site is situated roughly midway between Cathcart and Stutterheim – approximately 20km north-west of the *Cenyu Village* study site.]

Studies done by ArchaeoMaps can be referenced as:

- Van Ryneveld, K. (ArchaeoMaps). 2011. *Phase 1 Archaeological Impact Assessment: Utilization of Borrow Pits – Amathole District Municipality, Eastern Cape, South Africa*. Unpublished report to BESC; [Selected borrow pit study sites, with specific reference to sites along Roads 08386, 08395 and 08371 are situated within an approximate 50km radius from *Cenyu Village*.]
- Van Ryneveld, K. (ArchaeoMaps). 2010. *Phase 1 Archaeological Impact Assessment: Mgwali Village: Upgrade of Internal Roads, Mgwali (near Stutterheim), Eastern Cape, South Africa*. Unpublished Report to Merryweather Environmental; and
- Van Ryneveld, K. (ArchaeoMaps). 2011. *Phase 1 Archaeological Impact Assessment: The Nompumelelo Borrow Pit (near Bisho), Amahlathi Local Municipality, Eastern Cape, South Africa*. Unpublished report to Terreco.

[Both study sites are situated within an approximate 20km radius from *Cenyu Village*.]

#### **Brief historical background of Stutterheim:**

Stutterheim, lying picturesquely at the foot of the Amatola Mountains on the Kubusie River, was founded in 1857 and named after Baron Richard von Stutterheim (Baron Richard Carl Gustav Ludwig Wilhelm Julius von Stutterheim). Baron von Stutterheim became a Major-General in the British Army in command of the Anglo-German Legion recruited to serve in the Crimean War. However, the war ended before the Legion was required and it was sent out to *British Kaffraria*, South Africa, where they settled in the Border Area (<http://samilitaryhistory.org/vol034jf.html>), forming the foundation town of what was to become the rich, culturally complex history of the Stutterheim area – from resident Xhosa groups; the general area formed part of the Ngqika Xhosa Chiefdom, to the German Settlers and eventually the British Colonists that followed.

The town proclaimed its first black 'location', Mlungisi, only in 1959, almost 100 years after interracial settlement in the area, throughout which the majority of the Black population resided as tenants or 'squatters' on the African and White owned smallholdings of Kubusi Valley, Cenyu Hill (a Lutheran Mission outstation) and Ohlsen within the Stutterheim municipal area or on neighboring farms such as Isidenge towards the south of Stutterheim. Following the Frontier War of 1877 – 1878, Stutterheim developed as a mainly white owned stock-farming area, confined to the east by the African occupied Transkei and to the west by discrete Ciskeian territories, the legacy of conquests long before Colonial occupation (Wotshela 2009). Throughout the '*Apartheid*' era (the system of racial segregation that characterizes much of South Africa's history from the early 1900's onwards, officially included in the policies of the Nationalist Party in 1948, much strengthened from 1960 onwards and finally repealed in 1991-1992, resulting in the first democratic government of South Africa in 1994) (<http://www.questia.com/library/history/africa->

history/south-africa/apartheid.jsp), the Stutterheim area was distinguished by 'pockets' of Black owned Transkeian and Ciskeian land in 'white' South Africa (Wotshela 2009).

## 2.2) THE PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT

### ❖ *Cenyu Village: General Discussion*



**Figure 4:** Phase 1 AIA assessment findings – *Cenyu Village*

Four archaeological and cultural heritage resources, as defined and protected under the NHRA 1999, were identified during the Phase 1 AIA of *Cenyu Village*, briefly summarized as:

1. C1 – ‘Fortified Gangers’ Cottage No 17’ – Colonial Period (S32°32’43.7”; E27°27’44.1”);
2. C2 – Railway Bridge – Colonial Period (S32°32’43.4; E27°27’40.9”);
3. C3 – Cemetery – Iron Age / Contemporary Period (S32°32’43.9”; E27°27’30.2”); and
4. C4 – Cemetery – Iron Age / Contemporary Period (S32°33’20.9”; E27°26’55.8”).

Of the identified resources 2 (Sites C2 and C3) are situated within the proposed study site, while the remaining 2 (Sites C1 and C4) are reported on based on proximity to the development.

Identified resources represent both the Colonial Period and Iron Age, albeit more prominently Iron Age culture of contemporary times. The lack of identified Stone Age resources is ascribed to the absence of stone outcrops in the study site. Anderson (2010) reported on a low density of lithic artefacts often associated with stone outcrops during his assessment, situated more or less 20km north-west of *Cenyu Village*. Iron Age culture is today articulated by the presence of settlements and associated large cemeteries, although the presence of earlier Iron Age cultures on the landscape is entwined with identified Colonial Period sites: If it was not for the reported conflict of the Frontier Wars, the need for fortified cottages or general protection against warring Xhosa parties, with a physical expression thereto, would not have been necessary during the early Industrial Period in South Africa. Within Iron Age culture and its modern day expression thereto graves are often not inscribed and the assignment of graves older than 60 years, thus graves formally protected under the NHRA 1999, remains problematic. The Colonial

Period, specifically the early Industrial Period is represented by the Site C1 '*Fortified Gangers' Cottage No 17*', a formerly declared National Monument and today a listed SAHRA Provincial Heritage Site and the associated Site C2 Railway Bridge.

The general area including Cenyulands and Cenyu was characterized by modern township development. Cenyulands is typified by its open, rectangular planned village layout. Assessment indicated that origin of the village may well have significant time depth as defined by the presence of the remains of some old homesteads, many of which now deserted. Both the need to move to higher ground, associated with the many wetlands and stream tributaries across Cenyulands and accessibility to modern infrastructure including latrines, power and running water may have resulted in abandonment of earlier homesteads, but abandoned homesteads in no case indicated an age beyond 100 years, based primarily on the prominence of rectangular structures associated with these homesteads. At Cenyu homesteads are either clustered in urban fashion, while residents towards the north of Cenyu are subsistence farmers with settlement characterized by widespread homesteads. The general absence of graves within homestead yards was noticeable across the greater study site, reflecting variation within contemporary Xhosa cultural practice.

Sub-surface inspection was based on trench as well as exposed stream and river bed sections. In addition 2 quarries yielded large exposed sections (Q1 – S32°32'41.1"; E27°27'18.9", Q2 – S32°33'20.3"; E27°27'06.3"). No anthropic member was identified within any of the inspected sections. (The Q1 quarry site also incorporates the former railway tunnel).



**Figure 5:** View of a portion of Cenyulands



**Figure 6:** Neatly laid out homestead yards at Cenyulands



**Figure 7:** Abandoned homestead remains at Cenyulands



**Figure 8:** General view of Cenyulands



**Figure 9:** General view of the Cenyu township – 1



**Figure 10:** General view of the Cenyu township – 2



**Figure 11:** Widespread homesteads across the northern part of the Cenyu study site



**Figure 12:** General view of the Q1 area



**Figure 13:** General view of the Q2 area



**Figure 14:** Anthropic sterile stream sections



❖ *Site C1 - Fortified Ganger's Cottage (Colonial Period) - S32°32'43.7"; E27°27'44.1"*



**Figure 15:** Site C1 – Fortified Gangers’ Cottage No 17

Erroneously indicated as a ‘Fortified Ranger’s Cottage’ on various map series, Site C1 represents the locality of ‘*Fortified Gangers’ Cottage No 17*’. The cottage was declared a National Monument on 1976-12-03. The site is by implication already listed in the SAHRA database as a Provincial Heritage Site (2007 – SAHRA: Heritage Sites and Register Sites); a site description is thus irrelevant. Discussion will focus on brief comment regarding the conservation status of the site.

[When the railway line between Queenstown and East London was built, during the Frontier War of 1877-1878, it bypassed Stutterheim by several kilometers: Gangers or railway workers were in great danger of attack by Xhosa tribes. To protect the workers, fortified ‘*gangers’ cottages*’ were built, with ‘*Fortified Gangers’ Cottage No 17*’ (1878) situated on the Komga Road near the Dohne Railway Station.]

Former formal site conservation measures have been removed, including the fence and access gate, with some fence and access gate posts still visible. The original conservation fence outline is still partly visible as a small mounded ridge that demarcates the site extent. In addition the information leaflet on the information display board has been removed, situated just west of the actual gangers’ cottage (marked as F1 on the map).

F1 (S32°32′44.0″; E27°27′44.7″) or the actual gangers cottage, built of stone and characterized by 4 prominent tambours on each corner, each with a number of defense slits, is in a fair state of decay – tambour floors are piled with stone debris and a portion of a chimney was laying on the inside of the skeleton cottage with original doorways and windows now left as open spaces. Comparison with internet images (dates unknown) indicates a steady rate of decay to the structure. Immediately west of the cottage remains is a large pile of stones and the original information display board. Decay of the F2 feature (S32°32′44.6″; E27°27′43.5″) can partly be monitored by comparison of aerial imagery: 2002 imagery indicates that the 4 roomed structure still had its roof in-tact (although this may also have been a temporary covering). 2003 imagery (see Figure 12) indicates that the roof has been removed but still displaying the standing walls of the 4 roomed structure, while at the time of the assessment structure remains were represented only by mounded ridges indicating the original wall positions: The structure in fact has been totally destroyed. F3 (S32°32′44.7″; E27°27′44.1″), rectangular stone structure wall remains, are still visible on the 2002 imagery; 2003 imagery indicates them less visible (see Figure 12), while at the time of

assessment only a corner of the structure was still partially in-tact. The F4 locality (S32°32'45.3"; E27°27'44.5") represents an old well. The well may or may not have had a stone lining, however today characterized by a large indent only. Just south of the F4 feature is the foundation remains of a rectangular structure.

**RECOMMENDATIONS:** Site C1, the '*Fortified Gangers' Cottage No 17*' was declared a National Monument (1976) under the National Monuments Act, No 28 of 1969 (NMA 1969), and when replaced by the National Heritage Resources Act, No 25 of 1999 (NHRA 1999) the site received automatic Provincial Heritage Site status; implying a *High, Provincial, Grade 2*, SAHRA Site Significance assignment. Conservation of the site remains a concern, despite formal conservation measures, first prescribed by the National Monuments Council and after 1999 by SAHRA. Direct proximity to the proposed study site would necessitate reinstatement of originally prescribed formal conservation measures, including:

1. That the site be re-fenced, with the fence placed in the original position demarcated by the fence mound remains, with an access gate;
2. That the information display be replaced (if possible with a display similar to the original. Documentation thereon may be available from the SAHRA archives); and
3. That the site be permanently sign posted, indicating at minimum that the site is formally protected under the NHRA 1999 and that any impact thereon or alteration thereto is prohibited by law.



**Figure 16:** Fortified Gangers' Cottage No 17 (W. Martinson – <http://www.artefacts.co.za/main/Buildings/10830>)



**Figure 17:** Fortified Gangers' Cottage No 17 (Dion T. – <http://www.panoramic.com/photo/17711415>)



**Figure 18:** General view of the gangers' cottage with original conservation gate posts in the front



**Figure 19:** General view of the 'Fortified Gangers' Cottage No 17'



**Figure 20:** Interior of the gangers' cottage



**Figure 21:** Close-up of defense slits in one of the tambours



**Figure 22:** Side view of the cottage and close-up of the tambours



**Figure 23:** Mound remains of the original F2 feature



**Figure 24:** Partial remains of the F3 feature



**Figure 25:** The well, demarcated as F4



**Figure 26:** Foundation structure remains situated just south of F4

❖ *Site C2 - Railway Bridge (Colonial Period) - S32°32'43.4"; E27°27'40.9"*



**Figure 27:** Site C2 – Railway Bridge

The Railway Bridge dates to the time when the railway was built, 1877-1878. The bridge, by definition comprising of a structure older than 60 years, is formally protected under the NHRA 1999 as a Provincial Heritage Resource. The bridge, in a good state of preservation, is no longer in use and associated with the crossroads of old railway and wagon tracks at the *'Fortified Gangers' Cottage No 17'*, situated approximately 80m to the east thereof. The bridge will not be impacted on by the proposed *Cenyu Village* project. Current access roads to the Cenyu Village area are planned around the heritage resource. Final development layout will define the development type and density thereof that will encroach on the site. However (See Site C3), development in the vicinity of Site C2 may well be restricted to formalization and expansion of the C3 cemetery, implying a low visual impact on the Railway Bridge and also the *'Fortified Gangers' Cottage No 17'* sites. It is recommended that an approximate 60-70m conservation buffer (red line) be implemented around Site C2 to ensure the integrity of the cultural landscape associated with both the Railway Bridge and the *'Fortified Gangers' Cottage No 17'* sites.

**RECOMMENDATIONS:** Site C2, the Railway Bridge, comprises of a structure pre-dating 60 years of age. The site is thus formally protected under the NHRA 1999 as a Provincial Heritage Resource, with a *High, Provincial, Grade 2*, SAHRA Site Significance assignment. The site will not be impacted on by the development – implying formal conservation as heritage management option. The following recommendations should be considered for formal conservation of the site:

1. All round fencing of the site will not be possible based on the complex landscape gradient imposed on the site as a result of the railway and wagon crossroads and proximity to the *'Fortified Gangers' Cottage No 17'* site. The prescribed western and southern conservation barrier (red line) should however be fenced; and
2. The site should be permanently sign posted, indicating at minimum that the site is formally protected under the NHRA 1999 and that any impact thereon or alteration thereto is prohibited by law.



**Figure 28:** General view of Site C2



**Figure 29:** Close-up of the Railway Bridge – 1



**Figure 30:** Close-up of the Railway Bridge – 2

❖ *Site C3 - Cemetery (Iron Age / Contemporary Period) - S32°32'43.9"; E27°27'30.2"*



**Figure 31:** Site C3 – Cemetery

The Site C3 cemetery extent (approximating a 150x200m area) indicated on the map constitutes the former formally conserved cemetery area, inferred to have been formally conserved at the time when formal conservation measures was instated at the 'Fortified Gangers' Cottage No 17' site, based on remains of fence corner posts at the site being of a style similar to that used at Site C1. Formal conservation measures instated at the time have been removed in the interim, with remains thereof still visible on the landscape. At the time of the assessment the total of the demarcated cemetery area have not been used: Use of the cemetery was restricted to the north-eastern corner of the site, where approximately 70 graves were found and then again extensive use of the general southern part of the site, where 800-1,000+ graves are present. Assessment towards the south of the site indicated that some graves, inferred to be fairly old and mostly demarcated by stone markers only, are in fact situated outside the cemetery area, but immediately adjoining it (see red line).

Age of the cemetery is not known and many graves are unmarked but it can reasonably be inferred that some graves would be older than 60 years implying that these graves are formally protected under the NHRA 1999.

Development will not impact on the site and the cemetery will be included in the site layout and design of the *Cenyu Village* development. The developer is reminded that the site will need to be formalized within the design layout and that portions of the site extending beyond the demarcation towards the south of the site (red line) should at minimum be included in the layout. In addition the developer may consider expansion of the cemetery for inclusion in the layout, in which case cognizance of the approximate 60-70m conservation barrier recommended for Site C2 should be kept in mind.

**RECOMMENDATIONS:** The Site C3 cemetery is ascribed a SAHRA *Medium Significance* and a *Generally Protected B Field Rating*. The site will not be impacted on by development. It is recommended that the site be formally conserved and with the footprint either included as is (including the southern graves) within the design layout of *Cenyu Village* or expanded to consider continued use thereof. Formal conservation measures would at minimum include:

1. That the final cemetery area be formally fenced with at least one access gate.





**Figure 32:** General view of Site C3



**Figure 33:** View of the southern part of Site C3 where a portion of the fence is still in place



**Figure 34:** A few rows of graves from the north-eastern corner of Site C3

❖ *Site C4 - Cemetery (Iron Age / Contemporary Period) - S32°33'20.9"; E27°26'55.8"*



**Figure 35:** Site C4 – Cemetery

The Site C4 cemetery is situated south of the Cenyu study site and west of the Cenyulands area and reported on in this report for purposes of proximity to the study site only. The cemetery, situated within the Mlungisi township area comprises of an approximate 300x100m area. The cemetery is indirectly fenced towards the north where it borders the school property as well as towards the east where it borders the sports field, but open (unfenced) towards the south and west. The cemetery houses in the region of 1,000-1,2000+ graves, many of which are unmarked – a number of the graves at the C4 cemetery may well be inferred to pre-date 60 years of age, implying that these graves are formally protected under the NHRA 1999.

**RECOMMENDATIONS:** The Site C4 cemetery is ascribed a SAHRA *Medium Significance* and a *Generally Protected B Field Rating*. The site is reported on for purposes of proximity to the study site only; Site C4 is situated south of the Cenyu study site and west of the Cenyulands area. The site will not be impacted on by development; the site will by implication be conserved. Additional recommendations regarding site conservation or mitigation are irrelevant.



**Figure 36:** General view of the C4 cemetery – 1



**Figure 37:** General view of the C4 cemetery – 2

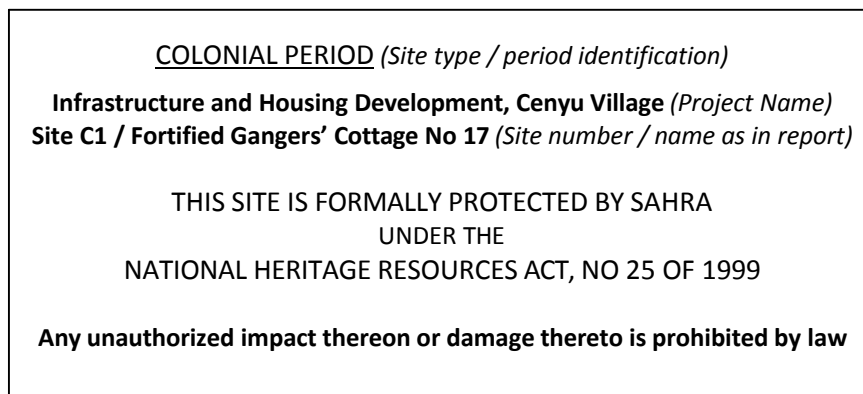


**Figure 38:** General view of the C4 cemetery – 3

### 3) CONCLUSION AND RECOMMENDATIONS

With reference to cultural heritage compliance, as per the requirements of the NHRA 1999, it is recommended that the proposed *Infrastructure and Housing Development, Cenyu Village*, near Stutterheim in the Eastern Cape, proceeds as applied for provided the developer complies with the following requirements:

1. Site C1 – ‘*Fortified Gangers’ Cottage No 17*’ (S32°32’43.7”; E27°27’44.1”): The site was declared a National Monument in 1976 and is listed in the SAHRA database as a Provincial Heritage Site under the NHRA 1999. Being situated just outside the development footprint the site will not be impacted on by development. Reinstatement of former formal conservation measures and permanent sign posting should precede development.
  2. Site C2 – Railway Bridge (S32°32’43.4”; E27°27’40.9”): The site, dating to 1877-1878, is formally protected under the NHRA 1999 as a Provincial Heritage Resource. The site will be conserved. Formal conservation measures all round would not be possible based on the integrate landscape gradient as a result of Colonial Period development of the railway line and wagon tracks. A conservation fence with an approximate 60-70m conservation barrier towards the west and south should be considered also to conserve the integrity of the cultural landscape associated not only with the Railway Bridge but also the ‘*Fortified Ganger’s Cottage No 17*’ site.
  3. Site C3 – Cemetery (S32°32’43.9”; E27°27’30.2”): Previous formal conservation measures have in part been removed and where still visible are in a dilapidated state. The developer may consider inclusion of the cemetery in the design layout as is, including a small portion towards the south extending beyond the previous cemetery fence, or alternatively expansion and formalization of the cemetery may be considered, in which case the recommended 60-70m conservation barrier of Site C2 should be taken into account.
  4. Site C4 – Cemetery (S32°33’20.9”; E27°26’55.8”): The cemetery was reported on based on proximity to the proposed study site only. The site will not be impacted on by development; the site will by implication be conserved.
- ❖ **Sign Posting:** Sign posting is not at present defined by SAHRA and the following can be used as guideline: Signs should indicate that the sites are formally protected under the NHRA 1999 and that any damage thereto or impact thereon is prohibited by law. In addition the sites should indicate a reference for purposes of future identification. Sign boards can be in the region of approximately 60-80cm x 40-50cm in size which will provide for a reasonable size sign with clear legible lettering. Sign boards are usually done by professional sign writers (durability) on a metal board and fixed to a treated wooden or metal pole. Sign boards can be in a basic color (black / white / green / blue) with any font type (lettering in black / white). It is recommended that sign posts be done in English / Xhosa.



**Figure 39:** Recommended heritage sign posting

**CENYU VILLAGE (CENYU AND CENYULANDS)**

**STUTTERHEIM, EASTERN CAPE**

MAP CODE	SITE	TYPE / PERIOD	DESCRIPTION	CO-ORDINATES	PRELIMINARY RECOMMENDATIONS
<b>CENYU</b>					
A	-	-	-	S32°32'35.2"; E27°27'13.9"	N/A
B	-	-	-	S32°32'39.0"; E27°27'27.7"	N/A
C	-	-	-	S32°32'43.1"; E27°27'41.5"	N/A
D	-	-	-	S32°32'47.8"; E27°27'38.0"	N/A
E	-	-	-	S32°32'49.2"; E27°27'49.2"	N/A
F	-	-	-	S32°32'52.7"; E27°27'23.6"	N/A
G	-	-	-	S32°32'59.4"; E27°27'18.0"	N/A
H	-	-	-	S32°33'02.8"; E27°27'13.9"	N/A
I	-	-	-	S32°33'06.8"; E27°27'13.5"	N/A
J	-	-	-	S32°33'10.9"; E27°27'08.9"	N/A
K	-	-	-	S32°33'14.8"; E27°27'07.7"	N/A
L	-	-	-	S32°33'14.5"; E27°27'02.7"	N/A
M	-	-	-	S32°33'11.7"; E27°26'58.8"	N/A
N	-	-	-	S32°33'02.4"; E27°27'05.8"	N/A
O	-	-	-	S32°32'59.4"; E27°27'01.4"	N/A
P	-	-	-	S32°32'56.1"; E27°27'02.0"	N/A
Q	-	-	-	S32°32'53.6"; E27°27'06.1"	N/A
R	-	-	-	S32°32'48.6"; E27°27'10.6"	N/A
<b>CENYULANDS</b>					
A	-	-	-	S32°32'54.7"; E27°27'42.3"	N/A
B	-	-	-	S32°32'55.7"; E27°27'57.1"	N/A
C	-	-	-	S32°33'09.2"; E27°27'56.5"	N/A
D	-	-	-	S32°33'09.5"; E27°28'04.7"	N/A
E	-	-	-	S32°34'01.1"; E27°28'02.4"	N/A
F	-	-	-	S32°33'59.3"; E27°27'14.7"	N/A
G	-	-	-	S32°33'36.2"; E27°27'16.2"	N/A
H	-	-	-	S32°33'35.8"; E27°27'08.1"	N/A
I	-	-	-	S32°33'21.7"; E27°27'09.2"	N/A
J	-	-	-	S32°33'21.7"; E27°27'16.8"	N/A
K	-	-	-	S32°33'08.7"; E27°27'17.4"	N/A
L	-	-	-	S32°33'08.9"; E27°27'25.0"	N/A
M	-	-	-	S32°32'54.6"; E27°27'25.1"	N/A
N	-	-	-	S32°32'54.7"; E27°27'27.6"	N/A
O	-	-	-	S32°32'56.9"; E27°27'27.6"	N/A
P	-	-	-	S32°32'56.7"; E27°27'29.7"	N/A
Q	-	-	-	S32°33'00.5"; E27°27'29.5"	N/A
R	-	-	-	S32°33'00.9"; E27°27'31.6"	N/A
S	-	-	-	S32°33'03.9"; E27°27'32.0"	N/A
T	-	-	-	S32°33'03.9"; E27°27'38.4"	N/A
U	-	-	-	S32°33'01.8"; E27°27'41.0"	N/A

ARCHAEOLOGY AND CULTURAL HERITAGE					
C1	Site C1	Colonial Period	Fortified Gangers' Cottage No 17	S32°32'43.7"; E27°27'44.1"	<i>Formal Conservation – permanent fence with access gate Replacement of information display Permanent sign posting</i>
C2	Site C2	Colonial Period	Railway Bridge	S32°32'43.4"; E27°27'40.9"	<i>Formal Conservation – permanent fence with 60-70m conservation barrier towards west and south of site Permanent sign posting</i>
C3	Site C3	Iron Age / Contemporary	Cemetery	S32°32'43.9"; E27°27'30.2"	<i>Formal conservation – permanent fence with at least one access gate</i>
C4	Site C4	Iron Age / Contemporary	Cemetery	S32°33'20.9"; E27°26'55.8"	<i>N/A</i>

**Table 2:** Development and Phase 1 AIA assessment findings – co-ordinate details

**NOTE:** Should any archaeological or cultural heritage resources as defined and protected under the NHRA 1999 and not reported on in this report be identified during the course of development the developer should immediately cease operation in the vicinity of the find and report the site to SAHRA / an ASAPA accredited CRM archaeologist.

#### 4) REFERENCES

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## INTRODUCTION TO THE ARCHAEOLOGY OF SOUTH AFRICA

Archaeologically the southern African cultural environment is roughly divided into the Stone Age, the Iron Age and the Colonial Period, including its subsequent Industrial component. This cultural division has a rough temporal association beginning with the Stone Age, followed by the Iron Age and the Colonial Period. The division is based on the identified primary technology used. The hunter-gatherer lifestyle of the Stone Age is identified in the archaeological record through stone being the primary raw material used to produce tools. Iron Age people, known for their skill to work iron and other metal, also practiced agriculture and animal husbandry. Kingdoms and civilizations associated with the Iron Age are indicative of a complex social hierarchy. The Colonial Period is marked by the advent of writing, in southern Africa primarily associated with the first European travelers (Mitchell 2002).

During the latter part of the Later Stone Age (LSA) hunter-gatherers shared their cultural landscape with both pastoralists and Iron Age people, while the advent of the Colonial Period in South Africa is marked by a complex cultural mosaic of people; including LSA hunter-gatherers, pastoralists, Later Iron Age farming communities and Colonial occupation.

### 1) Early Hominin Evolution

DNA studies indicate that humans and chimpanzees shared a common ancestor between 6-8Mya (Sibley & Ahlquist 1984). By 4Mya, based on fossil evidence from Ethiopia and Kenya, hominins (humans and their immediate fossil ancestors and relatives) had already evolved. The earliest fossils are ascribed to *Ardipithecus ramidus* (4.4Mya), succeeded by *Australopithecus anamensis* (4.2-3.9Mya). These fossils are inferred to lie at the base from which all other hominins evolved (Leakey *et al.* 1995; White *et al.* 1994).

In South Africa the later hominins are classed into 3 groups or distinct genera; *Australopithecus* (gracile australopithecines), *Paranthropus* (robust australopithecines) and *Homo*. South Africa has 3 major hominin sites: Taung in the North-West Province, where Raymond Dart identified the first *Australopithecus* fossil in 1924 (Dart 1925); The Cradle of Humankind (Sterkfontein Valley) sites in Gauteng, the most prolific hominin locality in the world for the period dating 3.5-1.5Mya which have yielded numerous *Australopithecus*, *Paranthropus* and limited *Homo* fossils (Keyser *et al.* 2000; Tobias 2000); and Makapansgat in the Limpopo Province, where several more specimens believed to be older than most of the Cradle specimens were discovered (Klein 1999).

*A. africanus*, represented at all 3 sites are believed to have been present on the South African landscape from about 3Mya. From approximately 2.8Mya they shared, at least in the Cradle area, the landscape with *P. robustus* and from roughly 2.3Mya with early forms of *Homo* (Clarke 1999). Global climatic cooling around 2.5Mya may have stimulated a burst of species turnover amongst hominins (Vrba 1992); the approximate contemporary appearance of the first stone tools suggests that this was a critical stage in human evolution. But exactly which early hominin population is to be accredited as the ancestor of *Homo* remains elusive.

*H. ergaster* is present in the African palaeo-anthropological record from around 1.8Mya and shortly thereafter the first exodus from Africa is evidenced by *H. erectus* specimens from China, Indonesia and even Europe (Klein 1999).

### 2) The Stone Age

#### 2.1) The Earlier Stone Age

In South Africa the only Earlier Stone Age (ESA) Oldowan lithic assemblage comes from Sterkfontein Cave. The predominant quartz assemblage is technologically very simple, highly informal and inferred to comprise exclusively of multi-purpose tools (Kuman *et al.* 1997). The latter part of the ESA is characterized by the Acheulean Industrial Complex, present in the archaeological record from at least 1.5Mya. Both *H. ergaster* and *P. robustus* may be accredited with the production of these tools. The association between stone tools and increased access to meat and marrow supporting the greater dietary breadth of *Homo* may have been vital to *Homo's* evolutionary success; and the eventual extinction of the robust australopithecines (Klein 1999).

Probably the longest lasting artefact tradition ever created by hominins, the Acheulean is found from Cape Town to north-western Europe and India, occurring widely in South Africa. Despite the many sites it is still considered a 'prehistoric dark age' by many archaeologists, encompassing one of the most critical periods in human evolution; the transition from *H. ergaster* to archaic forms of *H. Sapiens* (Klein 1999).

The Acheulean industry is characterized by handaxes and cleavers as *fosilles directeurs* (signature artefact types), in association with cores and flakes. Handaxes and cleavers were multi-purpose tools used to work both meat and plant matter (Binneman & Beaumont 1992). Later Acheulean



flaking techniques involved a degree of core preparation that allowed a single large flake of predetermined shape and size to be produced. This *Victoria West technique* indicates an origin within the Acheulean for the *Levallois technique* of the Middle Stone Age (Noble & Davidson 1966). The lithic artefact component was supplemented by wood and other organic material (Deacon 1970).

## 2.2) *The Middle Stone Age*

The Middle Stone Age (MSA), dating from approximately 500kya to 40-27/23kya is interpreted as an intermediate technology between the Acheulean and the Later Stone Age (LSA) (Goodwin & van Riet Lowe 1929). The MSA is typologically characterized by the absence of handaxes and cleavers, the use of prepared core techniques and the production of blades, triangular and convergent flakes, with convergent dorsal scars and faceted striking platforms, often produced by means of the *Levallois technique* (Volman 1984). The widespread occurrence of MSA technology across Africa and its spread into much of Eurasia in Oxygen Isotope Stage (OIS) 7 is viewed as part of a process of population dispersal associated with both the ancestors of the later Neanderthals in Europe and anatomically modern humans in Africa (Foley & Lahr 1997).

After the riches offered by the Cradle sites and Makapansgat, southern Africa's Middle Pleistocene fossil record is comparatively poor. Early Middle Pleistocene fossil evidence suggests an archaic appearance and fossils are often assigned to *H. heidelbergensis* and *H. sapiens rhodesiensis* (Rightmire 1976). Modern looking remains, primarily from Border Cave (KwaZulu-Natal) and Klasies River Mouth (Eastern Cape) raised the possibility that anatomically modern humans had, by 120kya, originated south of the Sahara before spreading to other parts of the world (Brauer 1982; Stringer 1985). Subsequent studies of modern DNA indicated that African populations are genetically more diverse and probably older than those elsewhere (Cann *et al.* 1994). Combined, the fossil and genetic evidence underpins the so-called *Out of Africa 2* model (arguing that gene flow and natural selection led regional hominin populations along distinct evolutionary trajectories after *Homo's* expansion from Africa in the Lower Pleistocene *Out of Africa 1* model) of modern human origins and the continuing debate as to whether it should be preferred to its *Multiregional* alternative (arguing that modern humans evolved more or less simultaneously right across the Old World) (Mellars & Stringer 1989; Aitken *et al.* 1993; Nitecki & Nitecki 1994).

Persuasive evidence of ritual activity or bodily decoration is evidenced by the widespread presence of red ochre at particularly MSA 2 sites (after Volman's 1984 MSA 1-4 model; Hensilwood & Sealy 1997), while evidence from Lion Cave, Swaziland, indicates that specularite may have been mined as early as 100kya (Beaumont 1973). Evidence for symbolic behavioral activity is largely absent; no evidence for rock art or formal burial practices exists.

## 2.3) *The Later Stone Age*

Artefacts characteristic of the Later Stone Age (LSA) appear in the archaeological record from 40/27-23kya and incorporates microlithic as well as macrolithic assemblages. Artefacts were produced by modern *H. sapien* or *H. sapien sapien*, who subsisted on a hunter-gatherer way of life (Deacon 1984; Mitchell 2002).

According to Deacon (1984) the LSA can temporally be divided into 4 broad units directly associated with climatic, technological and subsistence changes:

1. Late Pleistocene microlithic assemblages (40-12kya);
2. Terminal Pleistocene / early Holocene non-microlithic assemblages (12-8kya);
3. Holocene microlithic assemblages (8kya to the Historic Period); and
4. Holocene assemblages with pottery (2kya to the Historic Period) closely associated with the influx of pastoralist communities into South Africa (Mitchell 2002).

Elements of material culture characteristic of the LSA reflect modern behavior. Deacon (1984) summarizes these as:

1. Symbolic and representational art (paintings and engravings);
2. Items of personal adornment such as decorated ostrich eggshell, decorated bone tools and beads, pendants and amulets of ostrich eggshell, marine and freshwater shells;
3. Specialized hunting and fishing equipment in the form of bows and arrows, fish hooks and sinkers;
4. A greater variety of specialized tools including bone needles and awls and bone skin-working tools;
5. Specialized food gathering tools and containers such as bored stone digging stick weights, carrying bags of leather and netting, ostrich eggshell water containers, tortoiseshell bowls and scoops and later pottery and stone bowls;
6. Formal burial of the dead in graves (sometimes covered with painted stones or grindstones and accompanied by grave goods);
7. The miniaturization of selected stone tools linked to the practice of hafting for composite tools production; and
8. A characteristic range of specialized tools designed for making some of the items listed above.

### ❖ Rock Art

Rock Art is one of the most visible and informative components of South Africa's archaeological record. Research into LSA ethnography (as KhoiSan history) has revolutionized our understanding of both painted and engraved (petroglyph) images, resulting in a paradigm shift in Stone Age archaeology (Deacon & Dowson 2001). Paintings are concentrated in the Drakensberg / Maluti mountains, the eastern Free State, the Cape Fold Mountains, the Waterberg Plateau and the Soutpansberg mountains. Engravings on the other hand are found throughout the Karoo, the western Free State and North-West Province (Mitchell 2002). Both forms of LSA art drew upon a common stock of motifs, derived from widely shared beliefs and include a restricted range of naturalistically depicted animals, geometric imagery, human body postures and non-realistic combinations of human and animal figures (anthropomorphic figurines). LSA Rock Art is closely associated with spiritual or magical significance (Lewis-Williams & Dowson 1999).

Aside from LSA or KhoiSan Rock Art, thus art produced by both hunter-gatherer and pastoralist and agro-pastoralist groups, Rock Art produced by Iron Age populations are known to be present towards the north of the country.

### ❖ Shell Middens ('Strandloper' Cultures)

South Africa's nearly 3,000km coastline is dotted by thousands of shell middens, situated between the high water mark and approximately 5km inland, bearing witness to long-term exploitation of shellfish mainly over the past 12,000 years. These LSA shell middens are easily distinguishable from natural accumulations of shells and deposits can include bones of animals eaten such as shellfish, turtles and seabirds, crustaceans like crabs and crayfish and marine mammal remains of seals, dolphins and occasionally whales. Artefacts and hearth and cooking remains are often found in shell midden deposits. Evidence exist that fish were speared, collected by hand, reed baskets and by means of stone fish traps in tidal pools (Mitchell 2002).

Shell midden remains were in the past erroneously assigned to 'Strandloper cultures'. Deacon & Deacon (1999) explain that '*no biological or cultural group had exclusive rights to coastal resources.*' Some LSA groups visited the coast periodically while others stayed year round and it is misleading to call them all by the same name. Two primary sources of archaeological enquiry serves to shed more light on the lifestyles of people who accumulated shell middens, one being the analysis of food remains in the middens itself and the other being the analysis of LSA human skeletal remains of people buried either in shell middens or within reasonable proximity to the coast.

Shell middens vary in character ranging from large sites tens of meters in extent and with considerable depositional depth to fairly small ephemeral collections, easily exposed and destroyed by shifting dune action. Shell middens are also found inland, along rivers where fresh water mussels occur. These middens are often fairly small and less common; in the Eastern Cape often dated to within the past 3,000 years (Deacon & Deacon 1999).

In addition shell middens are not exclusively assigned to LSA cultures; shellfish were exploited during the Last Interglacial, indicating that the practice was most probably continuous for the past 120,000 years (MSA shell middens). Along the coast of KwaZulu-Natal evidence exist for the exploitation of marine food resources by Iron Age communities. These shell middens are easily distinguished from Stone Age middens by particularly rich, often decorated ceramic artefact content. Colonial Period shell middens are quite rare and extremely ephemeral in character; primarily the result of European shipwreck survivors and reported on along the coast of KwaZulu-Natal and the Transkei, Eastern Cape.

## 3) The Iron Age

For close to 2 millennia people combining cereal agriculture with stock keeping have occupied most of southern Africa's summer rainfall zone. The rapid spread of farming, distinctive ceramics and metallurgy is understood as the expansion of a Bantu-speaking population, in archaeological terms referred to as the Iron Age.

### 3.1) The Early Iron Age

Ceramic typology is central to current discussions of the expansion of iron using farming communities. The most widely used approach is that of Huffman (1980), who employs a multidimensional analysis (vessel profile, decoration layout and motif) to reconstruct different ceramic types. Huffman (1998) argues that ceramics can be used to trace the movements of people, though not necessarily of specific social or political groupings. Huffman's Urewe Tradition coincides largely with Phillipson's (1977) Eastern Stream. A combined Urewe Tradition / Eastern Stream model for the Early Iron Age can be summarized as:

1. The Kwale branch (extending along the coast from Kenya to KwaZulu-Natal);
2. The Nkope branch (located inland and reaching from southern Tanzania through Malawi and eastern Zambia into Zimbabwe); and
3. The Kalundu branch (stretching from Angola through western Zambia, Botswana and Zimbabwe into South Africa).

In southern Africa, recent work distinguishes two phases of the Kwale branch: The earlier Silver Leaves facies (250-430AD) occurring as far south as the Northern Province. The later expression or Mzonjani facies (420-580AD) occurs in the Northern Province as well as along the KwaZulu-Natal coastal belt (Huffman 1998). Since the Silver Leaves facies is only slightly younger than the Kwale type site in Kenya, very rapid movement along the coast, perhaps partly by boat, is inferred (Klapwijk 1974). Subsequently (550-650AD) people making Mzonjani derived ceramics settled more widely in the interior of South Africa.

Assemblages attributable to the Nkope branch appear south of the Zambezi but north of South Africa from the 5<sup>th</sup> Century. Ziwa represents an early facies, with Gokomere deriving jointly from Ziwa and Bambata. A subsequent phase is represented by the Zhizo facies of the Shashe-Limpopo basin, and by Taukome (Huffman 1994). Related sites occur in the Kruger National Park (Meyer 1988). Zhizo (7<sup>th</sup> – 10<sup>th</sup> Century) is ancestral to the Toutswe tradition which persisted in eastern Botswana into the 13<sup>th</sup> Century.

Kalundu origins need further investigation; its subsequent development is however better understood. A post Bambata phase is represented by the 5<sup>th</sup> – 7<sup>th</sup> Century sites of Happy Rest, Klein Africa and Maunatlana in the Northern Province and Mpumalanga (Prinsloo 1974, 1989). Later phases are present at the Lydenburg Heads site (Whitelaw & Moon 1996) and by the succession of Mzuluzi, Ndondonwane and Ntshekane in KwaZulu-Natal (7<sup>th</sup> – 10<sup>th</sup> Centuries) (Prins & Grainger 1993). Later Kalundu facies include Klingbeil and Eiland in the northern part of the country (Evers 1980) with Kgopolwe being a lowveld variant in Mpumalanga (10<sup>th</sup> – 12<sup>th</sup> Century). Broadhurst and other sites indicate a still later survival in Botswana (Campbell 1991).

Despite the importance accorded to iron agricultural implements in expanding the spread of farming and frequent finds of production debris, metal objects are rare. Metal techniques were simple, with no particular sign of casting, wire drawing or hot working. Jewelry (bangles, beads, pendants etc.) constitute by far the largest number of finds but arrows, adzes, chisels, points and spatulae are known (Miller 1996).

Early Iron Age people were limited to the Miombo and Savannah biomes; excluded from much of the continent's western half by aridity and confined in the south during the 1<sup>st</sup> millennium to bushveld areas of the old Transvaal. Declining summer rainfall restricted occupation to a diminishing belt close to the East Coast and north of S33° (Maggs 1994); sites such as Canasta Place (800AD), Eastern Cape, mark the southern-most limit of Early Iron Age settlement (Nogwaza 1994).

#### ❖ The Central Cattle Pattern

The Central Cattle Pattern (CCP) was the main cognitive pattern since the Early Iron Age (Huffman 1986). The system can be summarized as opposition between male pastoralism and female agriculture; ancestors and descendants; rulers and subjects; and men and women. Cattle served as the primary means of transaction; they represented symbols exchanged for the fertility of wives, legitimacy of children and appeasement of ancestors. Cattle were also used as tribute to rulers confirming sub-ordination and redistribution as loan cattle by the ruler to gain political support. Cattle represented healing and fertilizing qualities (Huffman 1998; Kuper 1980).

This cognitive and conceptual structure underlies all cultural behavior, including the placement of features in a settlement. The oppositions of male and female, pastoralism and agriculture, ancestors and descendants, rulers and subjects, cool and hot are represented in spatial oppositions, either concentric or diametric (Huffman 1986).

A typical CCP village comprise of a central cattle enclosure (byre) where men are buried. The *Kgotla* (men's meeting place / court) is situated adjacent to the cattle enclosure. Surrounding the enclosure is an arc of houses, occupied according to seniority. Around the outer perimeter of the houses is an arc of granaries where women keep their pots and grinding stones (Huffman 1986). The model varies per ethnic group which helps to distinguish ethnicity throughout the Iron Age, but more studies are required to recognize the patterns.

### 3.2) The Middle Iron Age

The hiatus of South African Middle Iron Age activity was centered in the Shashe-Limpopo Valley and characterized by the 5-tier hierarchical Mapungubwe State spanning some 30,000km<sup>2</sup>. By the 1<sup>st</sup> millennium ivory and skins were already exported overseas, with sites like Sofala and Chibuenene, Mozambique, interfacing between interior and transoceanic traders. Exotic glass beads, cloth and Middle Eastern ceramics present at southern African sites mark the beginning of the regions incorporation into the expanding economic system that, partly tied together with maritime trading links across the Indian Ocean, increasingly united Africa, Asia and Europe long before Da Gama or Columbus (Eloff & Meyer 1981; Meyer 1998).

Occupation was initially focused at Bambandanyalo and K2. The Bambandanyalo main midden (1030-1220AD) stands out above the surrounding area, reaching more than 6m in places and covering more than 8ha the site may have housed as many as 2,000 people (Meyer 1998). The CCP was not strictly followed; whether this is ideologically significant or merely a reflection of local topography remains unclear. The

midden, the size of which may reflect the status of the settlement's ruler, engulfed the byre around 1060-1080AD, necessitating relocation of the cattle previously kept there. The re-organization of space and worldview implied suggests profound social changes even before the sites' abandonment in the early 13<sup>th</sup> century, when the focus of occupation moved to Mapungubwe Hill, 1 km away (Huffman 1998).

Excavations at Mapungubwe Hill, though only occupied for a few decades (1220-1290AD), yielded a deep succession of gravel floors and house debris (Eloff & Meyer 1981). Huffman (1998) suggests that the suddenness with which Mapungubwe was occupied may imply a deliberate decision to give spatial expression to a new social order in which leaders physically removed themselves from ordinary people by moving onto more inaccessible, higher elevations behind the stone walls demarcating elite residential areas. Social and settlement changes speak of considerable centralization of power and perhaps the elaboration of new ways of linking leaders and subjects.

At Bambandanyalo and Mapungubwe elite burial grave goods include copper, bone, ivory and golden ornaments and beads. Social significance of cattle is reinforced by their importance among the many human and animal ceramic figurines and at least 6 'beast burials' (Meyer 1998).

Today the drought prone Shashe-Limpopo Valley receives less than 350mm of rainfall per annum, making cereal cultivation virtually impossible. The shift to drier conditions in the late 1200's across the Shashe-Limpopo basin and the eastern Kalahari may have been pivotal in the break-up of the Mapungubwe polity, the collapse of Botswana's Toutswe tradition and the emergence of Great Zimbabwe (1220-1550AD), southern Africa's best known and largest (720ha) archaeological site (Meyer 1998).

South of the Limpopo and north of the Soutpansberg, Mapungubwe derived communities survived into the 14<sup>th</sup> Century, contemporary with the establishment of Sotho-speaking makers of Maloko pottery.

### 3.3) *The Later Iron Age*

South African farming communities of the 2<sup>nd</sup> millennium experienced increased specialization of production and exchange, the development of more nucleated settlement patterns and growing political centralization, albeit not to the same extent as those participating in the Zimbabwe tradition. However, together they form the background to the cataclysmic events of the late 18<sup>th</sup> / early 19<sup>th</sup> Century *Mfecane* (Mitchell 2002).

Archaeological evidence of settlement pattern, social organization and ritual practice often differ from those recorded ethnographically. The Moloko ceramic tradition seems to be ancestral to modern Sotho-Tswana speakers (Evers 1980) and from about 1,100AD a second tradition, the Blackburn tradition, appears along South Africa's eastern coastline. Blackburn produced mostly undecorated pottery (Davies 1971), while Mpambanyoni assemblages, reaching as far south as Transkei, includes examples of rim notching, incised lines and burnished ochre slip (Robey 1980). At present, no contemporary farming sites are known further inland in KwaZulu-Natal or the Eastern Cape.

Huffman (1989) argues that similarities between Blackburn and early Maloko wares imply a related origin, presumably in the Chifumbaze of Zambia or the Ivuna of Tanzania, which contains a range of ceramic attributes important in the Blackburn as well as beehive grass huts similar to those made by the Nguni. This is one of the few suggestions of contact between Sotho-Tswana and Nguni speakers on the one hand and farming communities who, if Huffman is correct, were already long established south of the Limpopo. Both ethnographic and archaeological data demonstrate that Sotho-Tswana and Nguni are patrilineal and organize their settlements according to the CCP (Kuper 1980).

From 1,300AD there is increasing evidence for the beginning of agro-pastoralist expansion considerably beyond the area of previous occupation. It is also to this time that the genealogies of several contemporary Bantu speaking groups can be traced (Wilson & Thompson 1969). Associated with this expansion was the regular employment of stone, rather than wood, as building material, an adaptation that has greatly facilitated the discovery and identification of settlements. Maggs (1976) describes 4 basic settlement types all characterized by the use of semi weathered dolomite to produce hard binding *daga* for house floors and a wall building tradition employing larger more regular stones for the inner and outer faces and smaller rubble for the infill. As with the more dispersed homesteads of KwaZulu-Natal and the Eastern Cape, sites tend to be in locally elevated situations, reflecting a deep seated Sotho and Nguni preference for benign higher places rather than supernaturally dangerous riverside localities; another important contrast to both 1<sup>st</sup> millennium (Maggs 1976) and later Zulu Kingdom settlement patterns (Hall & Maggs 1979).

The lack of evidence for iron production in the interior and eastern part of South Africa emphasize exchange relationships between various groups and associated more centralized polities. By the 19<sup>th</sup> Century iron production in KwaZulu-Natal was concentrated in particular clans and lineages and associated with a range of social and religious taboos (Maggs 1992). South of Durban comparatively few smelting sites are known (Whitelaw 1991), a trend even more apparent in Transkei (Feely 1987). However, metal remained the most important and archaeologically evident item traded between later farming communities. (Other recorded trade items include glass and ostrich eggshell beads; Indian Ocean seashells; siltstone pipes; *dagga*, and later on tobacco; pigments including ochre, graphite and specularite; hides and salt.)

Rising polity settlements are particularly evident in the north of the country and dated to the 17<sup>th</sup> Century, including Molokwane, capital of the Bakwena chiefdom (Pistorius 1994) and Kaditshwene, capital of a major section of the Hurutshe, whose population of 20,000 in 1820 almost equals contemporary Cape Town in size (Boeyens 2000). The agglomeration of Tswana settlements in the north of the country was fuelled by both population growth and conflict over access to elephant herds for ivory and long distance trade with the East Coast. During this period ceramic decoration became blander and more standardized than the earlier elaborate decoration that included red ochre and graphite coloring.

The *Mfecane* refers to the wars and population movements of the early 19<sup>th</sup> Century which culminated in the establishment of the Zulu Kingdom and came to affect much of the interior, even beyond the Zambezi: The late 18<sup>th</sup> Century was marked by increasing demands for ivory (and slaves) on the part of European traders at Delagoa Bay; as many as 50 tones of ivory were exported annually from 1750-1790. As elephant populations declined, competition increased both for them and for the post 1790 supply of food to European and American whalers calling at Delagoa Bay (Smith 1970). Cattle raiding, conflict over land and changes in climatic and subsistence strategies characterized much of the cultural landscape of the time.

Competition for access to overseas trade encouraged some leaders to replace locally organized circumcision schools and age-sets with more permanently maintained military regiments. These were now used to gain access through warfare to land, cattle and stored food. By 1810 three groups, the Mthethwa, Ndwandwe and Ngwane dominated northern KwaZulu-Natal (Wright 1995). The Mthethwa paramountcy was undermined by the killing of its leader Dingiswayo in *circa* 1818, which led to a brief period of Ndwandwe dominance. In consequence one of Dingiswayo's former tributaries, Shaka, established often forceful alliances with chiefdoms further south. Shaka's Zulu dominated coalition resisted the Ndwandwe who in return fled to Mozambique. As the Zulu polity expanded it consolidated its control over large areas, incorporating many communities into it. Others sought refuge from political instability by moving south of the Thukela River, precipitating a further *domino effect* as far as the Cape Colony's eastern border (Wright 1995).

#### 4) *The Colonial Period*

In the 15<sup>th</sup> Century Admiral Zheng He and his subordinates impressed the power of the Ming Dynasty rulers in a series of voyages as far afield as Java, Sri Lanka, southern Arabia and along the East African coast, collecting exotic animals *en route*. But nothing more came of his expeditions and China never pursued opportunities for trade or colonization (Mote 1991).

Portuguese maritime expansion began around the time of Zheng He's voyages; motivated by a desire to establish a sea route to the riches of the Far East. By 1485 Diogo Cao had reached Cape Cross, 3 years later Bartolomeu Dias rounded the Cape of Good Hope and less than a decade later Vasco da Gama called at several places along South Africa's coast, trading with Khoekhoen (Khoi) at Mossel Bay before reaching Mozambique and crossing the ocean to India. His voyage initiated subsequent Portuguese bases from China to Iraq. In Africa interest was focused on seizing important coastal trading towns such as Sofala and gaining access to the gold of Zimbabwe. Following the 1510 Portuguese-Khoekhoen battle at Table Bay, in which the viceroy of India was killed, Portuguese ships ceased to call along the South African coast (Elphick 1985).

A number of shipwrecks, primarily along the eastern coast attest to Portuguese activity including the Sao Joao, wrecked in 1552 near Port Edward and the Sao Bento, destroyed in 1554 off the Transkei coast. Survivors' accounts provided the 1<sup>st</sup> detailed information on Africa's inhabitants (Auret & Maggs 1982).

By the late 1500's Portuguese supremacy of the Indian Ocean was threatened. From 1591 numerous Dutch and English ships called at Table Bay and in 1652 the Dutch East Indian Company (VOC) established a permanent base, with the intent to provide fresh food and water to VOC ships. In an attempt to improve the food supply a few settlers (free burghers) were allowed to establish farms. The establishment of an intensive mixed farming economy failed due to shortages of capital and labor, and free burghers turned to wheat cultivation and livestock farming. While the population grew slowly the area of settlement expanded rapidly with new administrative centers established at Stellenbosch (1676), Swellendam (1743) and Graaf-Reinet (1785). By the 1960's the Colony's frontier was too long to be effectively policed by VOC officials (Elphick 1985).

From the 1700's many settlers expanded inland over the Cape Fold Mountain Belt. The high cost of overland transport constrained the ability to sell their produce while settlement of the interior was increasingly made difficult by resident KhoiSan groups, contributing due to a lack of VOC military support to growing Company opposition in the years before British control of the Cape (1795 / 1806) (Davenport & Saunders 2000).

In 1820 a major British settlement was implanted on the eastern frontier of the Cape Colony, resulting in large numbers of the community moving into the interior, initially to KwaZulu-Natal, and then after Britain annexed Natal (1843), further into the interior to beyond the Vaal River. Disruptions of the *Mfecane* eased their takeover of African lands and the *Boers* (farmers) established several Republics. A few years later the 2<sup>nd</sup> South African War saw both the South African and Orange Free State Republics annexed by Britain, a move largely motivated by British desire to control the goldfields of the Witwatersrand. With adjacent regions of the sub-continent also falling, directly or indirectly, under

British rule and German colonization of Namibia, European control of the whole of southern Africa was firmly established before the 1<sup>st</sup> World War (Davenport & Saunders 2000).

#### ❖ **Xhosa Iron Age Cultures meets Colonists in the Eastern Cape**

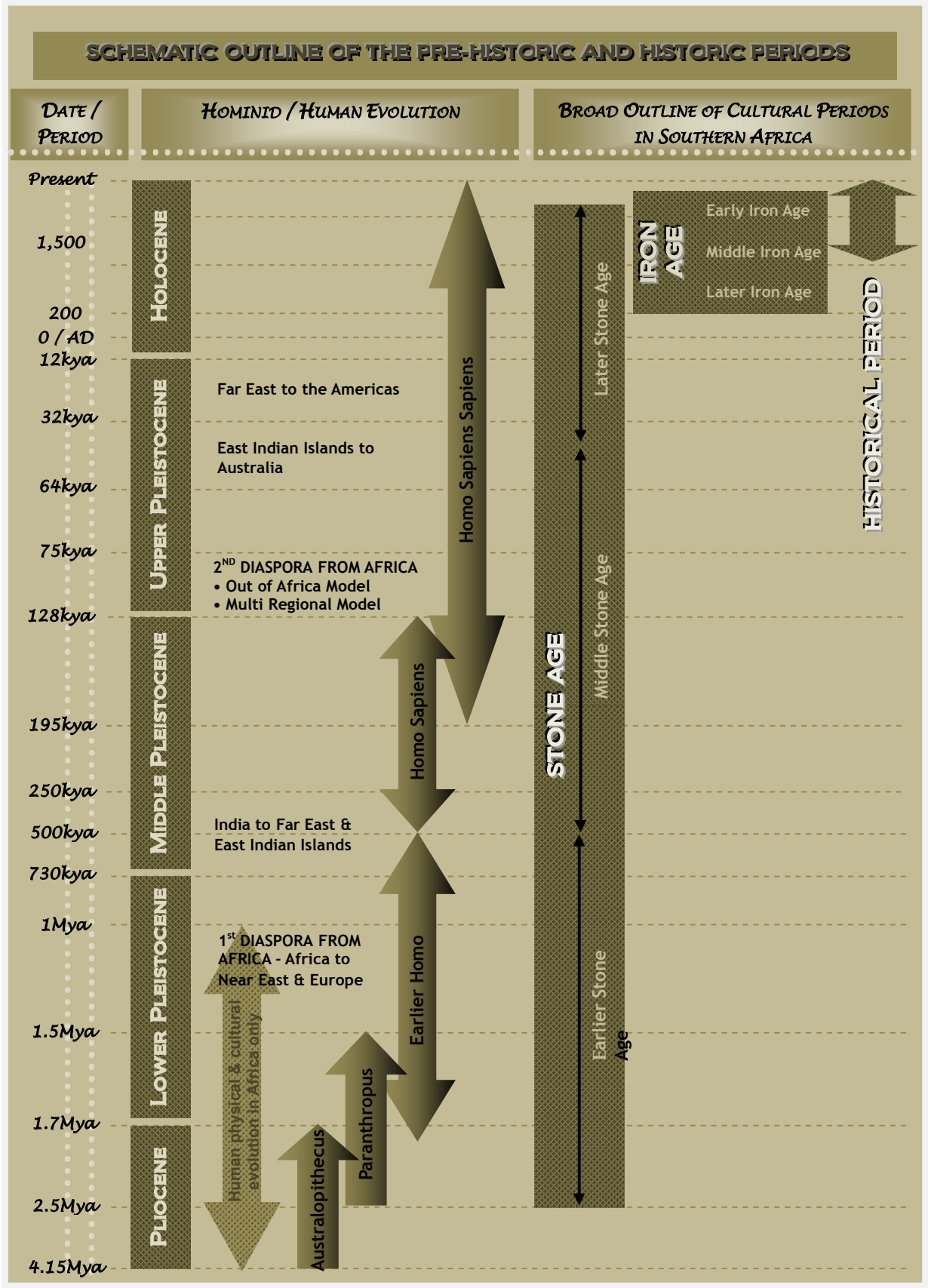
From the late 1600's conflict between migrants from the Cape (predominantly Boers) and Xhosa people in the region of the Fish River were strife, ultimately resulting in a series of 9 Frontier Wars (1702-1878) (Milton 1983). Both cultures were heavily based and reliant on agriculture and cattle farming. As more Cape migrants, and later settlers from Britain (1820) and elsewhere arrived, population pressures and competition over land, cattle and good grazing became intense. Cattle raiding became endemic on all sides, with retaliatory raids launched in response. As missionaries arrived with evangelical messages, confrontations with hostile chiefs who saw them as undermining traditional Xhosa ways of life resulted in conflicts which flared into wars.

As pressures between the European settlers and the Xhosa grew, settlers organized themselves into local militia, counteracted by Xhosa warring skills: But both sides were limited by the demands of seasonal farming and the need for labor during harvest. Wars between the Boers and the Xhosa resulted in shifting borders, from the Fish to the Sundays River, but it was only after the British annexed the Cape in 1806 that authorities turned their attention to the Eastern regions and petitions by the settlers about Xhosa raids. British expeditions, in particular under Colonel John Graham in 1811 and later Harry Smith in 1834, were sent not only to secure the frontier against the Xhosa, but also to impose British authority on the settlers, with the aim to establish a permanent British presence. Military forts were built and permanently manned. Over time the British came to dominate the area both militarily and through occupation with the introduction of British settlers. The imposition of British authority led to confrontations not only with the Xhosa but also with disaffected Boers and other settlers, and other native groups such as the Khoikhoi, the Griqua and the Mpondo. The frontier wars continued over a period of about 150 years; from the 1<sup>st</sup> arrival of the Cape settlers, and with the intervention of the British military ultimately ending in the subjugation of the Xhosa people. Fighting ended on the Eastern Cape frontier in June 1878 with the annexation of the western areas of the Transkei and administration under the authority of the Cape Colony (Milton 1983).

#### ❖ **The Industrial Revolution**

The Industrial Revolution refers roughly to the period between the 18<sup>th</sup> - 19<sup>th</sup> Centuries, typified by major changes in agriculture, manufacturing, mining, transport, and technology. Changing industry had a profound effect on socio-economic and socio-cultural conditions across the world: The Industrial Revolution marks a major turning point in human history; almost every aspect of daily life was eventually influenced in some way. Average income and population size began to exhibit unprecedented growth; in the two centuries following 1800 the world's population increased over 6-fold, associated with increasing urbanization and demand of resources. Starting in the latter part of the 18<sup>th</sup> century, the transition from manual labor towards machine-based manufacturing changed the face of economic activity; including the mechanization of the textile industries, the development of iron-making techniques and the increased use of refined coal. Trade expansion was enabled by the introduction of canals, improved roads and railways. The introduction of steam power fuelled primarily by coal and powered machinery was underpinned by dramatic increases in production capacity. The development of all-metal machine tools in the first two decades of the 19<sup>th</sup> century facilitated the manufacture of more production machines in other industries (More 2000).

Effects of the Industrial Revolution were widespread across the world, with its enormous impact of change on society, a process that continues today as 'industrialization'.



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## EXTRACTS FROM THE NATIONAL HERITAGE RESOURCES ACT, NO 25 OF 1999

**DEFINITIONS****Section 2**

In this Act, unless the context requires otherwise:

- ii. *"Archaeological"* means –
  - a) material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;
  - b) 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 which is older than 100 years, including any area within 10 m of such representation;
  - c) 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 maritime culture zone of the Republic,... 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.
- viii. *"Development"* means any physical intervention, excavation or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including –
  - a) construction, alteration, demolition, removal or change of use of a place or structure at a place;
  - b) carrying out any works on or over or under a place;
  - c) subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;
  - d) constructing or putting up for display signs or hoardings;
  - e) any change to the natural or existing condition or topography of land; and
  - f) any removal or destruction of trees, or removal of vegetation or topsoil;
- xiii. *"Grave"* means a place of interment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place;
- xxi. *"Living heritage"* means the intangible aspects of inherited culture, and may include –
  - a) cultural tradition;
  - b) oral history;
  - c) performance;
  - d) ritual;
  - e) popular memory;
  - f) skills and techniques;
  - g) indigenous knowledge systems; and
  - h) the holistic approach to nature, society and social relationships.
- xxxi. *"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 trance;
- xli. *"Site"* means any area of land, including land covered by water, and including any structures or objects thereon;
- xliv. *"Structure"* 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;

**NATIONAL ESTATE****Section 3**

- 1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.
- 2) Without limiting the generality of subsection 1), the national estate may include –
  - a) places, buildings, structures and 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;
  - g) graves and burial grounds, including –
    - i. ancestral graves;
    - ii. royal graves and graves of traditional leaders;
    - iii. graves of victims of conflict
    - iv. graves of individuals designated by the Minister by notice in the Gazette;
    - v. historical graves and cemeteries; and
    - vi. other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No 65 of 1983)
  - h) sites of significance relating to the history of slavery in South Africa;
  - i) movable objects, including –
    - i. objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;

- ii. objects to which oral traditions are attached or which are associated with living heritage;
- iii. ethnographic art and objects;
- iv. military objects;
- v. objects of decorative or fine art;
- vi. objects of scientific or technological interest; and
- vii. books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1 xiv) of the National Archives of South Africa Act, 1996 (Act No 43 of 1996).

## **STRUCTURES**

### ***Section 34***

- 1) No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

## **ARCHAEOLOGY, PALAEOLOGY AND METEORITES**

### ***Section 35***

- 3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.
- 4) No person may, without a permit issued by the responsible heritage resources authority –
  - a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;
  - b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;
  - c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or
  - d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- 5) When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedure in terms of section 38 has been followed, it may –
  - a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
  - b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
  - c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph a) to apply for a permit as required in subsection 4); and
  - d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.
- 6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or meteorite is situated, serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

## **BURIAL GROUNDS AND GRAVES**

### ***Section 36***

- 3) 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 of any burial ground or grave referred to in subsection 3a) 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 3b) 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-internment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

## **HERITAGE RESOURCES MANAGEMENT**

### ***Section 38***

- 1) Subject to the provisions of subsections 7), 8) and 9), any person who intends to undertake a development categorised as –
  - a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
  - b) the construction of a bridge or similar structure exceeding 50 m in length;
  - c) any development or other activity which will change the character of a site –
    - i. exceeding 5 000 m<sup>2</sup> in extent; or
    - ii. involving three or more existing erven or subdivisions thereof; or
    - iii. involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
    - iv. the costs which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
  - d) the rezoning of a site exceeding 10 000 m<sup>2</sup> in extent; or
  - e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.
- 2) The responsible heritage resources authority must, within 14 days of receipt of a notification in terms of subsection 1)–
  - a) if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report. Such report must be compiled at the cost of the person proposing the development, by a person or persons approved by the responsible heritage resources authority with relevant qualifications and experience and professional standing in heritage resources management; or
  - b) notify the person concerned that this section does not apply.
- 3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection 2a) ...
- 4) The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development decide –
  - a) whether or not the development may proceed;
  - b) any limitations or conditions to be applied to the development;
  - c) what general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;
  - d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and
  - e) whether the appointment of specialists is required as a condition of approval of the proposal.

## **APPOINTMENT AND POWERS OF HERITAGE INSPECTORS**

### ***Section 50***

- 7) Subject to the provision of any other law, a heritage inspector or any other person authorised by a heritage resources authority in writing, may at all reasonable times enter upon any land or premises for the purpose of inspecting any heritage resource protected in terms of the provisions of this Act, or any other property in respect of which the heritage resources authority is exercising its functions and powers in terms of this Act, and may take photographs, make measurements and sketches and use any other means of recording information necessary for the purposes of this Act.
- 8) A heritage inspector may at any time inspect work being done under a permit issued in terms of this Act and may for that purpose at all reasonable times enter any place protected in terms of this Act.
- 9) Where a heritage inspector has reasonable grounds to suspect that an offence in terms of this Act has been, is being, or is about to be committed, the heritage inspector may with such assistance as he or she thinks necessary –
  - a) enter and search any place, premises, vehicle, vessel or craft, and for that purpose stop and detain any vehicle, vessel or craft, in or on which the heritage inspector believes, on reasonable grounds, there is evidence related to that offence;
  - b) confiscate and detain any heritage resource or evidence concerned with the commission of the offence pending any further order from the responsible heritage resources authority; and
  - c) take such action as is reasonably necessary to prevent the commission of an offence in terms of this Act.
- 10) A heritage inspector may, if there is reason to believe that any work is being done or any action is being taken in contravention of this Act or the conditions of a permit issued in terms of this Act, order the immediate cessation of such work or action pending any further order from the responsible heritage resources authority.