



PHASE 1 ARCHAEOLOGICAL AND HERITAGE IMPACT ASSESSMENT STUDY FOR THE PROPOSED REHABILITATION OF HERITAGE SITES ASSOCIATED WITH LEKGALONG LA MANTSOPA PROJECT IN MANTSOPA LOCAL MUNICIPALITY, MOTELO DISTRICT IN THE FREE STATE PROVINCE

McEdward Murimbika (Ph.D)

This report details the heritage impact assessment for the Expanded Public Works Program-funded Legkalong La Mantsopa Rehabilitation project in Mantsopa Local Municipality in the Free State Province. The study is a first phase of a two-phased exercise that seeks to assess the impact of the EPWP project and the development of a comprehensive Heritage Conservation Management Plan for the cultural landscape. The study was commissioned by Mukumba Resources and Project Management as remedy to concerns raised by the South African Heritage Resources Agency with reference to the rehabilitation and facilities upgrade work that was underway at the heritage sites of Legkalong La Mantsopa.

**Nzumbululo Heritage Solutions
Heritage Management Division
Private Bag X9307.
0700**

Tel: +27 (0) 15 297 8066

Fax: +27 (0) 15 297 0059

E-mail: hessa5@telkomsa.net

November 2010, Polokwane

REPORT PREPARED BY:

**Nzumbululo Heritage Solutions
Heritage Management Division**
Private Bag X9307; 0700
Tel: +27 (0) 15 297 8066
Fax: +27 (0) 15 297 0059
E-mail: hessa5@telkomsa.net

PREPARED FOR:

Mukumba Resources and Project
Management
No.8 Vyfde Street
Ladybrand;1685
[Tel: 051 924 5539](tel:0519245539) ;
Fax: 051 634 1981



Nzumbululo
heritage solutions south africa

www.nzumbululo.com

EXECUTIVE SUMMARY

Mukumba Resources and Project Management requested Nzumbululo Heritage Solutions (HeSSA) to carry out an Archaeological and Heritage Impact Assessment (HIA) study and heritage site conservation management planning for the Legkalong La Mantsopa Rehabilitation project in Mantsopa Local Municipality in the Free State Province. The project is funded through the Expanded Public Works Programme (EPWP). The rehabilitation and associated development comprises rehabilitation of the Cave Church, Anna Mantsopa's grave and the sacred fountain sites. Work on site has been going on without the necessary heritage assessment and conservation management plan being in place. As a result, the South African Heritage Resources Agency (SAHRA) intervened and directed that work be suspended until the relevant planning and authorisations are fulfilled. This study is therefore a remedial exercise to ensure the project may proceed inline with best practices heritage management procedures.

This study constitutes the initial survey that precedes the proposed heritage management plan. Furthermore, this study is part of remedy intervention following SAHRA's directive to have the work at Legkalong La Mantsopa to be suspended. It consists of a site condition survey and impact assessment that focuses on physical condition of the sites, causes of physical site damage, potential threats to the sites, site significance, accessibility and current utilisation. Field studies were conducted in October 2010 under the direction of Principal Investigator, Dr. M. Murimbika.

Brief Results

Most of the physical cultural properties on the project site range from poor to stable state of preservation. It was this status quo that prompted the National government to initiate the rehabilitation project through the EPWP. Unfortunately, rehabilitation work has been going on site for over a year before this assessment and conservation management planning (CMP) study was commissioned. Further major threats to the physical conditions of the heritage sites relates to the contemporary use. The hunter-gatherer rock paintings on the roof of the Cave Church have been heavily disturbed and yet maintained through out the site's history of use as a religious site. The religious pilgrims who use the sites for worship and rituals (Christian and traditional) purposes are not monitored or coordinated in a systematic way. The heavy traffic is placing the sites under severe physical pressure.

In absence of proper pre-planning, the full impact of the unmonitored rehabilitation activities already done on site is yet to be measured. According to The National Heritage Resources Act 25 of 1999, the current activities carried out by Mukumba Resources and Project Management, prior to this intervention study, constitutes an illegal activity.

As such it should be duly noted that Nzumbululo Heritage Solutions cc in put into this project does not absolve Mukumba Resources and Project Management from complying with directives from SAHRA with regard to work that has been going on site prior to this HIA and site condition survey.

Summary Recommendations

- First and foremost, the rehabilitation work at Lekgalong La Mantsopa cultural landscape should not proceed without an approved heritage monitoring and conservational management plan that will guide all work at the heritage sites.
- Mukumba Resources should seek to comply with directives that were issued by SAHRA and provincial heritage authority to ensure sustainable management of the heritage resources on site to ensure the EPWP-funded project is to comply with applicable legislations.
- Rehabilitation and restoration work should be suspended to allow Mukumba Resources to develop a concise heritage management plan, which will be compatible with the project objectives and in line with directives issued by the SAHRA.
- Mukumba Resources Project managers must develop a comprehensive public participation program to re-engage all interested and affected parties in order to revisit the major issues at stake to allow for better proposal for management strategies that do not alienate some stakeholders.
- The Cave Church, the entire Modderpoort Cemetery, the fountain site and some church buildings may not be disturbed during the rehabilitation project unless such interference is approved by the relevant heritage authorities.
- Specific attention needs to be paid to evaluating aesthetic visual impacts before finalising the Modderpoort design and Heritage management planning for the Lekgalong La Mantsopa Rehabilitation Program activities.
- Overall, the Lekgalong La Mantsopa Rehabilitation Program will enhance the value and utilitarian significance of the Modderpoort from a socio-economic development and religious perspectives. As such, the program should be implemented in such a manner that ensures sustainable heritage management without degrading the religious, utilitarian and intangible values of the area. As such, the heritage authorities may clear the EPWP project subject to development and adoption of a comprehensive heritage conservation management plan.

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1 INTRODUCTION

Mukumba Resources and Project Management cc requested Nzumbululo Heritage Solutions CC to conduct an archaeological (AIA) and heritage impact assessment (HIA) and conservation management planning study for the Lekgalong La Mantsopa project at Modderpoort in Mantsopa Local Municipality in the Free State Province. As such the study is divided into two phases: the first phase is the impact assessment and the second phase is development of the site conservation management plan. The present study forms first phase of the project. This study was requested following SAHRA's intervention to stop the rehabilitation work that was already underway at Lekgalong La Mantsopa site under the management of Mukumba Resources. SAHRA's concerns were based on the fact that the work maintenance and rehabilitation works were done without professional advice and in violation of heritage management legislation. The Lekgalong La Mantsopa Development project in question includes upgrading of three Modderpoort historic heritage sites linked with revered Mantsopa. The upgrade would provide fencing, maintenance and erection of service facilities for the three sites.

The client requested that Nzumbululo Heritage Solution conduct an archaeological and heritage assessment to identify possible areas of sensitivity as well as opportunities and constraints that would affect the maintenance and rehabilitation work with the view to remedy the problems raised by SAHRA. As such this study is not a standard AIA and HIA exercise. It includes a status quo assessment and site condition survey as the basis to remedy heritage management limitations associated with the current project and eventual establishment of an organic heritage conservation management plan for the entire cultural landscape. Nonetheless, this assessment has been carried out while taking into consideration the requirements of the National Heritage Resources Act 25 of 1999 bearing in mind that the project area falls within a cultural landscape that retains both physical and intangible heritage significance stemming from the religious use of the sacred Cave Church, Grave site and fountain site.

The Lekgalong La Mantsopa site are technically part of a provincial heritage landscape of Mooderfontein given the fact that this area was a national monument under the pre-1994 Monuments Council. The 1999 heritage legislation decommissioned such heritage sites and classified them as provincial heritage resources subject to the provincial authorities re-grading them and nominating them for possible re-declaration to Grade 1 national heritage site. As such This HIA report primarily serves to provide decision-making authorities (SAHRA) and the developer, with relevant information pertaining to the heritage resource base of the project area as a foundation for developing a sustainable heritage conservation magement plan.

2 AIMS OF THE HIA STUDY

The Lekgalong La Mantsopa project area is a heritage landscape of significance currently protected under the national heritage legislation. Any intervention on the heritage resources in the project area would

required an approved pre-development plan that meets prescribed heritage management measures as stipulated in SAHRA and other applicable provincial heritage policies. Be that as it may, the current site maintenance and rehabilitation work at Lekgalong La Mantsopa required such pre-development planning clearance and authorisation from the South African Heritage Resources Agency. Since that due process was not followed, SAHRA intervened and stopped the project.

It is important to emphasise that heritage assessment studies are very important given the fact that the archaeological and other physical cultural heritage are finite non-renewable physical and material resources. Archaeology and history are the study of past human societies through their material remains and artefactual assemblages and other document and oral records respectively. The study of archaeological and historical remains increases our understanding and knowledge of the structure, biophysical and culture environments of the past and associated ancient societies that may laid the foundations of the contemporary communities and societies we inheritage.

Therefore, the present study primarily seeks to address the applicable regulations in order to comply with the laws governing the management of heritage resources. The objective of this study phase is not to seek authorisation from the heritage authority for the current rehabilitation work that has already commenced. The study will highlight threats to the heritage resources at Lekgalong La Mantsopa stemming from natural deterioration, negligence, lack of management and eventually the impact of unplanned rehabilitation and maintenance work. Data from the study will be used as the foundation for the phase two exercise to design a proper heritage management plan for the affected Lekgalong La Mantsopa sites. While the present phase study evaluates the impact of the current rehabilitation of the heritage sites including, for example, the Cave Church hunter-gatherer paintings on the roof, the study mandate, therefore, is to:

- Encourage and facilitate the protection and conservation of archaeological and cultural sites associated with Lekgalong La Mantsopa, in accordance with the provisions of the National Heritage Resources Act (Act No. 25 of 1999).
- Identify and describe, (in terms of their conservation and / or preservation importance) sites of historical, cultural and archaeological importance that may be affected by the Lekgalong La Mantsopa Development Plan project.
- Assess the significance of the heritage resources at Lekgalong La Mantsopa with the view to develop an organic conservation management plan to guide current and any future heritage rehabilitation or management processes for the affected cultural landscape.
- Evaluate the impact thereon with respect to the socio-economic opportunities and benefits that would be derived from the current and future proposed developments.
- Get feed back from the project manager on the results of their consultations with the affected and other interested parties with regards to the impact on the heritage resources in the project's receiving environment. Such data are critical in developing a conservation management plan for future site management interventions.

- Make recommendations on mitigation measures with the view to reduce specific adverse impacts and enhance specific positive impacts on the heritage resources as a basis for developing an organic heritage management plan for the cultural landscape..
 - Take responsibility, where applicable and enabled, for communicating with the SAHRA and other authorities in order to obtain the relevant permits and authorisation with reference to heritage aspects to allow the project managers (Mukumba Resources) to fulfil the earlier issued SAHRA directives and ensure future compliance as project proceed.
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3 STATUTORY REQUIREMENTS

From a planning perspective, the on going and proposed Lekgalong La Mantsopa rehabilitation and development is guided and governed by legislative acts and guidelines including environmental, spatial planning, land use and heritage management laws and regulations. Among all the laws and regulations drafted for the protection of the natural and cultural resources and the environment, the following acts have particular relevance to the management of heritage sites (archaeological, cultural and historical sites) wherever they are found in the Republic.

- The National Heritage Resources Act, [NHRA] No.25 of 1999
- Environmental Conservation Act, No.73 of 1989
- National Environment Management Act (NEMA), No.107 of 1998

In terms of Section 35 (4) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999),

...no person may, without a permit issued by the relevant heritage resources authority, destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or material or any meteorite; or bring onto, or use at an archaeological or palaeontological site any excavation equipment or any equipment that assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.

Archaeological, historical and palaeontological sites, materials, and meteorites are seen in the NHRA as “the source of our understanding of the evolution of the earth, life on earth and the history of people.” In this context, the law emphasize that the management of significant heritage resources is integrated with environmental resources and this means that heritage resources should be assessed and, if necessary, rescued before development is allowed to take place. In areas where there has not yet been systematic survey to identify conservation-worthy places, a permit is required to alter or demolish any historic structure older than 60 years or military installation of over 75 years old. This will apply until a survey is done and identified heritage resources are formally protected. These regulations and guidelines are applicable in any area and milieu in the Republic of South Africa. The SAHRA regulations also stipulates how any development, rehabilitation or otherwise, on known heritage resources should follow outlined best

practice conservation and heritage management processes (also see SHRA APMHO, 2004; SAHRA APM, 2006). Heritage resources protected by applicable legislations include the following:

- Archaeology
- Palaeontology
- Built Heritage
- Architectural Heritage
 - Architectural Conservation Areas
 - Protection of the Architectural Heritage
- Significant Graves and Burial grounds
- Natural Heritage
 - Local Biodiversity
 - Protected Species
 - Trees
 - Avi-fauna
 - Fauna
- Intangible cultural heritage & community identity

4 BRIEF DESCRIPTION OF THE PROJECT

4.1 PROJECT TECHNICAL DETAILS

The client (Mukumba Resources) did not provide any formal documentation relating to the project they are running at Lekgalong La Mantsopa. However, based on verbal and sketchy information provided by the client, the Department of Environmental Affairs is funding this project as part of the Expanded Public Works Programme. As such, there no program plan or technical records were offered by the project managers in order to help a clear comprehensive details of what has been done or what is planned as part of this Expanded Public Works funded project.

Based on data collectd from the ground and hitorical records, Modderpoort is a unique cultural landscape and home to four sacred sites (see Figure 1). The sites include huntergratherer paintings, the Cave Church, the Christian Church and cemetery and Anna Mantsopa's grave (Ouzman 1999), and a sacred fountain which is also associated with the legendary Mantsopa. The significance of this cultural landscape is noted in the original listing of Modderpoort as a national monumnet under the pre-1994 monuments and relic legilsation. Furthermore, there has been efforts to nominate the landscape to Unesco World Heritage Resources listing. According to the original submission to the South African World Heritage Committee, dated 30 June 1998, Modderpoort is Africa's rare centre for the amalgamation of different cultures and faiths that straddles through time.

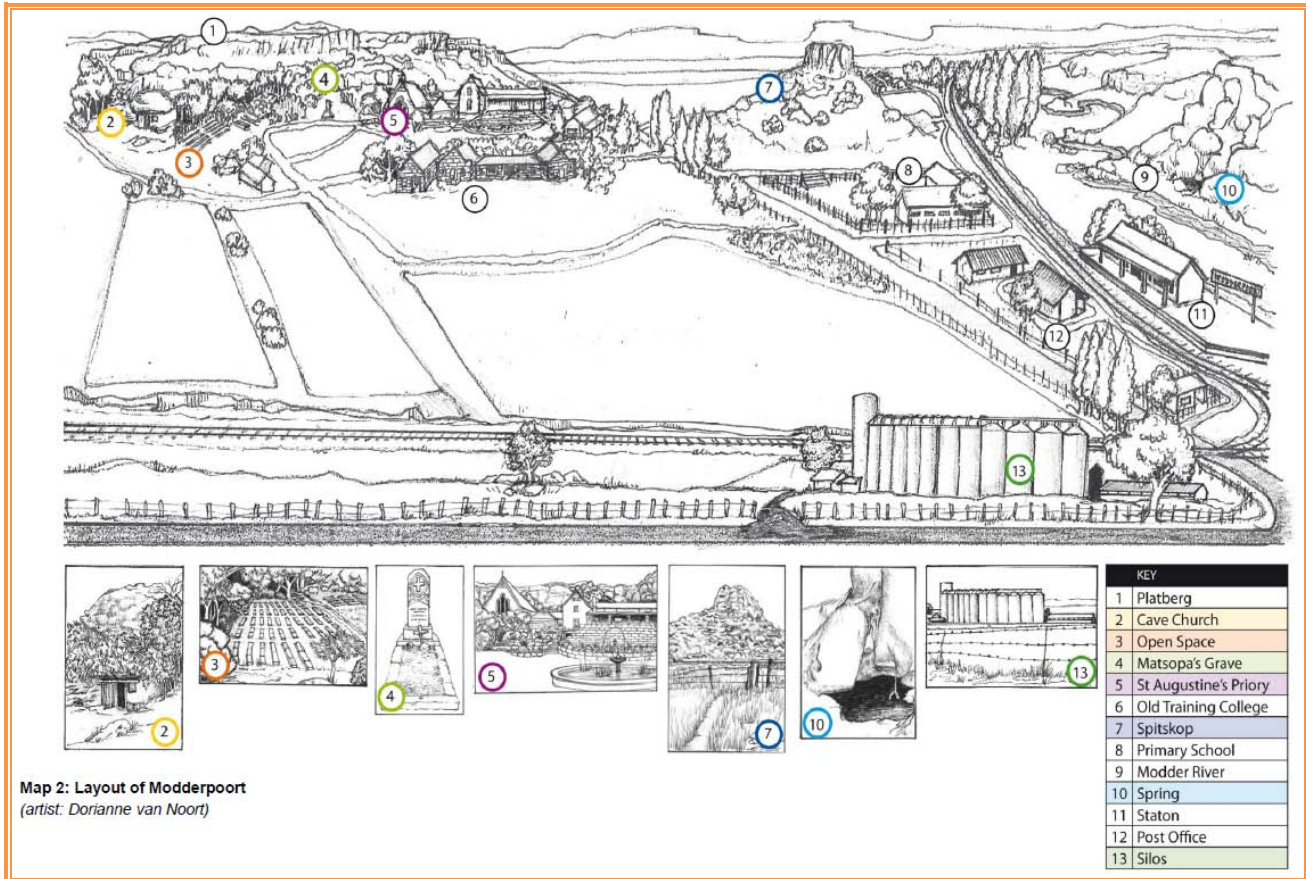


Fig. 1: Layout of Modderpoort (adapted from Colman 2008)

The affected farm and townland belongs to the Anglican Church. The church owns the farms Modderpoort and Modderpoortspruit, jointly referred to as Modderpoort. The project area is located within St. Augustine's Priory, which was established at Modderpoort in 1870. The entire Modderpoort landscape was declared as a national heritage site in 1936 and later decommissioned after 1994. As such, under the NHRA, the entire landscape is officially a Grade 2 Provincial Heritage site protected by the relevant NHRA and SAHRA, and provincial heritage legislations and regulations. Therefore any intervention to the site was supposed to have been sanctioned and approved by SAHRA and the provincial heritage authority prior to any work beginning on site. The entire landscape is highly sensitive in terms of cultural heritage resources. The study area also consists of primarily natural areas with limited disturbance and areas that are already built up (Fig 1, 2 & 3). The infrastructure on the site comprises the Anglican Church Mission Station (see Plate 1), old railway infrastructure, post office, a dam that supplied water for steam engines and some service infrastructure (electricity powerlines, ablution facilities and water reticulation) (see Fig 1).

The according to Mukumba Resources, the Expanded Public Works funded project seek to expand and upgrade the facilities associated with Likgalong La Mantsopa including access road infrastructure, rehabilitating the physical heritage properties on site. The proposed development consists of rehabilitation of the Cave Church, Anna Mantsopa's gravesite as well as the fountain site (see Fig. 1).



Plate 1: View of an old church building at St Augustine Priory.

4.2 MUNICIPALITY LOCATION AND DESCRIPTION OF THE STUDY AREA

4.2.1 Locational details – GPS Coordinates Location Details

Province:	Free State
Local Municipalities:	Mantsopa Local Municipality
Name Properties affected:	Modderpoort and Modderpoortspruit farms.
Proposed development:	Rehabilitation of Cave Church, Mantsopa Grave site and fountain site.

1:50 000 map name: 2927 AB Ladybrand (Fig. 3)

GPS Co-ordinates and description of Cave Church, Grave Site and fountain site:

S29° 06' 00.1" E O27° 26' 51.3" (Fountain site)

S29° 06' 54.4" E O27° 26' 46.2". (Cave Church)

S29° 06' 45.2" E O27° 26' 45.5". (Burial site).

4.2.2 Brief Biophysical Background

The study area is in the Mantsopa Local Municipality. The surrounding land-uses are predominantly livestock farming, and commercial-scale cropping. The entire study area comprises heavily altered natural vegetation landscapes that have been disturbed by farming and livestock grazing. There are pockets of

upporting indigenous forests, watercourses and grasslands. The majority of the open area is currently used for grazing livestock. The area has an average rainfall of 450mm per annum, with a mean temperature of 20°C, mean maximum temperature of 26°C and a mean minimum temperature of 15°C (www.weatherservice.co.za). The region is part of the Caledon and Modder Rivers system.

4.2.3 Accessing the Project Area

The project area is located between Ladybrand and Clocolan in the Free State Province. The site is accessed mainly through Ladybrand on the N8 Road. The Modderpoort town is well signed and the area is part of the Maluti Tourism route (also see Fig. 1 to 3)

4.3 CULTURE HISTORY

The Modderpoort area falls within a broader historical and cultural landscape which covers most the modern day Free State Province. The region's culture history goes back to Stone Age periods. The San hunter-gatherer people lived for centuries long before the Bantu-speaking peoples arrived in southern Africa. The San hunter-gatherer left behind a large amount of archaeological evidence including hunting camps marked with stone tools, rock art (usually on rock shelter and cave walls and well as cliff faces that today are some of the most unique prehistoric paintings on the continent. Some of the most important Stone Age sites in this milieu include Modderpoort, Rose Cottage and Tandyiesberg caves which are particularly noted for their rock paintings and large deposits of stone age cultures (Decoan and Decoan, 1999).

The hunter-gatherer painting are easily distinguishable by their paints which were prepared from iron oxides, charcoal, gypsum, ochre, and paintbrushes made of reeds, hairs and feathers. The hunter-gatherers' activities and beliefs were reflected on the walls of their shelters by their artists - the battles, the hunts, the animals and birds, the mythological beings, bees and fish, ladders and digging sticks, dances and families. They painted till as late and the most recent to around AD 1720-1820 particularly further North East in the Drakensberg Mountain range where the last hunter-gatherers resided as farming communities expanded (Deacon & Deacon 1999; Write & Mazel 2007).

From round about 450 AD the Early Iron Age (EIA) proto-Bantu-speaking farming communities began to arrive into the eastern and northern regions of what is today South Africa and spread into the inner grasslands. These EIA communities are archaeologically referred to as the Mzonjani facies of the Urewe EIA Tradition (Huffman, 2007: 127-9). They occupying the foot-hills and valley lands from coastlands to inland introducing settled life, domesticated livestock, crop production and the use of iron. Alongside the Urewe Tradition was the Kalundu Tradition whose EIA archaeological sites have been recorded along the northern coastland and the inland areas. From AD 650 to 750 the EIA sites in the region are classified as

the Msuluzi facies, which was replaced by the Ndongondwane and Ntsekane facies from AD 750 to 950 and AD 950 to 1050 respectively.

By 1050 AD proto-Nguni Bantu-speaking groups associated with the Late Iron Age (LIA) called the Blackburn sub-branch of the Urewe Tradition had arrived in the region migrating from the central African region of the Lakes Tanganyika and Victoria (Huffman 2007: 154-5). The according to archaeological data available, the Blackburn facies ranged from AD 1050 to 1500 (*ibid.* p.155). The Free State inland saw the development of the LIA facies between AD 1350 and 1750. This facies is archaeologically interpreted as representing inland migration by LIA Nguni speaking groups (Huffman 2007). Moor Park is associated with settlements marked by stonewalling. The period from AD 1300 to 1750 saw multiple Nguni dispersal from the coast land into the hinterland and eventually across the Drakensberg Escapement into central and eastern South Africa including the Free State spreading all the way to the Eastern Cape regions.

The Late Iron Age Nguni communities engaged in the Indian Ocean Trade exporting ivory and importing consumables such as cloth and glass beads. This brought the Bantu speaking community in touch with the IndoAsian and first Europeans (Portuguese). It was the arrival of the Dutch and the English traders that opened up Delagoa Bay to more trade did the Nguni engaged in extensive trade with the international traders (Huffman 2007). From the late 1700s, trade in supply of meat to passing ship had increased substantially to an extent that by 1800 meat trade is estimated to have surpassed ivory trade. At the same time population was booming following the increased food production that came with the introduction of maize which became the staple food. Naturally, there were signs that population groups had to compete for resources and at time move out of region which may have been under stress.

One of the most documented movements out of KwaZulu Natal was part of the *mfecane* (wandering hordes) period of tremendous insecurity and military stress. Around the 1830s, the region also witnessed the massive movements associated with the *mfecane* ('wandering hordes'). The causes and consequences of the *mfecane* are well documented elsewhere (e.g. Hamilton 1995; Cobbing 1988). In this context new African kingdoms imaged such as the Zulu Kingdom under Shaka in the second quarter of the 1800s AD.

From 1835 the Voortrekker with horses and wagons arrived in the foothills of the hinterlands of today's Free State Province. In 1837 the Voortrekkers arrived in Natal and what came to be the Orange Free State in the shadow of the weakened Zulu and the BaSotho kingdoms as a result of the *mfecane*. Through out the middle of the 1800s the region saw settler wars and by 1866 during the Seqiti wars the Sotho were displaced from their land that was incorporated into the then Orange Free State. The region was eventually subjugated to settler administration and eventually part of the area came to be part of ZAR of Orange Free State. Thereafter the region was subsequently annexed by the British effectively placing the majority of African communities under Orange Free State colonial administration by the beginning of the 20th century. Today the project area is predominantly Sotho speaking.

4.4 CONTEMPORARY HISTORY

St Augustine's Priory was established at Modderpoort in 1870. Modderpoort is also known in SeSotho as Lekgalong La BoTau meaning pass of the lions. The site is located in the Eastern Free State 14km from Ladybrand, a historic town founded in 1867 as part of the then Orange Free State (see Figure 2). After the defeat and subsequent displacement of the BaSotho during the Siqiti Wars from 1843 to 1866 the Eastern Free State then referred to the "Conquered Territory" was divided into farms and offered to the victorious colonial invaders.

In 1865 Bishop Twells of the Bloemfontein Anglican Church Diocese bought the two farms Modderpoort and Modderpoortspruit as a base for missionary work in the area. The first missionaries to settle at Modderpoort arrived in 1869. The group led by Henry Becket first resided at the Cave Church and they also used the cave as shelter for church services. According to Anglican Church records the Cave Church is a consecrated Anglican Church (see Colman 2008). Construction of infrastructure on the site only started in 1871. Most buildings were built using sandstone bricks quarried from the surrounding hills. It is also understood that the sandstone used for the Union Buildings also came from this source.

In 1928 the Anglican Society of the Sacred Mission (SSM) established a school and training college. However the institution was closed in 1955 after the introduction of apartheid and the Bantu Education Act of 1953. Since then, St Augustine was used as a church conference and synod centre. Throughout its history of underutilisation most of the buildings deteriorated. It was until recently that massive renovation of the buildings was commissioned. The renovation of the church buildings also coincided with the current rehabilitation project funded by the Department of Environmental Affairs. Unfortunately, no records were presented to show that all the work on sites are following the guidelines provided under the heritage legislation.

The significance of this cultural landscape is hugely elevated by the history it shares with Makhetha Mantsopa who was born in the region in about 1795. Mantsopa was renowned for her prophetic work. In 1851 she predicted the triumph of the BaSotho over the colonial invaders led by Major Warden. She became famous and her influence became a threat to the power of BaSotho King Moshoeshe. She was expelled from the mountain kingdom and found refuge in the Modderpoort Valley. She was baptized on the 13th of March 1870 and adopted the Christian name Anna. Although Mantsopa was Christianised it is believed that she combined traditional religion with Christianity. Anna Mantsopa died on the 11th of November 1906 and was buried at Modderpoort Cemetery alongside the missionary brothers and early settler residents (also see Coleman, 2008).

Makhetha Mantsopa's memory is revered to this day, which makes Modderpoort a site of pilgrimage. Pilgrims make offerings to her grave, the sacred spring and the Cave Church. Pilgrims also collect water from the sacred spring; some also collect soil samples from the Cave Church. The water from the sacred spring and the soil from the Cave Church are believed to be possessing healing powers. Pilgrims to the sacred sites practice every form of African religion from pre-Christian BaSotho rituals and medicine to independent apostolic, to established mission churches.

The small town of Modderpoort also houses some of the only preserved early railway infrastructure for steam locomotives in the country, the Anglican Church Mission Station, early missionary and settler graves and an 18th Century post office building. The entire Modderpoort landscape was declared as a national heritage site in 1936 and later decommissioned to a Grade 2 site after 1994. This was in line with the new NHRA of 1999 that decommissioned all national heritage sites then and regarded them as provincial heritage sites with the provision for re-nomination and re-declaration at any future stage subject to meeting the new requirements. The rock art site at Modderpoort was one of the 12 national rock art sites and has been considered for provisional nomination to the UNESCO world heritage status in the past (Ouzman 1999).

Fig 2: Location of Modderpoort, Ladybrsnd and Lesotho (Source: Primary Atlas for Lesotho (2001), adapted from Colman 2008).

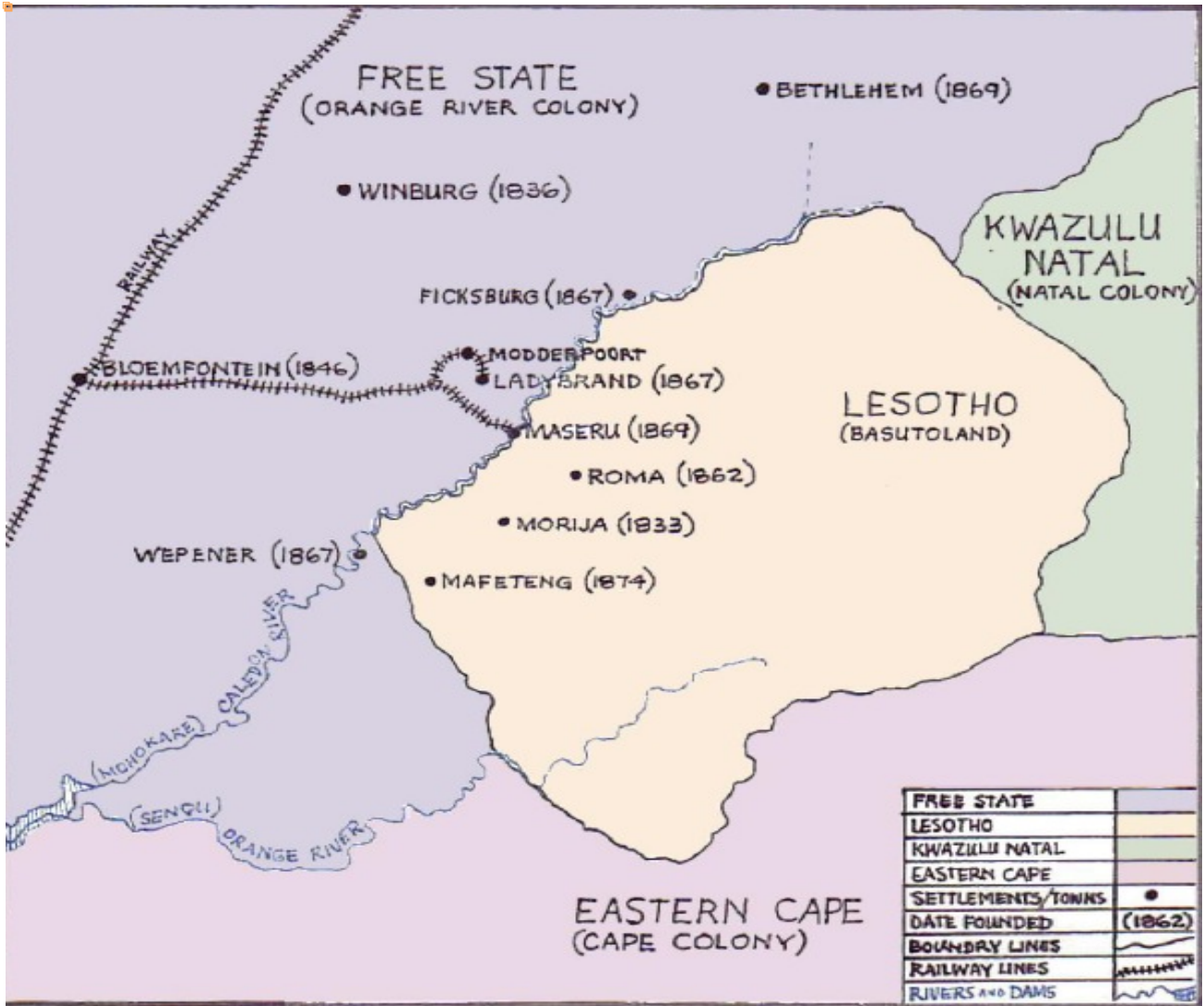
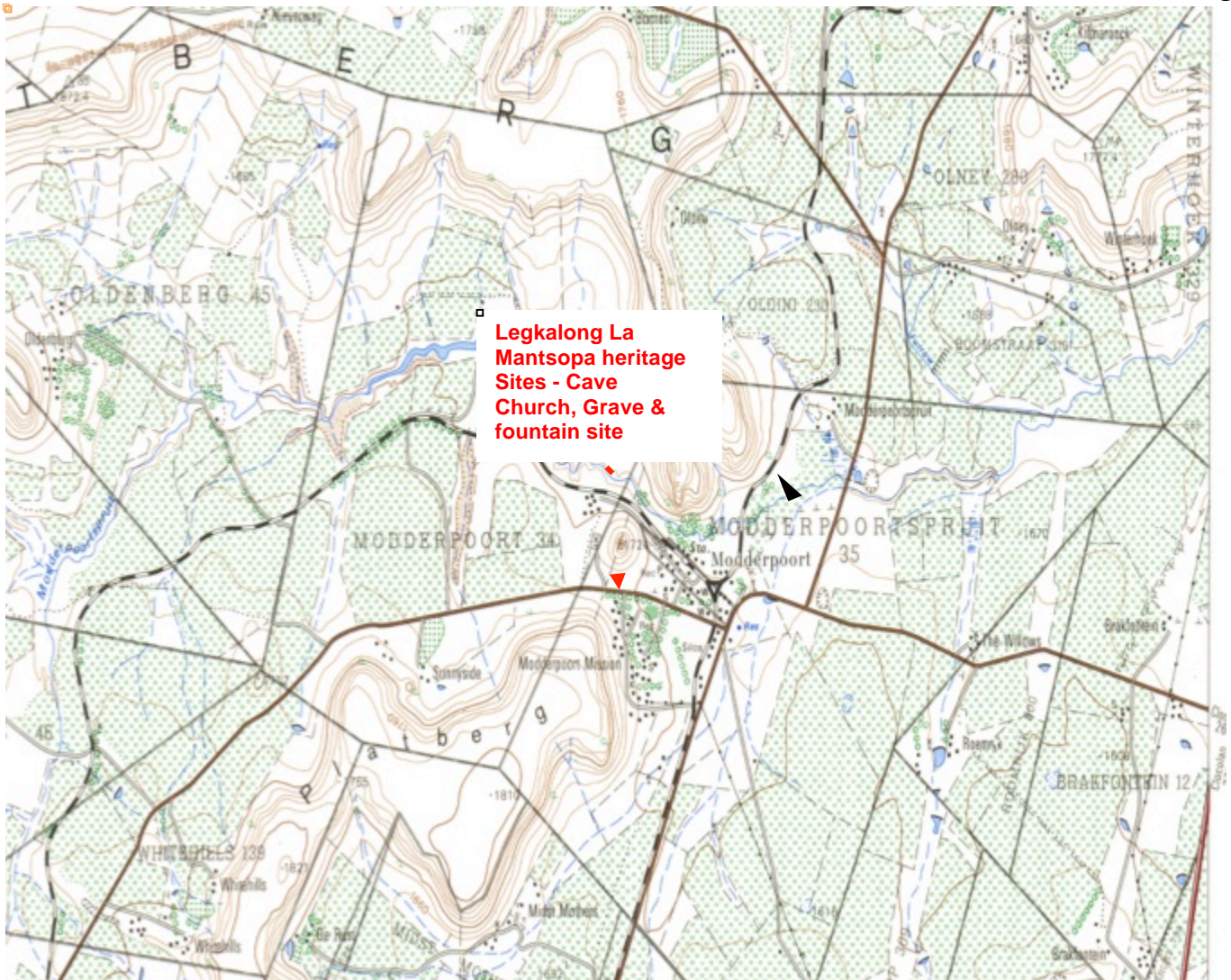


Fig 3: Topographic Map Scale 1: 50 000 2927 AB Ladybrand showing the study area.



5 STUDY METHODS

The object of the study was to undertake a detailed site survey and gain an overall understanding of the heritage sensitivities of the Modderpoort project area with specific attention within the Anglican Priory and indicate how, if the three heritage sites associated with Mantsopa may be impacted or enhanced through the rehabilitation activities initiated under the Expanded Public Works program being managed by Mukumba Resources. The survey therefore, sought to identify cultural heritage sites including archaeological sites, graves, burial grounds and contemporary religious or sacred ceremonial sites associated with the proposed development with the view to inform the proposed heritage conservation management planning.

In order to meet the objectives of the heritage assessment study, the following tasks were conducted: 1) site file search; 2) literature review; 3) completion of a field survey and assessment and 4) analysis of the acquired data and report production.

5.1 Record review

No existing records associated with the current Expanded Public Works rehabilitation and development work provided by the Mukumba Resources Projects Managers (Nzumbululo research team repeatedly requested access to these records without success). The communications from SAHRA and any other interested and affected parties to Mukumba were also not provided except for verbal discussions held with Khalusha of Mukumba Resources. However, other historical records and studies associated with the project site were reviewed. These highlight the provincial and national significance levels of the Moodderpoort cultural landscape. The late 1990s attempt to provisionally place the landscape on the Unesco WHS lists points to the possible significance of the area to the world community (Oazman, 1999). A detailed academic study conducted by Coleman (2008) highlights a series of conflicting interests within the affected and interested parties ranging from land ownership, accessibility and utilisation, access control and permissions, heritage significance status, etc. The project manager responsible for the public works program highlighted these problems in their acknowledgement of the intervention by SAHRA that directed that all work cease on site until all legislative requirements are met by the managers of the development works on site.

5.2 Literature review

A limited literature review was conducted to provide the historical context for Lekgalong La Mantsopa and to determine significant and/or sensitivity of the historical sites that are present in the project area. NTS 1:50 000 map (2927 AB Ladybrand – see Figure 2 and 3) and aerial photographs were examined to provide information regarding terrain features, existing developments and installations already on project area as well as other infrastructures in the area was also used to determine features of archaeological and physical cultural potential. Reports associated with previous studies conducted in the general project area were also consulted (Coleman, 2008). The site file search, literature review, and the map and aerial data provided some information on archaeological and historic potential of the terrain features associated with the project area.

5.3 Study Conditions

The project area consists of the Anglican Mission Station with a settlement consisting of formal and informal individual dwellings. The houses are arranged in a manner that leaves limited but accessible footpaths into the settlement. There are limited paved access roads or main road running through the central part of the settlement. Although there are no restrictions to accessing the project area, the only challenge being the entrance control at the Cave Church. This did not hinder the HIA study in any way. As such the field team conducted a full reconnaissance and full field survey of the whole project area with guidance from the Mukumba Resources project managers familiar with the area and the nature of the proposed developments.

5.4 Field studies

The field survey and site visit was conducted in October 2010. The survey was conducted in the company of the project manager (R. Khalushi), Mukumba Resources project managers. The field team was guided by the EPWP staff members who work on the farm.

Several historic settlements sites were previously known to the staff members on the farm. A guided tour of these sites was conducted and all were recorded accordingly. During the field survey a general walk-down was first undertaken to assess the terrain. Subsequently, the sample of the farmland was subjected to pedestrian traverse by author and the accompanying team. All terrain features with archaeological potential (erosion cuts and open flat terrain) within the sample area were examined for archaeological and physical cultural properties and sites.

Naturally, identification of archaeological and historical sites during surveying depends on visibility and accessibility. The proposed project area is easily accessible with high visibility (Plates 3 & 4). Geographic coordinates were obtained with a handheld Garmin GPS global positioning unit. Photographs were taken as part of the documentation process during field study. Known heritage sites that were pointed out by the farm staff members were recorded.

5.5 assumptions and limitations

The field survey did not cover the entire farmland nor did it include any form of subsurface inspection beyond the inspection of burrows, road cut sections, and the sections exposed by erosion forces. The study was limited to the Likgalong La Mantsopa sites milieu. Some assumptions were made as part of the study and therefore some limitations, uncertainties and gaps in information apply.

- The main gap in information relating to this study is the lack of access to detailed project records that spell out the project objectives and records of what has transpired on site to date.
- The research team did not access the communications between SAHRA and the EPWP managers (Mukumba Resources).
- No records regarding public participation process were provided or accessed as part of this study.
- It is assumed that the on-going and further proposed Likgalong La Mantsopa work will be limited to specific localities as illustrated in the installation layout (Figure 1).
- The associated access roads and related infrastructure will be positioned to only provide link and access to the Likgalong La Mantsopa sites without any major deviation.
- Given the degraded nature of the affected landscape, not all sections of the project area had the potential to yield significant archaeological or physical cultural properties.

- No excavations or sampling were undertaken, since a permit from heritage authorities is required to disturb a heritage resource. As such the results herein discussed are based on superficially observed indicators.
- No palaeontological survey was conducted.
- No research on the previous occupants of the historic settlement was conducted although some of the cultural and historic sites that were recorded were directly linked to some of the staff members that still work on the farm. As such, no attempt at this stage was made to assign historic occupants of the project site. However, the Social Impact Assessment and Public Participation Process should address the question of historic occupants of the affected project area.

5.6 HERITAGE RESOURCES VALUATION

In order to evaluate the significant heritage resources or sites for management purposes, this HIA study adopts the system that ensures that sites or heritage resources are assessed against evaluation criteria described below (Table 1 and 2). An effective HIA system evolves around three independent but related aspects: conservation; significance and utilisation with reference to interferences that would result from the proposed development in the project area. In the context of any heritage assessment study, the point of departure should recognise a harmonious relationship between legislation and practices as the *sine qua non* for the existence and continued survival of both intangible and immovable cultural heritage.

5.6.1 Conserving heritage resources

Heritage resources, tangible or intangible (and both) can only be preserved through conservation, but identification of what to conserve depends of values attached to that heritage (also see Appendix 1 to 4). It follows therefore that what to conserve depends on values. There lies a problem. Values are not fixed and by their nature they are driven by different motives principally economic, political, cultural, religious, spiritual, social and aesthetic. Each of these values could be subjective in their own contexts and they each have varied ideals, ethics and epistemologies. Therefore, it follows that defining heritage value is societal responsibility.

Cultural Heritage is a politicised and contested social construction. Heritage is a medium through which identity, power and society are produced and reproduced. This involves a broad based involvement of a variety of stakeholders – individual, family, local community, ethnic, and religious groups, the national-state and the world at large (Munjeri, 2005). As such, it is naturally expected that motivations for valorising the tangible and intangible material culture vary. All is linked to the question of value. As such, one would expect heritage legislation to seek to bring about a sense of order and equity among various stakeholders. Similar contestations can be ascribed to the Likgalong La Mantsopa sites. The South African heritage legislations (NHRA 25 of 1999) make it clear that the legislation is meant to “... promote good

management of the local and national estate in order to enable and encourage communities to nurture and conserve their legacy as part of their well being.” As such, the law should be observed in every circumstance.

Conservation – this element focus on physical condition of the resources (site condition survey), potential threats or vulnerability (exposure of site or resource to immediate interference from development activities, deterioration or damaging elements), and accessibility (frequency of and density of human visitation). Clearly, focus is on physicality at the exclusion of the intangible. What is critical in the context of this study is to note that

Table 1: Conservation valuation system.

Criteria	Valuation Points
Physical condition	No damage = 0 points
	Serious damage = 5 points
Potential threats	Not vulnerable = 0 points
	Serious vulnerability = 5 points
Accessibility	Not accessible = 0 points
	Highly accessible = 5 points

Significance - archaeological, architectural, palaeontological, historical, scientific, biophysical, socio-cultural, religious, aesthetic, uniqueness, emotional and contextual value of the site, feature and the overall cultural landscape.

Table 2: A selection of Significance Valuation details.

Significance	Value details
Scientific significance	<ul style="list-style-type: none"> Relates to the assessment of the research potential of a site and the relevance of any data that the site(s) might contain for the pursuit of academic research questions. This also concerns the potential of a site(s) to address anticipated future trends, research capabilities and interests. The importance of a place will depend on its rarity, quality or representativeness, and degree to which the place may contribute further substantial information (see Burra Charter, 1988. p.12) May be measured against the site(s)'s values as unique sources of information; whether such information is not available from other sites; can it answer pertinent questions (Bickford and Sullivan 1977: 23-24).
Archaeological Significance	<ul style="list-style-type: none"> The significance of an archaeological site is based on the amount of deposit, the integrity of the context (that is primary versus secondary context), the kind of deposit and the potential to help answer present research questions.
Historical	<ul style="list-style-type: none"> Historical significance relates exclusively to the last 100 years or a period of

Significance	<p>importance associated with events, developments, artistic excellence, outstanding achievement and evolution of a nation, group, region or locality.</p> <ul style="list-style-type: none"> • Historical value encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all forms of significance valuation. • A place may have historical significance because it has influenced, or has been influenced by an historic figure, event, phase or activity. It may value as a site of an important event. For any given place the significance will be greater where the evidence of the association or event survives in situ, or where the settings are substantially in tact, than where it has been changed where evidence does not survive. However, some events or association may be so important that the place retains significance regardless of the subsequent treatment.
Aesthetic Significance	<ul style="list-style-type: none"> • Mostly associated with intangible heritage values and cultural landscapes. Deals with visual values. In this context the significance is classified by response derived from the experience of the environment and cultural attributes within the project area. • Important in the context of this study is the observation that aesthetic significance is a product of emotional experience rather than a checklist of attributes. • As such many archaeological sites are sub-surface and therefore will not be able to be assessed on aesthetic criteria. This study uses site to site assessment whether aesthetic significance is a relevant category to assess, rather than taking this as a given.
Social Significance	<ul style="list-style-type: none"> • Social value embraces the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiments to a majority group • Social significance threshold also include religious sites bordering around the fact that they are considered sacred and they are used for rituals. • Data on the ritual activities relating to their significance is not readily available. Access to these sites is normally strictly restricted. • The sites are supposed to be located away from settlements or areas where the public may not have easy access.
Religious	<ul style="list-style-type: none"> • The significance threshold of religious sites border around the fact that they are considered sacred and they are used for rituals. • Data on the ritual activities relating to their significance is not readily available. Access to these sites is normally strictly restricted. • The sites are supposed to be located away from settlements or areas where the public may not have easy uncontrolled access.

Utilisation relates to the site's current use and utilisation status varying between two continuums of no utilisation (0 points) to utilised (5 points).

Religious utilisation – This refers to the intangible value of the physical space in relation to the use that the community attach to the site be it natural or man-made. Religious spaces are usually utilised with a sense of sacred respect and controlled access.

Scientific utilisation – Primary aim of scientific research lies in the search for answers to fundamental issues about the biophysical natural and the human world. Evaluation for scientific utilisation value for heritage resources revolves around context, i.e. primary versus secondary contexts whereby primary contexts are original and undisturbed or less disturbed and therefore more important scientifically as opposed to secondary contexts. This also borders around the preservation status of the given site(s). High levels of preservation obviously are very favourable for the site's scientific utilisation.

Educational/ interpretative – This is similar to evaluation of Mantsopa's cultural heritage resources for tourism utilisation. This refers to the presence of humans in the region and on heritage sites. This depends on potential for public display and interpretation capacity while embodying conservation principle for sustainability.

6 FINDINGS

6.1 GENERAL OBSERVATIONS

6.1.1 The Modderpoort area

The Modderpoort area takes on unusual prominence in the convergence of prehistoric and historic communities ranging from the hunter-gatherer San, Bantu-speaking farming communities and colonial settlers and the contemporary communities including the waves of pilgrims to the site. Before Europeans ever came to this part of southern Africa, the San and later the Bantu-speaking Iron Age farmers crisscrossed the region. Bantu-speaking farmers appeared in the region and were responsible for prehistoric villages. By the time the first Europeans appeared in the region, the San and Bantu-speaking farmers trails were well defined, and consequently used by explorers, hunters, traders, missionaries, soldiers, and eventually, settlers. European settlements tended to be located in the vicinity of African settlements, probably because the same natural features and transportation routes drew them.

It is no wonder then that the project's receiving environment on the Modderpoort area has high concentration of archaeological, historical and contemporary heritage sites (Appendix 1 to 6).

6.1.2 Recent Historical Period

The Free State region witnessed sudden arrival of thousands of Voortrekkers from 1837. The area became a contested land between the African BaSotho farming groups, the incoming Boer settlers and the British colonial administration, which was setting up the Orange Free State Colony. By the 1870s, the BaSotho farmers were effectively under colonial administration. By the 1880s, the white settlers had established farms and settlements in region with African confined in designated limited portions. It is in this

context that the Anglican Church Missionary history in the region resulted in the creation of Modderpoort, now at the center of a significant cultural heritage landscape, part of which is subject to this study (also see Appendix 1 to 6).

6.2 INTANGIBLE HERITAGE

Since the National Heritage Resources Act 25 of 1999 includes “landscape” (and other intangible elements) as part of the National Heritage, it is appropriate to comment on these aspects. The study area is situated within a historic landscape area of local and national significance. The Free State region has some of the most significant qualities that make the area desirable as a tourist destination. The study area presents a number of scenic vistas along the Maluti Heritage Route. From this point of view the study area is of high visual aesthetic sensitivity. Inappropriate planning and insensitive placement of development has the potential to impact the public memory and sense of place on a regional level.

The intangible heritage value of the area is further emphasised by the African Independent Zionist religious rituals and annual Anglican ceremonies held at the Cave Church. This is a unique combination of independent and conventional church heritages converging on a single site. Although Anna Mantsopa was a Christian she continued to practice her African religious rites. The site attracts thousands of pilgrims who trek from the Cave Church to the sacred fountain and Mantsopa’s grave site in search of her revered powers to heal. Today, the site is contested; the Anglican Church owns and controls the utilization of the Cave Church. The Cave Church is highly regarded by the Anglican Church and it is a consecrated Church. As such the Anglican Church often clashes with the completely opposite Independent African Churches and traditional pilgrims who carry out ritual slaughtering of animals at the site.

On the other hand the Mantsopa Local Municipality and the National Government through the Department of Environmental Affairs want a stake in the control of the site. Another blow to the planning of the project is the land claim launched by the BaTau Clan. The conflicts at the sites affect the valuation of the intangible heritage associated with the sites.

6.3 SPECIFIC OBSERVATIONS IN CONTEXT OF THE PROPOSED DEVELOPMENT

The rehabilitation of sites linked to Mantsopa was planned and implemented without considering Heritage status of the affected sites. Nzumbululo Heritage Solutions team requested and failed to secure documents relevant to the project. Consequently this HIA study was conducted in retrospect with the understanding that the plans produced for the development have taken into consideration what is on the ground before the rehabilitation is implemented. Detailed descriptions of sites recorded during the survey in relation to the proposed development and its project impact are contained in following sections (also see Appendixes 1 to 6).

Sacred Site 1: The Cave Church

The Cave Church is one of the most outstanding heritage site associated with the legendary Mantsopa Makhetha. The Cave Church at Modderpoort is a sandstone rock shelter. The Cave shelter is located at GPS coordinates S29° 06' 54.4", E027° 26' 46.2". The shelter is fenced off however the site is very accessible; there is a clear pathway to the site. The cave entrance is always locked. There is an open-air arena site outside the cave which is normally used for large church congregations.

The cave is also believed to have provided refuge to some Sotho communities during tribal and colonial wars. Very little is documented about the history of the use of the cave except for conflicting information about its use by Mantsopa and the Anglican Church Brothers of the Sacred Heart Order. Historically the Cave Church has been used by the Anglican Church at the St Augustine's Priory from 1870 when the first Anglican Brotherhood arrived. It is not clear as to who settled at the cave first but Missionary records claim that Mantsopa lived in a house at the base of the nearby Spitskop Mountain located near Modderpoort.



Plates 2 and 3: View of the Cave Church and an aerial view of the open air church site just outside the cave.



Plates 4 and 5: Some of the ritual goods identified in the Cave Church and some people who are performing rituals outside the Cave Church.

The Cave Church is also a well-known hunter-gatherers rock art site. There are hunter-gatherer paintings mainly located on the ceiling of the cave shelter. There are more than 20 partially visible figures on the cave walls. It is feared that plastering on some sections of the cave shelter may have concealed most paintings. The paintings have gradually been destroyed by candle smoke, ritual burnings, and graffiti. Some of the paintings on the rock shelter wall are fading away due to water flow and people touching or leaning against walls.

The site is highly exposed to human destruction especially through ritual activities that are conducted in and around the cave shelter (see Plates 3 and 4). According to information obtained from the visitor register, people from all over the country come to carry out rituals at the cave shelter. Some dig for soil samples around the site for ritual purposes. This also means the visiting public are slowly but systematically destroying the archaeological deposit that may still be on the cave floor. Furthermore, recent rehabilitation work in the cave such as floor cleaning have accelerated the loss of the archaeological record on the site.



Plates 6 and 7: View of some fading Hunter Gatherer paintings inside the Cave Church. Note the graffiti on the paintings.



Plates 8 and 9: View of some candle residues and the Cave Church pulpit with candles lit through out the day.

Sensitivity: High sensitivity grading. The Cave Church is a highly sensitive site for both its religious function and archeological deposit as well as the rock art in the cave. It is also a unique site for architecture that combines a natural cave and modification by brick walling. The history of the site's use and how it retained the current status makes it a rare site in the country. There are no similar sites in the country where both Independent Africa Church share same attachment to a spatial location as the conventional church.

Protected by legislation: The site is protected by the National Heritage Resources Act 25 of 1999. The site was initially declared as national heritage site in 1936 and decommissioned to a provincial heritage site after 1994.

Related features: The Cave Church, Modderpoort Cemetery and the entire Mission cultural landscape.

Mitigation: A detailed and organic yet sustainable heritage site conservation management plan (CMP) should be developed for the site. However, such a plan should form part of the overall Modderpoort Heritage Conservation Management Plan. The plan should meet the minimum standards set by SAHRA and should take into consideration the views and concerns of all stakeholders as well as interested and affected parties that have enforceable claims on the cultural landscape. This means the plan should balance the protection of the archeological record including the rock art as well as retaining the contemporary religious uses of the site. Any work at this site should be approved by the SAHRA authorities. As part of an on-going management exercise, the authorities responsible for the site should consider enhancing the legislative protection of the site by re-nominating it back to Grade 1 National Heritage Site.

Sacred Site 2: Mantsopa 'S Grave Site

The gravesite of Mantsopa is located within a historic Anglican Church cemetery with more than two hundred graves. The grave is located at GPS coordinates S29° 06' 45.2" E027° 26' 45.5". The grave is marked by cement plaster and a headstone inscribed - *ANNA MANTSOPA MAKHETA A HLOKAHALA KA 9 NO. LILEMO ELE, 111* (see Plate 10- 13). The gravesite is in a stable state of preservation and fenced, however people come to perform ritual burning of candles and other materials, which are potential threats to the physical condition of the grave and other graves in the cemetery.



Plates 10 and 11: Anna Mantsopa's grave at the St Augustine's Priory Cemetery.



Plates 12 and 13: View of the newly erected burial site fence (L) and ritual offerings at Anna Mantsopa's grave (R)

Significance valuation for Burial Ground, Historic Cemeteries and Individual Graves

The significance of burial grounds and gravesites is closely tied to their age and historical, cultural and social context as well the status of the individual buried on the site. Nonetheless, every burial should be considered as of high social significance and therefore protected by different sets of legislations such as the NHRA and the Human Tissue Act of 1983 and the local municipality burial ordinances (See Appendix 3 for details on management of burial sites from a heritage perspective).

Sensitivity: High sensitivity grading. The grave site is highly sensitive from both a sacred and physical statuses. The high and uncontrolled traffic to the site pose a direct physical threat to the site in the long term. The uncoordinated rituals that take place on site such as wax and other materials burning are de-facing the grave's fabric and physical conditions. At the same time, any

attempt to interfere with these rituals poses a direct threat to the practices that make the site sacred and a pilgrimage destination.

Protected by legislation: The gravesite has high heritage value and therefore protected by applicable legislations. Section 36 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) stipulates that no person may, without a permit issued by the relevant heritage resources authority (also see Appendix 1):

- (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 or 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.

Furthermore, the site is situated in a historic graveyard with a long history tied to the Anglican Church's presence in the area dating back to the second half of the 1800s. The entire graveyard is protected by the heritage legislation and other auxiliary regulations.

Related features: The Cave Church, Modderpoort Cemetery and the entire Mission.

Mitigation: A detailed site conservation management plan should be developed for the site. The plan would detail how the grave's fabric can be maintained to retain its authentic state. Site access and utilisation such as pilgrim rituals (also see Plate 14), should be accounted for in sustainable manner that balances use and protection of the heritage site. The site management plan is also necessary when rehabilitation work begins on the grave and the in the surrounding areas. As such, the proposed management plan should no be an isolated document but should form part of an organic Modderpoort Cultural Landscape CMP.



Plate 14: Some chicken brought to be sacrificed at the grave site.

Sacred Site 3: The Fountain Site

The fountain is located at GPS coordinates S29° 06' 00.1" E 027° 26' 51.3" to the northwest of the Cave Church (Plates 14 – 17). Mantsopa used the perennial fountain during her stay at Modderpoort. Like the Cave Church and gravesite, people come to the fountain to perform rituals at the fountain. Some come to collect water for ritual purposes. The major challenge at the site is littering and heavy foot traffic. Candles litter the site and other goods meant for ritual purposes. Another serious issue of concern is the alien vegetation consisting of trees planted at the fountain site. The trees require a lot of water for their survival hence they have the potential to cause drying up of the fountain.



Plates 14 and 15: View of the perennial fountain and some ritual offerings at the site.



Plates 16 and 17: View of contaminated water at the fountain site.

Type of site: Natural fountain situated in the fringes of the nearby mountains. The entire ground is sacred and the residents and visitors alike collect water that is believed to possess healing powers.

Use: The Anglican church bottles water for sale using the brand Mantsopa spring water. Pilgrims collect water and conduct rituals at the fountain.

Sensitivity: Medium to High Historic Significance relating to intangible religious values. The sacred spring site returns historical and social significance (refer Tables 1 and 2 above). A moderate to high intangible heritage sensitivity since it is associated with the legendary Mantsopa. The site is considered sacred and to be treated with reverence and respected by all pilgrims.

Protected by legislation: The fountain site retains medium to high intangible value as part of the Modderpoort cultural landscape. It is technically protected by the heritage legislations by virtue of its association with the legendary Mantsopa. A permit may be required from SAHRA heritage authority for interfering with the cultural landscape associated with the Mantsopa legend.

Mitigation: A site CMP is required to manage current use and any future heritage site conservation activities associated with this site. Since this site forms part of an existing cultural landscape, the site CMP should form part of the overall Heritage Management Plan of the area. Be that as it may, any planned rehabilitation work should be approved by the heritage authorities

and the rehabilitation and upgrade work will need to be monitored to ensure that the works may not interfere with the site and its environs' authenticity.

Related features: The Cave Church, Modderpoort Cemetery and the entire Mission.

Sacred Site 4: Burial Grounds and Graves

While the project is concerned with Anna Mantsopa's grave, the site is situated in a formal historic Modderpoort Church cemetery with at least two hundred other graves of early missionaries and European settlers associated with the Modderpoort town lands and Missionary. Based on its age and the historical and social significance of the cemetery, Section 36 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) protects the site. The legislation stipulates that no person may, without a permit issued by the relevant heritage resources authority (also see Appendix 3):

- (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 or 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.

Type of site: Archaeological, Historical and Contemporary Burial Ground.

Use: Burial ground. Cemetery also used for rituals by pilgrims who visit the site through out the year.

Sensitivity: Medium to High Historic Significance relating to tangible and intangible socio-cultural and religious values. The site may not be disturbed or altered without a clearly expressed permit from the heritage authorities.

Protected by legislation: The cemetery site retains medium to high tangible and intangible values as part of the Modderpoort cultural landscape and burial grounds of important historical figures associated with the history of the region and the country at large. It is additionally protected by the heritage legislations by virtue of its association with the legendary Mantsopa. A permit is required from SAHRA for interfering with the entire cultural landscape including the cemetery.

Mitigation: A site CMP is required to manage current use and any future heritage site conservation activities associated with this burial ground site. Since this site forms part of an existing cultural landscape, the site CMP should form part of the overall Heritage Management Plan of the area. Be that as it may, any planned rehabilitation work should be approved by the heritage authorities and the rehabilitation and upgrade work will need to be monitored to ensure that the works may not interfere with the site and its environs' authenticity.

Related features: The Cave Church, fountain, and the entire Mission Modderpoort cultural landscape.

7 OPPORTUNITIES, RESTRICTIONS, IMPACTS

In general terms, the entire project area is sensitive when assessed as a complete cultural landscape of historical and religious value, the development of which will result in to medium to high impacts. Within the study area there are several intangible foci, which are sensitive and will require special consideration. However, if the project area is viewed from a developmental perspective, it would be valid to argue that the Modderpoort as it is today is a product of historical developments of one of Africa's unique Christian female legendary figures. As such the proposed heritage rehabilitation project development may be viewed as a part of maintaining the Modderpoort town's history.

The rehabilitation program has potential to stabilise and add value to the heritage threshold and utilitarian value of all sites associated with Lekgalong La Mantsopa and entire Modderpoort cultural landscape.

7.1 THE OVERALL SIGNIFICANCE OF THE CULTURAL LANDSCAPE

The upgrade of the Modderpoort heritage sites will improve accessibility and would lead to improvement of utilitarian value of the site and the associated church grounds. At the core of the necessity of the proposed development is the fact that all religions regularly had to confront change and modernity. However, the growing numbers of pilgrims need to be monitored and regulated in order to maintain the fabric of the affected sites while ensuring that all sites retain their significance and long term uses.

Although outside the immediate scope of the present study, a focused Strategic Heritage Impact Assessment is be required for the entire Modderpoort and Modderpoortspruit farms in order to identify or indicate the best possible way forward in terms of improving other auxiliary facilities on the cultural landscape to be capable of responding to the increased visitor volumes and value added impact the re-development of the Modderpoort sites would have on surrounding landscape in light of the anticipated increased traffic. Such a study will have to include additional historical research to further understanding of

the early history of this project area as a collective as opposed to considering individual sites at the town as isolated heritage resources.

The history of the Anna Manstopa in the area could be incorporated into its redevelopment through making information available to visitors to the area in the form of small on site displays, proposed museum exhibits at the border posts with Lesotho (where most pilgrims come from) and pamphlets for tourist information. This is critical if any of the heritage resources in the general cultural landscape, to which Modderpoort sites belong, would be considered for Provincial or National Heritage listing. Such a process would improve the protection level and utility of the heritage resources on the landscape.

7.2 THE INTANGIBLE RELIGIOUS HERITAGE VALUES OF MODDERPOORT SITES

- The African Zionist Church religious practices gives the Cave Church, Manstopa's grave and the fountain the associated significant status as living religious heritage of high particular importance, The significance is particularly associated with the vital role the sites play in conveying, expressing, and sustaining the faith which give spiritual identity, meaning and purpose to human life of the Zionist followers.
- Generally, living religious heritage, such as the Lekgalong La Mantsopa, is potentially at risk in a number of ways: from fluctuating commitment of faith itself; from a lack of understanding of the nature of religious heritage and the role that conservation can play in sustaining faith, and from a lack of respect for the aspirations of divergent religious communities. Efforts to counteract these trends and to strengthen conservation of living religious heritage should be a priority in a given heritage conservation policy. As such the current effort to preserve the Lekgalong La Mantsopa heritage site should be encouraged in as far as it should be managed in a sustainable manner.
- Respect for religious values in a multicultural context (or of particular orientations within a single religious) is essential for promoting peace and a tolerant society, and is best promoted through strengthening interfaith dialogues on conservation issues. The Anglican Church has demonstrated this value by allowing other churches and other religions to utilize "their" Cave Church and Mantsopa, s grave for ritual purposes. From a multi-cultural "Rainbow Nation" perspective, the Cave Church, Manstopa's grave site and the fountain site represents or hosts a unique and important AIC worthy of protecting, preserving and promoting.

7.3 VISUAL IMPACTS

The rehabilitation project is not likely to produce negative visual impacts, as it does no include construction of new structures in the affected area. However, the lack of a comprehensive intervention and coordination plan is a direct threat to the site's fabric and significance threshold. This threat should be treated seriously given the fact that some of the poorly planned and executed interventions may not be possible to reverse when negative impacts occur.

8 GENERAL RECOMMENDATIONS

- If properly planned and executed, the proposed Lekgalong La Mantsopa rehabilitation project has the potential to improve preservation, access and visibility of the sites. This will result in increasing the significance threshold of the sites and associated cultural landscape. The proposed development plan should be supported in the most possible ways including ensuring that it is implemented in a sustainable way that will not destroy local heritage resources, religious, cultural and natural, tangible and intangible.
- The project managers (Mukumba Resources) should ensure full compliance with the SAHRA directives in line with the applicable legislations. It should be noted that, although this report is part of the project managers' effort to remedy the situation, the study in itself does not absolve the project managers from complying with the relevant legislations.
- The Cave Church is a known and registered rock art site. As such any rehabilitation work must be monitored by an archaeologist or more specifically by a rock art specialist as required by the relevant legislation. Commissioning of rehabilitation work without professional advice was in violation of the relevant legislation. The work done to date should be reviewed and incorporated into the CMP that should be approved by SAHRA as required by law.
- In accordance with the relevant legislation we advise that no sites should be opened to the public without a prior professional investigation that includes a management and conservation plan approved by the appropriate heritage agency and complete documentation of the site. It is required by law that an application be made to SAHRA before any site is interfered with or opened to the public as is intended by the current EPWP funded project.
- The St Augustine's Priory is an important religious and cultural settlement of both Christians and traditional ancestral believers. Believers and pilgrims visit the site on different occasions. As such, a detailed CMP should be developed to ensure that the entire landscape is managed, preserved and present in its totality.
- Given the fact that the Cave Church, Mantsopa's grave and fountain and associated religious activities have national and regional significance every effort should be made to ensure protection of both the practices and the religious sites. Should the project managers meet all legislative minimum requirements, the project should be allowed to proceed on condition that its implementation complies with the SAHRA directives.
- The records that include the input from the Affected and Interested parties as well as communications written to Mukumba Resources from SAHRA should be made available to the project heritage specialists. Without such detailed records, the heritage specialists will not be in a position to develop a comprehensive CMP for Lekgalong La Mantsopa. Such a CMP will also form part of the Modderpoort Cultural Landscape in the near future.
- A detailed project and business plan associated with the Expanded Public Works Project at Lekgalong La Mantsopa should be provided in order to inform the development of an organic Conservation

Management Plan that is in line with the project objectives notwithstanding meeting the heritage management guidelines. The lack of the project documents has made it difficult during this study because the heritage specialist team could not establish what is guiding the intervention process currently underway at Lekgalong La Mantsopa at Modderpoort. Should the project management team not have such records, it is imperative that such plans and documents be developed in order to guide the project in a sustainable manner prior to any further heritage related work being executed. Work plan and project guidelines but the client failed to provide them.

- According to other independent documents (see appendix A & B) the project is marred with issues and controversies emanating from the I&APs. These should be addressed in a comprehensive public consultation forum. Such an exercise is also critical from a heritage management perspective. Unless such issues are brought to the table and resolved amicably, implementation of the project will always be difficult and it would be impossible to develop an organic and sustainable conservation management plan (CMP). The I & APs concerned (the Anglican Church, the Batau clan, the Department of Environmental Affairs, the Provincial Heritage Authority, SAHRA and the project managers (Mukumba) should work to resolve the issues relating to ownership, utilisation, accessibility, etc. of Lekgalong La Mantsopa and the Modderpoort cultural landscape to allow proper management of the heritage sites.
- This study recommends that a CMP and a heritage-monitoring plan be put in place before work continues on site in order to ensure sustainable protection of the heritage resources at the project site.
- Should chance finds, including previously unidentified archaeological materials, artefacts and unmarked graves, be disturbed during the construction phase, heritage authorities should be informed before construction work proceeds on affected areas.

9 CONCLUDING REMARKS

From a heritage perspective, this study identified some constraints with regards to the implementation of the Lekgalong La Mantsopa EPW-funded project. This study lays the foundation for a detailed site CMP. The work associated with the project should be viewed in light of the potential of the project to improve the utilitarian value and significance of the Lekgalong La Mantsopa heritage sites. CMP is critical in order to:

- Recognize and promote the important custodial role that has been played by the religious community over time in maintaining and caring for religious heritage landscape of Modderpoort;
- Generate mutual understanding and trust in positive dialogues about conservation decisions associated with Lekgalong La Mantsopa and the overall Modderpoort cultural landscape;
- Reflect the living character of the Lekgalong La Mantsopa heritage, retaining objects of religious value in their context of Christian and traditional faiths;
- Challenge those involved at Lekgalong La Mantsopa to reach choices based on the fullest respect for the practices and values which sustain faith in the religious communities which give value to the cultural landscape;

- Recognize that respect for the faith may involve restrictions, rules and exclusions regarding what conservation treatment may be appropriate and who may be involved with such treatments.

Finally the project may be approved to proceed should all the concerns raised by SAHRA and the A & IPs are addressed by the project managers. This study is an effort to remedy these challenges associated with the EPW-funded project under the management of Mukumba Resources.

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Appendix 1

The Settlement of the Modderpoort area:

A provisional assessment based upon limited archival sources

By Stephen Gill, Curator, Morija Museum & Archives (01 April 2009)

As with many places in South Africa, there will be contestation as to land claims depending on when a certain group took possession, how it took possession, who succeeded the group etc. Oftentimes there are no straightforward answers, particularly for the 19th century.

Regarding Modderpoort, there are only a few accounts from archival sources that I am aware of. Indeed, there may be others. The most important account is probably that of Maria Makelele Leiee, a very elderly person (born c. 1805) interviewed by Fr WA Norton, the Anglican priest and a dedicated scholar of linguistics and oral history, who was based at Modderpoort at the beginning of the 20th century, in his 1910 article "A Description of the Modderpoort Neighbourhood One Hundred Years Ago".²⁴⁵ His interview gives some texture to this question regarding who was settled where before the beginning of the Lifaqane. "She [Maria] lived at Mekoatleng, at Rahlaoli's, son of Nkopane, son of Monaheng. Nkopane was still living."²⁴⁶ Norton goes on to record her memory of the people who lived in the vicinity as follows: Batšoeneng of Ma-Khamali at Bela-Bela, below Mekoatleng, on the far side; Bahlakoana of Teele at Mabolela; Bataung of Leroa; Bataung of Ramokhele from Lekhalong [Modderpoort] to Khunonyana (Liheleng); Maphuthing, on the other side of the river [which river??]. Norton summarized the settlement pattern as follows: the "Ba-Taung of Ramokhele... formerly held the land from Modderpoort.... to Liheleng [Tihela], or the place of throwing down...." If one can trust that Maria still remembered correctly the people of her youth, that is, before the Lifaqane completely upset the order of the day, then we may be able to draw a few inferences. Maria, herself a Mokoena but married to the Bataung ba Ramokhele, places her people in the area immediately around Modderpoort in the early 1820s. Although almost everyone had to flee the area because of the upheaval caused by the invasion of the Hlubi of Mpangazita (and later the Amangwane of Matookane), it is probably correct to say that the Baramokhele are the immediate occupiers of the area in the pre-Lifaqane period.

²⁴⁵ W.A. Norton Papers, (c.1910) I-18, pp. 1-2, William Cullen Library, University of the Witwatersrand (Copy in Morija Archives).

²⁴⁶ Fr. W.A. Norton, "Account by Maria, an old woman at Modderpoort, born about 1805, (died 1910), daughter of Mokhali, son of Mokheseng, a chief of the Bakoena (interviewed Aug. 14, '07)", Miscellaneous papers (No. 11), and "A Description of the Modderpoort Neighbourhood One Hundred Years Ago", 4 page booklet (?). William Cullen Library, University of the Witwatersrand, c. 1909, copies in Morija Archives.

Her statement may indeed be correct. Ellenberger also adds that the Baramokhele lived a bit to the north of Modderpoort at Khunoanyane [Tihela] and goes on to say concerning Ramokhele that “his villages extended as far south as Makulukameng (Platberg)”.²⁴⁷ This statement was similar to that of AM Sekese, another prominent historian of the 19th century. This therefore corroborates Fr Norton’s assertion, and even extends the settlement of the Baramokhele further to the south.²⁴⁸ Nearby to the east and northeast, Ellenberger places the Bahlakoana of Tseele at Hlohloane (Clocolan) and Maboela.²⁴⁹

It would appear from the records of the Anglican church for Modderpoort held at Bloemfontein in the basement of the Cathedral, as well as those of the PFMS for Maboela held at Morija, that once the upheaval was over, many people returned to settle the area, including the Baramokhele, certain groups of Bakoena, Bahlakoana, etc. Their lives were again upset during the Seqiti War (1865-1868) when Free State forces occupied the area. But again many returned.

The question then occurs: are the Baramokhele correct in asserting that they are the sole and legitimate claimants for the land around Modderpoort based upon their apparent priority of settlement in the immediate pre-Lifaqane period? That my friend is a very difficult question, particularly in the context of the law in SA which places the question in terms of the 1912 Land Act. One would have to see if the Baramokhele were recognised as chiefs of the area at that time (1912). Moreover, one would need to verify that the other peoples (Bakoena, Bahlakoana etc) recognised them as chiefs of the area. A more difficult question again would be this: if almost all of the land was parcelled out to white farmers (including the Anglicans) in the immediate post-Seqiti War period (1868 and afterwards), how can any claim be evaluated without opening the door to a hundred other claims of a similar nature? My own personal opinion, based upon my limited knowledge, is that the Baramokhele possess certain valid information, within certain limits, but that it is probably not possible to validate such a claim within the current parameters of the Land Claims taking place in SA today.

²⁴⁷ Ellenberger & MacGregor, *History of the Basuto: Ancient & Modern*, p. 83. Ellenberger probably based himself on A.M. Sekese, “Buka ea Litaba tsa Basotho”, *Leselinyana*, 01 February 1892, p. 2.

²⁴⁸ Ellenberger, *ibid.* p. 67.

²⁴⁹ *Ibid.*, p. 121

Appendix 2:

Transcription: *The Voice of Free Democrats* (4-10 March 2009)

Voice celebrates the life of 'Mantsopa

The Voice was part of the crew which took turn and vowed to celebrate the intended week of the late Prophetess Anna 'Mantsopa Makhetha. Five years back the route to celebrate this create [great] icon of Lesotho was inaugurated. The first prophet tasked one Libuseng who was a student of her in the prophecy life to make sure that starting from the 5th March of every year, the legacy and name of 'Mantsopa the prophetess be honored.

The reason behind 'Mantsopa's anger is attributed to the fact that South African are celebrating with gigantic feast in her name, but Basotho of Lesotho have neglected the tutelage of the name and legacy of 'Mantsopa. The year 2009 is indeed part of history in the making. The Voice team visited Prophet 'Mantsopa's home in HaRamakhetheng Maseru, where the big feast was hosted. Theko Tlebere reports.

The first prophet of Lesotho, the late Anna 'Mantsopa Makhetha was born in Ha Ramakhetheng, Likotsi in the Maseru district in 1795, and died on the 9th November in 1906, and buried on the 11th of the same month in Modderpoort mission in Ladybrand, South Africa. Allow me to focus on the late life stages as narrated by one of the grand-grand children of the Makhetha prophetess, Mrs 'Makelebone Letsie. She broke the ice by telling the Voice crew that Mafatle Makhetha had a son called Makhera who married Koena-li-fule ('Mantsopa's maiden name). They moved from one place to the next, where the Makhetha's lived until they found themselves in Majoe-matšo, Quthing at the spring well of the Qomo-Qomong river. They were blessed with five children – four boys and their sister, 'Maliepetsane. Prophetess 'Mantsopa was renowned for her yellowish attire of the St. Johns Church which resembled the attire for cure of the sick. With the powers that she gained over time, she used to travel a lot to cure people in different places. Her husband Makhera himself, was a traditional healer using herbs to cure people while 'Mantsopa used water. One time when 'Mantsopa was away on her prophecy spree, her husband Makhera decided to expel 'Mantsopa and marry Mamonyane from Seapala.

One of his reasons was that there was no one who took care of her patients. Ntsopa, 'Mantsopa's first son was chased away by his mother, but his father took him back when they were on their way back to Ha Ramakhetheng. Ntsopa therefore grew up without knowing his

mother or his siblings because he lived with the second wife of his father. He even married Pulane from Phamong, but his mother did not even see her grand children. Mantsopa married for the second time in Mokhethoaneng, but they decided with the new husband to live in Leribe district and that is where she met King Moshoeshoe I and became an advisor to the chief. At the same time Chief Posholi, Moshoeshoe I's younger brother, killed a man from the Makhetha tribe. Chief Moshoeshoe I ordered that 'Mantsopa's family be taken to another land to prevent conflicts. 'Mantsopa and family then moved to Makhetheng (Modderpoort) in South Africa, where she was buried and healed many people in the caves and wells.

Some of the blessed attributes she achieved in her tenure range from those she used water to cure all kinds of sicknesses at an early age of fifteen; she used "Mohloare "as it was at abundance in the Likotsi Mountain. She also had influential and compatible powers to prophesise or predict the future. An example would be that of the second prophet of Lesotho, Walter Matita whom she prophesised that he would be born with all teeth (32) but they would disappear in three days. It happened exactly like she prophesised. History book and academic researchers like Mr Marupinyane Nkotsi can testify about that. Indeed some things are unbelievable, but one just ought to visit these places and witness the entire miracles happening even as we speak.

To secede my report, I just want to reiterate on the common agnatic evasion of Basotho of not going back and checking up on their history. Maybe Lesotho is stationed in terms of development only because the grand child of Mohlomi is angry because we are not paying homage to her anymore. Hegel once said: "History can diversify the environment." All those who are behind this event are doing a good job may God bless you all.

APPENDIX 3: PUBLIC ROCK ART SITES

Rock art is a finite and fragile resource and the National Heritage Resources Act (25 of 1999) protects all rock art sites. It is an offence to damage rock art and other archaeological artefacts.

Etiquette when visiting Rock Art Sites

- Always obtain permission from the landowner or relevant authorities before visiting a rock art site.
- Visit rock art sites with trained guides.
- Never touch, lean on or brush against the rock art.
- Never throw water or any liquid on the images.
- Never write, scratch or make markings on the images themselves or anywhere in the rock art site.
- Never remove any archaeological artefacts from rock art sites.
- Tread carefully and avoid stirring up dust from the floors at rock art sites.
- Report all vandalism to the police and/or contact the South African Heritage Resource Agency.
- Respect all rock art sites as places of great spiritual significance to all South Africans.

What is there to see?

Bushman rock paintings of birds, a cattle raid, eland and human figures. Also home to the sacred sites of the Anglican church, the Sotho prophetess Mantsopa's grave and the Zionist Christian Church's Cave Church. Beautiful surroundings and a special atmosphere. A real hierophany.

Additional information

Good accommodation and meals at St Augustine's. Ladybrand has most facilities and is only 17 km from Maseru, capital of Lesotho. Modderpoort is one of South Africa's 12 Rock Art National Monuments and a candidate for UNESCO World Heritage Site status. A visitor fee of R3-00 per person is levied.

Appendix 4

Document on Modderpoort sacred site prepared for the Free State Department of Environmental Affairs and Tourism in connection with site worthy of consideration for World Heritage Sites status

HERITAGE SITES OF THE FREE STATE

Magical Modderpoort

Sven Ouzman

Rock Art Department, National Museum

e-mail: rockart@nasmus.co.za

Introduction

Also known as Lekhalong la Bo Tau or 'The pass of the lions', the unobtrusive town of Modderpoort is located in the picturesque eastern free state (Figure 1). Closer inspection reveals that behind modderpoort 's unobtrusive façade lies an exceptional and unique hierophany that goes beyond the rock art encountered there to encompass four sacred sites.

Sacred site 1: *San rock paintings*

Modderpoort is one of the few places in southern Africa where the name of the San Community who lived there and painted vibrant images of their spirit world on the Caves walls is known. They where the *Makhomokholo* or the people 'great at cattle.' Further evidence of which is provided by the painting of a cattle raid in the cave (figure2). The diversity and beauty of the modderport paintings indicate that the *Makhomokholo* were strongly attracted to Modderpoort at both earthly and spiritual levels. Unfortunately, since the paintings were declared as National Monuments in 1936, other, irresponsible people have been attracted to Modderpoort and have wet and vandalised the paintings (Figure2). This is lamentable, yet even in their vandalised state, the paintings hint at enormous Sophistication of technique and complexity of religious belief. For example, the main panel at the site contains no less than seven depictions of birds (figure 3). In the left –hand corner of figure 3 is an unusual winged creature with zigzag legs. This image

almost certainly represents a shaman or priest who had assumed bird-like form to undertake the journey to the spirit world which was spoken of as a flight or ascent – much the same as the Christian belief in ascent to heaven.

Sacred site 2: *The Anglican Church and cemetery*

Like the san, Christian missionaries were also attracted to Modderpoort, starting in 1869 when Bishop Twells bought the Modderpoort farm for R352 for the Society of Saint Augustine. In 1871 the priory was built and the sandstone church – a good example of the minimalist mission church tradition – was completed in 1902 (figure 4). In the pale of the church are the graves of the Anglican brothers of the Society of Saint Augustine and the Society of Sacred Mission who lived and worked in the area. Their graves are capped with beautifully carved sandstones quarried in the surrounding hills – the same place the sandstone for the union buildings in Pretoria was quarried. The upside-down bird/ sparrow carved on some of the graves refers to Matthew 10:29-30 in which it states “for only a penny you can buy two sparrows, yet not one sparrow falls to the ground without your Father’s consent. As for you, even the hairs on your head have all been counted. So do not be afraid; you are worth more than many sparrows. It is also within the cemetery that the third sacred site is encountered.

Sacred site 3: *Mantsopa’s grave*

Located in the ‘white’ part of the cemetery, between the Anglican Brother’s and white residents’ graves is the grave of the renowned Sotho prophetess Mantsopa Makheta (c.1793-1905; figure 5). Mantsopa’s life was long and her story complex. Born in the late 18th century, Mantsopa received a calling to divinity while quite young. Her powers grew steadily and in the late 1860s she was exiled to Modderpoort by King Moshoeshoe who feared that her influence was becoming too great. At Modderpoort Mantsopa nominally became a Christian, taking the name Anna. Mantsopa was baptised on the 13th of March 1870 – the same day King Moshoeshoe chose for his baptism; an event destined not to happen as the king died two days before his intended baptism. Though a Christian, Mantsopa continued to perform miracles and venerate her ancestors until her death in 1905; a combination of orthodox and traditional teachings that presaged the formation of the Zionist Christian Church (see below). Mantsopa’s grave continued to be worshipped today and each weekend sees new offerings placed on her grave, in the cave church where she sometimes worked and at the spring where she bathed. It is considered good manners to place a stone on or near her grave. From Mantsopa’s it is a short walk to Modderpoort’s fourth sacred site.

Sacred site 4: *The cave church*

Also known as the rose chapel, the cave church (figure 6) has a long interconnected history. Originally occupied by the San hunter-gatherers, the cave church provided the first missionaries with shelter and a place of worship between 1867-1870 with the building of the priory and sandstone church the cave fell into disuse until the 1970s when members of the Zionist Christian church (ZCC) began using it as an important pilgrimage site. The ZCC members combine mainstream church beliefs with traditional ancestor worship beliefs in a uniquely African amalgam. The cave church is considered a place at which the ancestors are particularly strongly presenced. Many offerings are placed here. For example, snuff is offered so that the ancestors may 'breathe' better-a metaphor for being well. Betting tokens, crockery, food, money, scratch-and-win cards, written appeals and so forth are regularly offered and candles burn constantly during ceremonies which can involve several hundred people.

Conclusion

Modderpoort has an extra-ordinary and unique character that was first noticed by the San hunter-gatherers of the region. Since then modderpoort 's uniqueness has continued to be noted and commemorated by many people. Modderpoort is one of those rare locales at which a variety of people beliefs have come together to express their faiths but have also respected the integrity of the other faiths. Indeed, sometimes faiths overlap or make contact such as the ZCC offerings sometimes deposited in the nooks and cracks in the overhang with San paintings or in the resonances between Mantaopa and the ZCC. In visiting each of Modderpoort 's four sacred site , one embark on a form of pilgrimage that leads to an understanding and tolerance of diversity and difference. Modderpoort provides a model for an harmonious co existence- truly a piece of heaven on earth.

Appendix 5

Mooderpoort

Mooderpoort farm is located between Ladybrand and Clocolan, in the Free State Province of South Africa. Also known by its Sesotho name as *Lekhalong La Bo Tau* – The Pass of the Lions, Modderpoort is a unique and magical home to four sacred sites. These are the Bushmen paintings, Cave Church, Christian church and cemetery, and Mantsopa's grave (Ouzman 1999)

Sacred site 1: Bushmen paintings:

The rock art site found at the farm is one of South Africa's 12 rock art national monuments¹³⁰ and has been considered as a candidate for UNESCO World Heritage Site status in the past. The stone tools and the Bushmen paintings found at the shelter indicate that it was both a physical and a spiritual

¹²⁹ *Midzimu* means ancestor spirits.

¹³⁰ It was declared in 1936 (Deacon 1991: 231; Ouzman 1999: 12). Others are: Bosworth Farm in North-West Province, Driekopseiland and Nooitgedacht in Northern Cape, Kalkoenkraal in the Eastern Cape, Modderpoort, Schaaplaats, Tandjesberg, Stowlands, Ventershoek in Free State, Mpongweni in KwaZulu-Natal Drakensberg, Elands Bay Cave and Rhynsdorp in Western Cape.

home to *Makhomokholo*¹³¹. The images at Modderpoort include paintings of zig-zag figures, birds, a cattle raid, eland and human figures (Fig. 20).



Fig. 20: Modderpoort rock art paintings (from Ouzman 1999)

Sacred site 2: The cave church

Also known as the Rose Chapel, the cave church was possibly initially occupied and painted by the Bushmen. This cave provided the missionaries with shelter and a place of worship between 1869 and 1871 until the building of the priory and the sandstone church. However, the members of Zionist Christian Church (ZCC) began using the cave church in the 1970s as an important pilgrimage site. The cave church is considered to be a place where the ancestors have a strong presence. Many offerings such as betting tokens, crockery, food, money, scratch-‘n-win cards, snuff and written appeals are placed here. Candles are burnt constantly during ceremonies (Ouzman 1999). I found a lot of offerings when I visited the shelter in 1998.

Sacred site 3: The Christian church and cemetery

Christian missionaries were attracted to the area in 1869 when Bishop Twells bought the farm for the Society of Saint Augustine. In 1871 the priory was built and the sandstone church was completed in 1902. Nearby the church are the graves of the Brothers of the Society of Saint Augustine and of the Society of the Sacred Mission who, like the Bushmen, attached great significance to birds. The dove was the Society of Saint Augustine’s emblem and was the symbol of the Holy Spirit and means by which people could be redeemed and ascend to heaven. Carvings of doves can be seen on their graves stones (Ouzman 1999).

Sacred site 4: Mantsopa’s grave

This grave of the renowned Basotho prophetess, Mantsopa Makhetha (c. 1793 – 1904) is located in the ‘white’ part of the cemetery. She originally came from Lesotho, where King Moshoeshoe, who feared that her influence was becoming too great sent her into exile at Modderpoort. She became Christian, but combined Christianity with ancestor worship. This grave continues to be venerated and

¹³¹ *Makhomokholo* means the people great at cattle. Cattle raiding scenes are painted at the Modderpoort shelter.

APPENDIX 6: HUMAN REMAINS AND BURIALS IN DEVELOPMENT CONTEXT

By Murimbika M. (PhD) [2007]

Nzumbululo Heritage Solutions

Hessa5@telkomsa.net

Developers, land use planners and professional specialist service providers often encounter difficult situations with regards to burial grounds, cemeteries and graves that may be encountered in development contexts. This may be before or during a development project. There are different procedures that need to be followed when a development is considered on an area that will impact upon or destroy existing burial grounds, cemeteries or individual graves. In contexts where human remains are accidentally found during development work such as road construction or building construction, there are different sets of intervention regulations that should be instigated. This brief is an attempt to highlight the relevant regulations with emphasis on procedures to be followed when burial grounds, cemeteries and graves are found in development planning and development work contexts. The applicable regulations operate within the national heritage and local government legislations and ordinances passed in this regard. These guidelines assist you to follow the legal pathway.

1. First, establish the context of the burial:

A. Are the remains less than 60 years old? If so, they may be subject to provisions of the Human Tissue Act, Cemeteries Ordinance(s) and to local, regional, or municipal regulations, which vary from place to place. The finding of such remains must be reported to the police but are not automatically protected by the National Heritage Resources Act (Act 25 of 1999).

B. Is this the grave of a victim of conflict? If so, it is protected by the National Heritage Resources Act (Section 36(3a)). (Relevant extracts from the Act and Regulations are included below).

C. Is it a grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority? If so, it is protected by the National Heritage Resources Act (Section 36(3b)).

D. Are the human or hominid remains older than 100 years? If so, they are protected by the National Heritage Resources Act (Section 35(4), see also definition of "archaeological" in Section 2).

2. Second, refer to the terms of the National Heritage Resources Act most appropriate to the situation, or to other Acts and Ordinances:

A. Human remains that are NOT protected in terms of the National Heritage Resources Act (i.e. less than 60 years old and not a grave of a victim of conflict or of cultural significance) are subject to provisions of the Human Tissue Act and to local and regional regulations, for example Cemeteries Ordinances applicable in different Provincial and local Authorities.

B). All finds of human remains must be reported to the nearest police station to ascertain whether or not a crime has been committed.

C). If there is no evidence for a crime having been committed, and if the person cannot be identified so that their relatives can be contacted, the remains may be kept in an institution where certain conditions are fulfilled. These conditions are laid down in the Human Tissue Act (Act No. 65 of 1983). In contexts where the local traditional authorities given their consent to the unknown remains to be re-buried in their area, such re-interment may be conducted under the same regulations as would apply for known human remains.

3. In the event that a graveyard is to be moved or developed for another purpose, it is incumbent on the local authority to publish a list of the names of all the persons buried in the graveyard

if there are gravestones or simply a notification that graves in the relevant graveyard are to be disturbed. Such a list would have to be compiled from the names on the gravestones or from parish or other records. The published list would call on the relatives of the deceased to react within a certain period to claim the remains for re-interment. If the relatives do not react to the advertisement, the remains may be re-interred at the discretion of the local authority.

A. However, it is the responsibility of the developer to ensure that none of the affected graves within the cemetery are burials of victims of conflict. The applicant is also required in line with the heritage legislation to verify that the graves have no social significance to the local communities.

B. It is illegal in terms of the Human Tissue Act for individuals to keep human remains, even if they have a permit, and even if the material was found on their own land.

4. The Exhumations Ordinance (Ordinance No. 12 of 1980 and as amended) is also relevant. Its purpose is “To prohibit the desecration, destruction and damaging of graves in cemeteries and receptacles containing bodies; to regulate the exhumation, disturbance, removal and re-interment of bodies, and to provide for matters incidental thereto”. This ordinance is supplemented and support by local authorities regulations, municipality by-laws and ordinances.

DEFINITIONS AND APPLICABLE REGULATIONS

1). A “Cemetery” is defined as any land, whether public or private, containing one or more graves.

2). A “grave” includes “(a) any place, whether wholly or partly above or below the level of ground and whether public or private, in which a body is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and (b) any monument, tombstone, cross, inscription, rail, fence, chain, erection or other

structure of whatsoever nature forming part of or appurtenant to a grave.

3). No person shall desecrate, destroy or damage any grave in a cemetery, or any coffin or urn without written approval of the Administrator.

4). No person shall exhume, disturb, remove or re-inter anybody in a cemetery, or any coffin or urn without written approval of the Administrator.

5). Application must be made for such approval in writing, together with:

a). A statement of where the body is to be re-interred.

b). Why it is to be exhumed.

c). The methods proposed for exhumation.

d). Written permission from local authorities, nearest available relatives and their religious body owning or managing the cemetery, and where all such permission cannot be obtained, the application must give reasons why not.

6). The Administrator has the power to vary any conditions and to impose additional conditions.

7). Anyone found guilty and convicted is liable for a maximum fine of R200 and maximum prison sentence of six months.

5. Human remains from the graves of victims of conflict, or any burial ground or part thereof which contains such graves and any other graves that are deemed to be of cultural significance may not be destroyed, damaged, altered, exhumed or removed from their original positions without a permit from the National Heritage Resources Agency. They are administered by the Graves of Conflict Division at the SAHRA offices in Johannesburg.

“Victims of Conflict” are:

a). Those who died in this country as a result of any war or conflict but excluding those covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).

b). Members of the forces of Great Britain and the former British Empire who died in active service before 4 August 1914.

c). Those who, during the Anglo Boer War (1899-1902) were removed from South Africa as prisoners and died outside South Africa, and,

d). Those people, as defined in the regulations, who died in the “liberation struggle” both within and outside South Africa.

6. Any burial that is older than 60 years, which is outside a formal cemetery administered by a local authority, is protected in terms of Section 36(3b) of the National Heritage Resources Act. No person shall destroy damage, alter, exhume or remove from its original position, remove from its original site or export from the Republic any such grave without a permit from the SAHRA.

There are some important new considerations applicable to B & C (above).

SAHRA may, for various reasons, issue a permit to disturb a burial that is known to be a grave of conflict or older than 65 years, or to use, at a burial ground, equipment for excavation or the detection or the recovery of metals.

(Permit applications must be made on the official form Application for Permit: Burial Grounds and Graves available from SAHRA or provincial heritage resources authorities.) Before doing so, however, SAHRA must be satisfied that the applicant:

a). Has made satisfactory arrangements for the exhumation and re- interment of the contents of such a grave at the cost of the applicant.

b). Has made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such a grave and,

c). Has reached an agreement with these communities and individuals regarding the future of such a grave or burial ground.

PROCEDURE FOR CONSULTATION

The regulations in the schedule describe the procedure of consultation regarding the burial grounds and graves. These apply to anyone who intends to apply for a permit to destroy damage, alter, remove from its original position or otherwise disturb any grave or burial ground older than 60 years that is situated outside a formal cemetery

administered by a local authority. The applicant must make a concerted effort to identify the descendants and family members of the persons buried in and/or any other person or community by tradition concerned with such grave or burial ground by:

1). Archival and documentary research regarding the origin of the grave or burial ground;

2). Direct consultation with local community organizations and/or members;

3). The erection for at least 60 days of a notice at the grave or burial ground, displaying in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of the period of erection of the notice; and

4). Advertising in the local press.

The applicant must keep records of the actions undertaken, including the names and contact details of all persons and organizations contacted and their response, and a copy of such records must be submitted to the provincial heritage resources authority with the application.

Unless otherwise agreed by the interested parties, the applicant is responsible for the cost of any remedial action required.

If the consultation fails to research in agreement, the applicant must submit records of the consultation and the comments of all interested parties as part of the application to the provincial heritage resources authority.

In the case of a burial discovered by accident, the regulations state that when a grave is discovered accidentally in the course of development or other activity:

a). SAHRA or the provincial heritage resources authority (or delegated representative) must, in co-operation with the Police, inspect the grave and decide whether it is likely to be older than 60 years

or otherwise protected in terms of the Act; and whether any further graves exist in the vicinity.

b). If the grave is likely to be so protected, no activity may be resumed in the immediate vicinity of the grave, without due investigation approved by SAHRA or the provincial heritage resources authority; and

c). SAHRA or the provincial heritage resources authority may at its discretion modify these provisions in order to expedite the satisfactory resolution of the matter.

d). Archaeological material, which includes human and hominid remains that are older than 100 years (see definition in section 2 of the Act), is protected by the National Heritage Resources Act (Section 35(4)), which states that no person may, without a permit issued by the responsible heritage resources authority - destroy, damage, excavate, alter or remove from its original site any archaeological or palaeontological material.

The implications are that anyone who has removed human remains of this description from the original site must have a permit to do so. If they do not have a permit, and if they are convicted of an offence in terms of the National Heritage Resources Act as a result, they must be liable to a maximum fine of R100 000 or five years imprisonment, or both.

TREAT HUMAN REMAINS WITH RESPECT

a). Every attempt should be made to conserve graves in situ. Graves should not be moved unless this is the only means of ensuring their conservation.

b). The removal of any grave or graveyard or the exhumation of any remains should be preceded by an historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of measured drawings and photographs. The report and recording should be placed in a permanent archive.

c). Where the site is to be re-used, it is essential that all human and other remains be properly exhumed and the site left completely clear.

d). Exhumations should be done under the supervision of an archaeologist, who would assist with the identification, classification, recording and preservation of the remains.

e). No buried artifacts should be removed from any protected grave or graveyard without the prior approval of SAHRA. All artifacts should be re-buried with the remains with which they are associated. If this is not possible, proper arrangements should be made for the storage of such relics with the approval of SAHRA.

f). The remains from each grave should be placed in individual caskets or other suitable containers, permanently marked for identification.

g). The site, layout and design of the area for re-interment should take into account the history and culture associated with, and the design of, the original grave or graveyard.

h). Re-burials in mass graves and the use of common vaults are not recommended.

i). Remains from each grave should be re-buried individually and marked with the original grave markers and surrounds.

j). Grouping of graves, e.g. in families, should be retained in the new layout.

k). Material from the original grave or graveyard such as chains, kerbstones, railing and should be re-used at the new site wherever possible.

l). A plaque recording the origin of the graves should be erected at the site of re-burial.

m). Individuals or groups related to the deceased who claim the return of human remains in museums and other institutions should be assisted to obtain documentary proof of their ancestry.

