

SPECIALIST REPORT

**PHASE 1 ARCHAEOLOGICAL / HERITAGE IMPACT ASSESSMENT FOR THE UPGRADING
OF ROADS ON JOE SLOVO ROAD AT HLAWU-HLAWU (CLAU-CLAU) WITHIN WARD 11
OF THE CITY OF MBOMBELA LOCAL MUNICIPALITY, KABOKWENI, MPUMALANGA
PROVINCE**

**REPORT PREPARED FOR
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MAY 2023

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EXECUTIVE SUMMARY

A Phase 1 Heritage Impact Assessment (HIA) regarding archaeological and other cultural heritage resources was conducted on 700m for the proposed upgrading of the Joe Slovo Street at Clau-Clau in Ward 11 in the City of Mbombela Local Municipality. The study area is situated on topographical map 1:50 000, 2531AC WITRIVIER.

NEDA, has been appointed by *DLOMBE LEKHULENI*, to undertake the environmental authorizations for the upgrading of the road from gravel to paving. The road upgrade will be kept within the existing road footprint that has been used by the community. The road is in a state of disrepair due to poor maintenance and flooding. There are a few graveyards next to the road, but the graveyards will not be directly affected by the proposed development.

The National Heritage Resources Act, no 25 (1999)(NHRA), protects all heritage resources, which are classified as national estate. The NHRA stipulates that any person who intends to undertake a development, is subjected to the provisions of the Act.

Three grave sites were observed within the direct vicinity of the road upgrade project. One is a small family grave yard, while the other two are very old & large graveyards, with known as well as unknown graves. It must be taken into consideration that the wider area has a long and continuous settlement history from ca 1600 to today.

Graves always carry a High Cultural Significance rating and should not be impacted, be left undisturbed and intact. It is recommended that the graveyards be fenced off, to prevent any impact on the sites during the construction of the road upgrade and for future preservation. The option to relocate the graves will not be considered, due to the extent of the sites. Although it is foreseen that the graves will not be directly impacted by the proposed road development, it is recommended that a Grave Sites Management Plan be compiled for the various grave sites along the route. Such a Management Plan will mean that the grave sites be documented (photographic documentation, mapping, and listing), to also include in a register which will be lodged with the South African Heritage Resources Agency (SAHRA). Such a document is based on applicable legislation as well as knowledge and experience of the author. The communities which are involved, may also provide valuable insight into the management and preservation of the sites. The Management Plan can be reviewed at least every five years.

During such a road upgrade project, there will be more people and machinery working in the area and care must be taken to prevent accidental damage and vandalism to the grave sites. During the site investigation, no other heritage features were observed within the footprint of the roads upgrade project, but it should be remembered that there is always a possibility of the subterranean presence of archaeological or historical features, artifacts or human remains. Should anything be observed, the work should cease, and a Heritage Specialist should be called in to do an investigation and assessment before work may continue.

Disclaimer: *Although all possible care is taken to identify all sites of cultural significance during the investigation, it is possible that hidden or sub-surface sites could be overlooked during the study. Christine Rowe trading as Adansonia Heritage Consultants will not be held liable for such oversights or for costs incurred by the client as a result.*

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- 1) The results of the project;*
- 2) The technology described in any report;*
- 3) Recommendations delivered to the Client.*



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C. Rowe

MAY 2023

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PROVINCE**

A. BACKGROUND INFORMATION TO THE PROJECT

NEDA, has been appointed by *DLOMBE LEKHULENI*, to undertake the environmental authorizations for the upgrading of the Joe Slovo Street at Clauw-Clauw in Ward 11 (City of Mbombela Local Municipality), from gravel to paving. * The study is on behalf of the City of Mbombela Local Municipality. ¹ The Ngodini road upgrade project will be kept within the existing road footprint that has been used by the community for many years. The road is in a state of disrepair due to poor maintenance and recent flooding. ²

There are a few graveyards along the 700m section of the road which is proposed for the upgrade and it is not foreseen that these will be affected by the proposed development. The gravesites are directly next to where the roadworks will take place. The proposed road upgrade does not constitute the construction of a new road and the upgrade is intended to remain within the existing road alignment. ³

The Sustainable Development Goal (SDG) of the City of Mbombela Local Municipality emphasizes physical access through the improvement of rural roads, and infrastructure. The importance of rural roads extends to all aspects of the economic and social development and uplifting the communities and the entire country. ⁴

*Please note that there are various spellings of the name "Clauw-Clauw". It is also spelt as Clau-Clau or Hlawu-Hlawu.

¹ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 7.

² Personal communication: Mr. T. Mthethwa, NEDA, E-mail access: 2023-03-13.

³ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 23.

⁴ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 16.

This Basic Assessment Report is being compiled following EIA Regulations' Appendix 1 of GNR 324 of June 2017 for Listing Notice 1 Activity 19 of GNR 327 of 2017. The Mpumalanga Department of Agriculture Rural Development, Land and Environment Land Affairs is the competent Authority. ⁵

The project site is located on *the farm MBUYANE 960JU* within the jurisdiction of the City of Mbombela Local Municipality in the Mpumalanga Province. ⁶ The project site is approximately 5km east of the R538 road between White River and Kanyamazane, within the Lowveld region. The entire area consists of residential housing in the Kabokweni area.

Mr. Mthethwa, owner of NEDA, accompanied the author during the field investigation in the residential area, and pointed out the proposed road to be upgraded, as well as the graveyards. ⁷

Adansonia Heritage Consultants were appointed by *NEDA*, to conduct a Phase 1 heritage impact assessment (HIA) on archaeological and heritage resources and to give recommendations as to the preservation of the graveyards. A literature study, relevant to the study area as well as a foot survey was done, to determine that no archaeological or heritage resources will be impacted upon (see map 5: topographical map).

The aims of this report are to source all relevant information on possible archaeological and heritage resources, as well as the graveyards within the study area, and to advise the client on sensitive heritage areas in terms of the specifications as set out in the National Heritage Resources Act no., 25 of 1999 (NHRA). Recommendations for maximum conservation measures for any heritage resources will also be made. The study area is indicated in maps 1 - 8, & Appendices 1 & 3.

This study forms part of a Basic Assessment (BA), Consultant: *NEDA* in strategic partnership with Afrika Enviro & Biology (AEB). Mr. D.J. Mthethwa, P.O. Box 210, Matsulu, 1203, Cell: 072 401 7028 / e-mail: nedaresources@gmail.com;

⁵ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 11.

⁶ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 15.

⁷ Personal communication: Mr. T. Mthethwa, NEDA, 2023-04-22.

- Type of development: 700m of the Ngodini road upgrade project, from gravel to paving, on *the farm Mbuyane 960JU, Kabokweni – Clau-Clau* area, Mpumalanga Province.
- The study area is within the residential area of Kabokweni / Clau-Clau.
- Location of Province, Magisterial district / Local Authority and Property: The project is for the City of Mbombela Local Municipality which is under the jurisdiction of the Ehlanzeni District Municipality, within the Mpumalanga Province.⁸

Terms of reference: As specified by section 38 (3) of the NHRA, the following information is provided in this report.

- a) The identification and mapping of heritage resources / graveyards where applicable;
- b) Assessment of the significance of the heritage resources / graves;
- c) Alternatives given to affected heritage resources by the development (if any);
- d) Plans for measures of mitigation of the graveyards.

Legal requirements:

The legal context of the report is grounded within the National Heritage Resources Act no. 25, 1999, as well as the National Environmental Management Act (Act No. 107 of 1998) (NEMA as amended).

• **Section 38 of the NHRA**

This report constitutes a heritage impact assessment investigation linked to the environmental impact assessment required for the development. The proposed development is a listed activity in terms of Section 38 (1) of the NHRA. Section 38 (2) of the NHRA requires the submission of an HIA report for authorisation purposes to the responsible heritage resources agency, (SAHRA).

Heritage conservation and management in South Africa is governed by the NHRA and falls under the overall jurisdiction of the South African Heritage Resources Agency (SAHRA) and its provincial offices and counterparts.

⁸ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga.

Section 38 of the NHRA requires a Heritage Impact Assessment (HIA) to be conducted by an independent heritage management practitioner, for various development categories (such as road upgrades & graveyards). In addition, the new EIA regulation promulgated in terms of NEMA, determines that any environmental report will include cultural (heritage) issues.

The end purpose of this report is to alert *NEDA*, as well as interested and affected parties about existing heritage resources (including graves) which may be affected by the upgrading of the gravel road (Ngodini project), and to recommend mitigation measures aimed at reducing the risks of any adverse impacts on these heritage resources. Such measures could include the recording of any grave sites in terms of section 36 of the NHRA and also other sections of this act dealing with archaeological sites, buildings and heritage resources.

The NHRA section 2 (xvi) states that a “heritage resource” means any place or object of cultural significance, and in section 2 (vi) that “cultural significance” means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. Apart from a heritage report assisting a client to make informed development decisions, it also serves to provide the relevant heritage resources authority with the necessary data to perform their statutory duties under the NHRA. After evaluating the heritage scoping report, the heritage resources authority will decide on the status of the resource, whether the development may proceed as proposed or whether mitigation is acceptable, and whether the heritage resources require formal protection such as Grade I, II or III, with relevant parties having to comply with all aspects pertaining to such a grading.

- **Section 35 of the NHRA**

Section 35 (4) of the NHRA stipulates that no person may, without a permit issued by SAHRA, destroy, damage, excavate, alter or remove from its original position, or collect, any archaeological material or object. This section may apply to any significant archaeological sites that may be discovered. In the case of such chance finds, the heritage practitioner will assist in investigating the extent and significance of the finds and consult with an archaeologist about further action. This may entail removal of material after documenting the find or mapping of larger sections before destruction.

- **Section 36 of the NHRA**

Section 36 of the NHRA stipulates that no person may, without a permit issued by SAHRA,

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. It is possible that chance burials might be discovered during development of road infrastructure / agricultural activities or construction. Several graveyards were observed along the proposed road upgrade route.

- **Section 34 of the NHRA**

Section 34 of the NHRA stipulates that no person may alter, damage, destroy, relocate etc., any building or structure older than 60 years without a permit issued by SAHRA or a provincial heritage resources authority. This section is not applicable as the entire area is situated within a residential area. See discussion in text.

- **Section 37 of the NHRA**

This section deals with public monuments and memorials but does not apply in this report.

- **NEMA**

The regulations in terms of Chapter 5 of the National Environmental Management Act, (107/1998), provides for an assessment of development impacts on the cultural (heritage) and social environment and for specialist studies in this regard. ⁹

B BACKGROUND TO ARCHAEOLOGY AND HISTORY OF THE STUDY AREA

- **Literature review, museum databases & previous relevant impact assessments**

The study area in the residential areas of Kabokweni and Kanyamazane is approximately 5km east of the R538 road between White River and Kanyamazane. The entire area consists of residential housing in the Kabokweni / Kanyamazane area.

STONE AGE

The Stone Age is the period in human history when people produced stone tools. The Stone Age in South Africa can be divided in three periods:

- Early Stone Age (ESA): +- 2 million – 150 000 years ago;
- Middle Stone Age (MSA): +- 150 000 – 30 000 years ago;
- Later Stone Age (LSA): +- 40 000 – 1850AD.

⁹ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga.

IRON AGE

The Iron Age is the period in time when humans manufactured metal artifacts. According to Van der Ryst & Meyer,¹⁰ it can be divided in two separate phases, namely:

- Early Iron Age (EIA) +- 200 – 1000 AD;
- Late Iron Age (LIA) +- 1000 – 1850 AD.

The wider area is quite rich in archaeological history and the first evidence of ancient mining occurred between 46 000 and 28 500 years ago during the Middle Stone Age. Hematite or red ochre was mined at Dumaneni (near Malelane, approximately 45km south-east of the study area) and is regarded as one of the oldest mines in the world. Iron ore was also mined in the area, and a furnace as well as iron slag was documented.¹¹

Bushman (or San) presence is evident in the area as research by rock art enthusiasts revealed 109 sites in the Kruger National Park,¹² and over 100 rock art sites at Bongani Mountain Lodge and its immediate surrounds¹³ (south-west of the study area), as well as many sites in the Nelspruit, Rocky's Drift and White River (Legogote). Thirty- one rock art sites were recorded by the author on the Mpumalanga Drakensberg Escarpment, of which three sites are near Sabie. Rock art sites were also recorded in Swaziland,^{14 15} and in the Highveld (Chrissiesmeer, Lothair and Amsterdam regions).¹⁶ The Bushman painters most probably obtained the ochre which was used as a pigment in the paintings, from the Dumaneni ochre mine.^{17 18}

Primary and secondary sources were consulted to place the surrounding area in an archaeological context. Ethnographical and linguistic studies by early researchers such as Ziervogel and Van Warmelo shed light on the cultural groups living continuously in the area

¹⁰ Van der Ryst, M.M, & Meyer, A, Die Ystertydperk in *Geskiedenis Atlas van Suid-Afrika Die Vier Noordelike Provinsies*, pp. 96 – 98.

¹¹ Bornman, H., *The Pioneers of the Lowveld*, p. 1.

¹² English, M. Die Rotskuns van die Boesmans in die NKW, in *De Vos Pienaar, U., Neem uit die Verlede*, p. 18-24.

¹³ Hampson, et al., The rock art of Bongani Mountain Lodge, SA Archaeological Bullitin 57: p. 15.

¹⁴ Rowe, C. 2009. Heritage Management of Archaeological, Historical and Industrial resources on the Blyde River Canyon Nature Reserve, MA dissertation. Pretoria: UP.

¹⁵ Masson, J. 2008. Views from a Swaziland Cave. *The Digging Stick*, Vol. 25 no 1: 1-3.

¹⁶ Rowe, C. 2020. Routine Heritage inspection & evaluation report for the following rock art sites: Lochiel 1 & 2, Syde 1 & 2, Ringkink 1a 7 1b & Northdene A & B, Lochiel, Warberton Amsterdam area, March 2015 / 2018 / 2020 & 2022.

¹⁷ Bornman, H. *The Pioneers of the Lowveld*, p. 1.

¹⁸ Masson, J. 2008. Views from a Swaziland Cave. *The Digging Stick*, Vol. 25 no 1: 1-3.

since ca 1600. Historic and academic sources by various authors were consulted, as well as historic sources. Van Warmelo based his 1935 survey of *Bantu Tribes of South Africa* on the number of taxpayers in an area. The survey does not include the extended households of each taxpayer, so it was impossible to actually indicate the number of people living in one area.¹⁹ (See Map 1: Van Warmelo 1935).

Primary sources were consulted from the Pilgrim's Rest Museum Archives for a background on the pre-history and history of the study area. Several circular stone-walled complexes and terraces as well as graves have been recorded in the vicinities of Hazyview²⁰, Bushbuckridge, Graskop and Sabie. Clay potsherds and upper as well as lower grinders, are scattered at most of the sites.²¹ Many of these occur in caves as a result of the Swazi attacks during the 1900's on smaller groups.

Very little contemporary research has been done on prehistoric African settlements in the study area. Later Stone Age sites in the Kruger National Park date to the last 2500 years and are associated with pottery and microlith stone tools.²² The only professionally excavated Early Iron Age site near the area, besides those in the Kruger National Park, was the Plaston site near White River, dating ca 900 AD.²³ No other archaeological excavations have been conducted to date within the study area, which have been confirmed by academic institutions and specialists in the field.²⁴ ²⁵ Several stone walled settlements with terracing were recorded by C. Van Wyk (Rowe) in the wider area,²⁶ and several which were documented in the southern parts of the Kruger National Park.²⁷ The southern Kruger Park and Nelspruit / Bongani Nature Reserve areas have an abundance of San rock art sites,²⁸ as mentioned above, but none were identified in the study area.

The whole district is divided in two, with the Drakensberg Escarpment in the west, and the Low

¹⁹ N.J. van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*, p.9.

²⁰ PRMA: Information file 9/2.

²¹ D. Ziervogel, *The Eastern Sotho, A Tribal, Historical and Linguistic Survey*, p. 3.

²² J.S. Bergh (red.), *Geskiedenis Atlas van Suid Afrika: Die vier Noordelike Provinsies*, p. 95.

²³ M.M. Van der Ryst., *Die Ystertydperk*, in J.S. Bergh (red.), *Geskiedenis Atlas van Suid Afrika: Die vier Noordelike Provinsies*. p. 97.

²⁴ Personal information: Dr. J. Pistorius, Pretoria, 2008-04-17.

²⁵ Personal information: Dr. MS. Schoeman, University of Pretoria, 2008-03-27.

²⁶ C. Van Wyk, *Inspection of Umbhamba Stone-walled settlement, Hazyview*, pp. 1-2.

²⁷ Eloff J.F., *Verslag oor Argeologiese Navorsing in die Krugerwildtuin*, June / July, 1982.

²⁸ Hampson, J., et al., *The rock art of Bongani Mountain Lodge and its environs*, *South African Archaeological Bulletin* 57: pp. 17-28.

Veld (in which the study area is situated) towards the east. Today, we found that the boundaries of groups are intersected and overlapping.²⁹ Languages such as Zulu, Xhosa, Swazi, Nhlangu, Nkuna, sePedi, hiPau and seRôka, are commonly spoken throughout this area.³⁰

When the Swazi began to expand northwards, they forced the local inhabitants out of Swaziland, or absorbed them.³¹ There is evidence of resistance, but the Eastern Sotho groups who lived in the northern parts of Swaziland, moved mainly northwards.³² This appears to have taken place towards the end of the 18th century,³³ when these groups fled from Swaziland to areas such as Nelspruit, Hazyview, Bushbuckridge, Klaserie, Blyde River and Komatipoort.³⁴ The only early trade route mentioned, which crossed this section, was a footpath used by the African groups from Delagoa Bay towards Bushbuckridge (Magashulaskraal as it was previously named), along the Sabie river, up the Escarpment, and further north to the Soutpansberg.³⁵ There is however, no physical evidence left of this early route.

Groups which are found in this area are Shangaan-Tsonga groups as well as Eastern Sotho:

Eastern Sotho group: The Kutswe

The **Kutswe** trekked from the northern parts of Swaziland northwards as a result of pressure from the Swazi in the south.³⁶ The Kutswe settled north-east of the present Nelspruit at a river called Kutswe (Gutshwa)³⁷ from where they got their present name. From here they moved on and settled at various places, and ruins of their kraals are scattered from Pretoriuskop, Hazyview (Phabeni) as well as on the farms Welgevonden 364, Lothian 258, Boschhoek 47, Sandford 46, Culcutta 51 and Oakley 262.³⁸ They occupied additional areas between White River and Sabie, and had sufficient influence amongst the Pai during the early 20th century, to establish authority over more than 2000 individuals living on farms on both sides of the Sabie

²⁹ N.J. van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*, p. 51.

³⁰ M. De Jongh (ed)., *Swatini*, p. 21.

³¹ A.C. Myburgh, *The Tribes of Barberton District*, p. 10.

³² N.J. Van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*. p. 111.

³³ H. S. Webb, The Native Inhabitants of the Southern Lowveld, in *Lowveld Regional Development Association, The South-Eastern Transvaal Lowveld*. p. 14

³⁴ *Ibid.*, p. 16.

³⁵ L. Changuion & J.S. Bergh, Swart gemeenskappe voor die koms van die blankes, in *J.S. Bergh (red).*, *Geskiedenis Atlas van Suid Afrika: Die vier Noordelike Provinsies*. p. 104.

³⁶ *Ibid.*, p. 110.

³⁷ T. Makhura, Early Inhabitants, in *Delius, P. (ed).*, *Mpumalanga: History and heritage*. p.105.

³⁸ D. Ziervogel, *The Eastern Sotho, A Tribal, Historical and Linguistic Survey*, p. 110.

River from the town of Sabie as far as the main road from White River to Bushbuckridge.³⁹ They had chief jurisdiction over the following farms near Bushbuckridge: Oakley 262, Calcutta 51, Madras 50, Alexandria 251, Cork 60 and Ronoldsey 273. They intermarried with Nhlangu (Shangaan), Swazi and Pai.^{40 41}

These early settlements all developed into larger settlements by the descendants of the groups, which are mentioned above, and the entire area to date, consists of villages, settlements or farms of which some are only a few kilometers apart.

Tsonga groups: The Nhlangu and Tšhangana

The Nhlangu and Tšhangana (also generally known as the Shangaan-Tsonga)⁴² form part of the larger Tsonga group of which the original group occupied the whole of Mosambique (Portuguese East Africa), and it has been recorded that by 1554, they were already living around the Delagoa Bay area (Maputo).⁴³ They fled from the onslaughts of the Zulu (Nguni) nation from the Natal area and great numbers of emigrants sought safety in the “Transvaal” as recently as the 19th century, especially in the greater Pilgrim's Rest district (including the study area that we are concerned with). The Tsonga also moved west from Mozambique into the “Transvaal”. They have never formed large powerful tribes but were mostly always subdivided into loosely-knit units which were absorbed under the protection of whichever chief would give them land.⁴⁴ They were originally of Nguni origin.⁴⁵ The term “Shangaan” is commonly employed to refer to all members of the Tsonga division.⁴⁶

The **Nhlangu** occupied the Low Veld area in their efforts to escape the Zulu raids during 1835-1840. They lived side by side with the Tšhangana, and the differences between the two are inconsiderable. They have mixed extensively with other tribes.⁴⁷

³⁹ D. Zivogel, *The Eastern Sotho, A Tribal, Historical and Linguistic Survey*, pp. 4-10.

⁴⁰ *Ibid.*, p. 110.

⁴¹ *Ibid.*, p. 110.

⁴² M. De Jongh (ed.), *Swatini*, p. 24.

⁴³ N.J. Van Warmelo, Grouping and Ethnic History, in *Schapera I., The Bantu-Speaking Tribes of South Africa. An Ethnographical survey*, p. 55.

⁴⁴ N.J. Van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*, pp. 90-91.

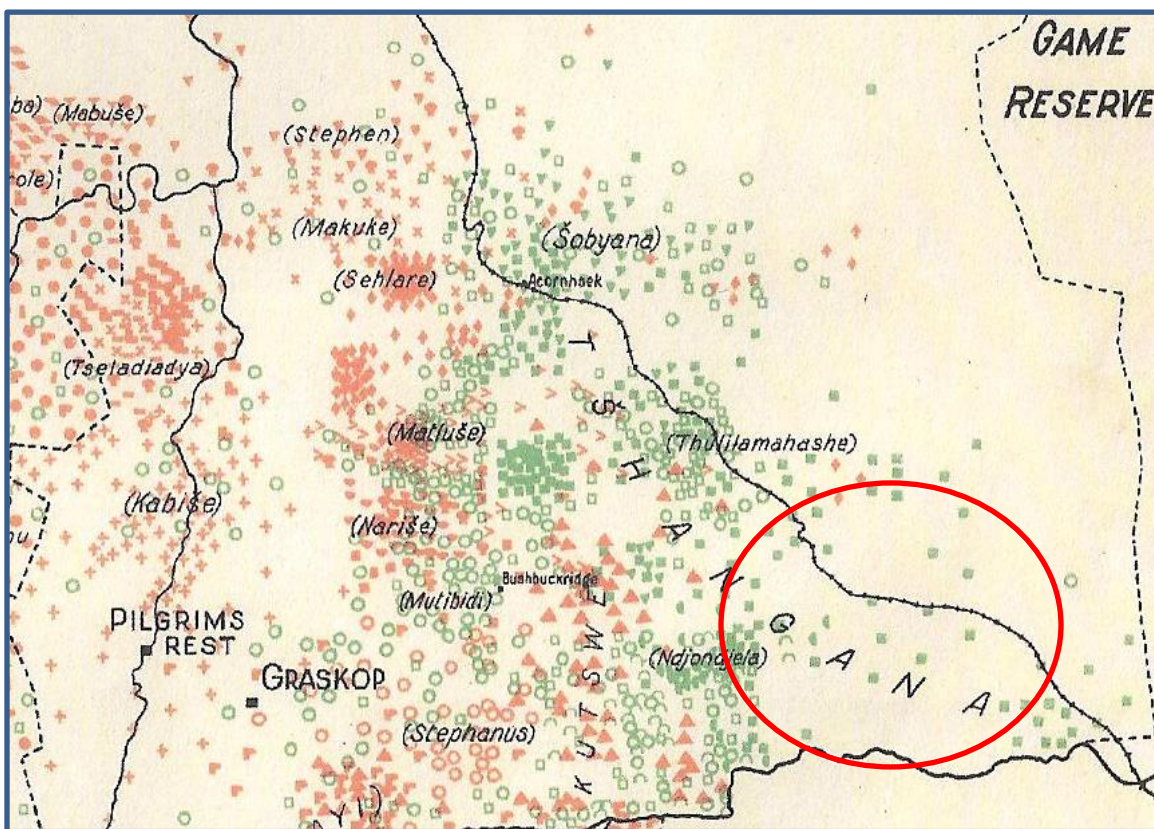
⁴⁵ N.J. Van Warmelo, Grouping and Ethnic History, in *Schapera I., The Bantu-Speaking Tribes of South Africa. An Ethnographical survey*, p. 55.

⁴⁶ N.J. Van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*, p. 92

⁴⁷ *Ibid.*, pp. 91-92.

The **Tšhangana** are also of Nguni origin who fled in the same way as the Nhlangu, settled in the “Transvaal” a little later than the former. Most of the Tsonga were subjects to *Soshangane*, who came from Zululand.⁴⁸ The downfall of *Ngungunyana* (son of *Soshangane*) saw his son seeking sanctuary in the “Transvaal”, and the latter became known as *Thulamahashi*,⁴⁹ the name that is still used for the area east of Bushbuckridge.

The historical background of the study area confirmed that it was occupied since the 17th century by various Shangaan (Tšhangana) groups. These groups have intermarried extensively or were absorbed by other groups in time, and today groups such as Eastern Sotho, South-Ndebele, Swazi, Tsonga and Northern-Sotho still occupy this area.⁵⁰



MAP 1: Van Warmelo: 1935: The areas of Kabokwini, Hlawu-Hlawu & Kanyamazane are indicated by the red oval. This forms part of the wider area.

⁴⁸ N.J. Van Warmelo, Grouping and Ethnic History, in Schapera I., *The Bantu-Speaking Tribes of South Africa. An Ethnographical survey*, p. 57.

⁴⁹ N.J. Van Warmelo, *A Preliminary Survey of the Bantu Tribes of South Africa*, p. 92.

⁵⁰ M. De Jongh (ed)., *Swatini*, p. 40.

The author was also involved in desktop studies and surveys in the area, such as:

- *Study for the Proposed Eskom Powerlines, Hazyview – Dwarsloop* (2008);
- *Inspection of Umbhaba Stone-walled settlement, Hazyview*, (2001);
- *a Phase 1 Archaeological and Heritage Impact Assessment for 132Kv Powerlines from Kiepersol substation (Hazyview), to the Nwarele substation Dwarsloop* (2002);
- *a Phase 1 Archaeological and Heritage Impact Assessment for a proposed traffic training academy, Calcutta, Mkhuhlu, Bushbuckridge* (2013);
- Phase 1 Archaeological and Heritage Impact Assessment for the proposed *Nkambeni cemetery in Numbi, Hazyview* (2013);
- Phase 1 Archaeological and Heritage Impact Assessment for a *Development on the farm Agricultural Holding no 56 JU, White River* (2013) was done in the wider area;
- Phase 1 Archaeological and Heritage Impact Assessment for proposed *agricultural development on the farm SIERAAD, Komatipoort area*, (2013) revealed one possible Late Stone Age borer which was identified in a soil sample, one meter below the surface;
- Phase 1 AIA / HIA for *proposed debushing of natural land for agricultural use: Portion 10 of the farm Thankerton 175JU, Hectorspruit, Mpumalanga Province* (2013); revealed some Later Stone Age artifacts which were all out of context and a burial site;
- Phase 1 AIA / HIA for the *proposed residential township, Tekwane extension 2, portion 7 of the farm Tekwane 537 JU*. No archaeological material of significance was identified.
- Report on Grave site found at *portion 7 of the farm Tekwane 537 JU, in way of amended Bulk Sewer Pipeline, Kanyamazane, Mpumalanga Province* (2017) – Large graveyard identified.
- Phase 1 AIA / HIA for the *proposed construction of a 0.75ML/D water treatment plant and bulk line on government land at Makoko Village (near White River) Kabokweni, Mpumalanga Province* (2017) residential township, *Tekwane extension 2, portion 7 of the farm* – no significant archaeological sites were observed;
- Letter of recommendation for the exemption from a Phase 1 AIA / HIA for the *proposed new position for the Gutshwa substation, Gutshwa (near White River)* (2016);
- Phase 1 AIA / HIA for the *proposed 2ha development of the Msogwaba Youth Development Centre on a portion of the farm Nyamasaan 647JU, Msogwaba, Mpumalanga province* - no significant archaeological sites were observed (2018).
- Phase 1 AIA / HIA for a *proposed agricultural development on the farm Krokodilspruit*

248JT, White River, Mpumalanga Province – some archaeological features as well as graves were observed;

- Phase 1 AIA / HIA for the *proposed establishment of Macadamia Plantation on portion 1 of the farm Peebles 31-JU* (2019)
- Phase 1 AIA / HIA for the *proposed erection of a Bush Camp on a portion of portion 1 of the farm Jeukpeulhoek 222KU, Bushbuckridge Local Municipality, Mpumalanga province* (2020).
- Phase 1 AIA / HIA for the formalization of a residential Township on portion 5 of the farm Rolle 235KU & portion 1 of the farm Dingleydale 229KU, Bushbuckridge, Mpumalanga (2022).
- Phase 1 AIA / HIA for the construction of a proposed lodge on portion “0” of the farm Dixie 240KU, Bushbuckridge Local Municipality, Mpumalanga (2023).
- Phase 1 AIA / HIA for the construction of a Health Care Clinic, at Dumphries-A, Bushbuckridge Local Municipality, Mpumalanga (2023).

The SAHRA database for archaeological and historical impact assessments was consulted and revealed other recent Archaeological Impact assessment reports in the area:

- Van Vollenhoven: *A Report on a basic assessment relating to cultural heritage resources for the proposed ESKOM Tekwane North line and substations, Mpumalanga Province* (2013) – revealed historic remains of low significance and a cemetery.
- A. Pelser: *A Report on Archaeological phase 2 mitigation of an early farmer site to be impacted on by the development of the Zandspruit Eco Estate on the farm Happyland 241KT, Hoedspruit, Limpopo Province*, (2008);
- A. Pelser: *A report on a phase 1 HIA for the upgrade of the Wits Rural facility: Training & Research centre located on portion 175 of the farm Guernsey 81KU, near Klaserie & Acornhoek, Limpopo Province*, (2013);
- A. Pelser: *A report on background archival & historical research pertaining to the Lemana College & Elim Mission station, Limpopo province*, (2013);
- A. Pelser: *A report on the Phase 2 Archaeological mitigation of 2 Stone Age open-air sites to be impacted by the Nwamitwa dam development project on the farms La Motte 464LT & Riverside 514LT in the Letsitele area near Tzaneen, Limpopo Province* (2016);
- A. Pelser: *Report on the AIA of various quarry, stockpile, road construction camps, borrow pits, dam construction camp sites and other associated infrastructures related to the Nwamitwa Dam development project, Limpopo Province*, (2016);

- A. Pelser: *Final report on the assessment of cultural heritage resources (incl. grave sites & archaeological sites) to be impacted by the Nwamitwa dam and associated infrastructure development, Limpopo Province, (2016).*
- A. Pelser: *Report on a phase 1 HIA for the proposed development of a private hospital on a portion of the farm Greater Giyani 891LT, Giyani, Limpopo province, (2017);*
- A. Pelser: *Report on a phase 1 HIA for the proposed cultivation of Macadamia nuts, avocados and guava on ptn 1 of Palmietfontein 2LT, near Louis Trichardt, Limpopo (2018);*

History of the wider area

The City of Mbombela Local Municipality is one of four Local Municipalities of the Ehlanzeni District Municipality in the Mpumalanga Province. It is renowned for its agricultural and tourism attractions. It is located within the north-eastern part of Mpumalanga and is bounded by Mozambique in the east, City of Mbombela Local Municipality in the south, and Thaba Chweu Local Municipality in the south-west, and Bushbuckridge is in the north. The R40 national road from Marite to Acornhoek to the north, provides a gateway to major economic centers and tourism attractions such as Hazyview, Hoedspruit, Pilgrim's Rest and Graskop.⁵¹ The townships in the various parts of the district, were land owned by local traditional leaders or tribal chiefs.

C. DESCRIPTION OF THE AREA TO BE AFFECTED BY THE PROPOSED DEVELOPMENT

The applicant, in co-operation with *NEDA* is conducting environmental authorizations for the upgrading of the Joe Slovo Street at Clawu-Clawu in Ward 11 (City of Mbombela Local Municipality), from gravel to paving. The study is on behalf of the City of Mbombela Local Municipality.⁵² The road upgrade will be kept within the existing road footprint that has been used by the community. The road is in a state of disrepair due to poor maintenance and constant flooding.⁵³ (See figs. 1 – 6, & 30 – 32).

The entire area for the proposed Ngodini road upgrade, is situated within the residential township area of Kabokweni (Clawu-Clawu). Several graveyards were observed along the

⁵¹ Techvolution Consulting Engineers, Project Implementation Plan, May 2022., p. 11.

⁵² AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 7.

⁵³ Personal communication: Mr. T. Mthethwa, NEDA, E-mail access: 2023-03-13.

section of the road which is proposed for the upgrade. The graveyards are directly next to where the roadworks will take place. The proposed Ngodini road upgrade does not constitute the construction of a new road, and the upgrade is intended to remain within the existing road alignment. The natural terrestrial habitat is completely transformed to residential suburban.⁵⁴

The site is situated in the Lowveld region of Mpumalanga. The Lowveld is subtropical, due to its proximity to the warm Indian Ocean and latitude. Technically the ecozone representing this area is referred to *Lowveld Sour Bushveld* veld type according to Acocks (1988), or *Sour Lowveld Bushveld* according to Low & Rebelo 1998), and Schmidt et al (2002).⁵⁵ The classifications are very broad and may include sub-veld- types of importance.⁵⁶

The general study area consists of mountainous bushveld typical of the eastern Lowveld Escarpment foothills. The typical granite and dolerite plains have sandy soils and clayey soils in the lower areas. Most of the area is underlain by gneiss and migmatite of the Nelspruit Suite. Soils are of Mispah, Glenrosa and Hutton forms, shallow to deep, sandy or gravelly and well drained.^{57 58 59} The topography of the study area is relatively steep, and the area generally slopes towards the south and drainage lines. Several rocky outcrops were observed in the higher-lying areas,⁶⁰ but these do not form part of the study area.

The project site within the residential area, starts at a center point, (point A, figs. 7 & 9, 10, 12, 15 – 17) proceeding in a northerly direction (points B & C, figs. 18 - 21, 24 - 29). This is the section where the graveyards are situated. The road from Point A to D (figs. 30 – 32) continues from the center in an easterly direction, but no grave sites are situated along this section (see maps 2, & 4 – 8 & Appendix 3).

⁵⁴ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, pp. 23-24.

⁵⁵ Personal Communication: Dr. Andrew Deacon (for Lowveld area), 2018-11-22.

⁵⁶ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 22.

⁵⁷ SANPARKS, Visitors Guide to the Kruger National Park, p. 2.

⁵⁸ Van Wyk, B., & Van Wyk P., Field Guide to Trees of Southern Africa, 1997, p. 500.

⁵⁹ Personal Communication: Dr. Andrew Deacon (for Lowveld area), 2018-11-22.

⁶⁰ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, pp. 23-24.



MAP 2: The road upgrade area is indicated by the purple & red lines. (Map courtesy from Draft BA report).⁶¹ See Appendix 3.

D. LOCALITY

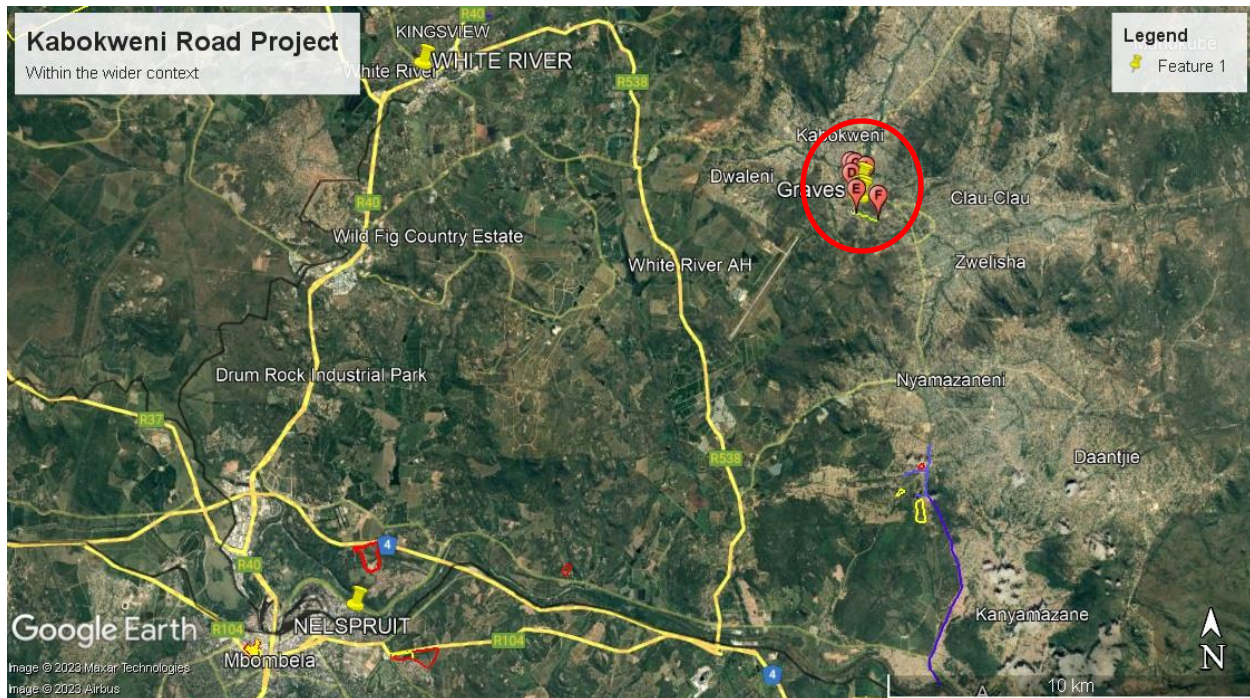
The project site is located on *the farm MBUYANE 960JU* within the jurisdiction of the City of Mbombela Local Municipality in the Mpumalanga Province.⁶² The project site is approximately 5km east of the R538 road between White River and Kanyamazane, within the Lowveld region. The entire area consists of residential housing in the Kabokweni area. The road which is proposed for the upgrade, is situated within the residential township, and is the Joe Slovo Street at Clawu-Clawu in Ward 11.⁶³

The study area is indicated on the 1984 topographical map (2531AC, WITRIVIER). (Also see maps 1 - 8 & Appendix 3 figs. 1 – 32 for the study area).

⁶¹ AEB: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. i.

⁶² AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 15.

⁶³ AEB: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga.



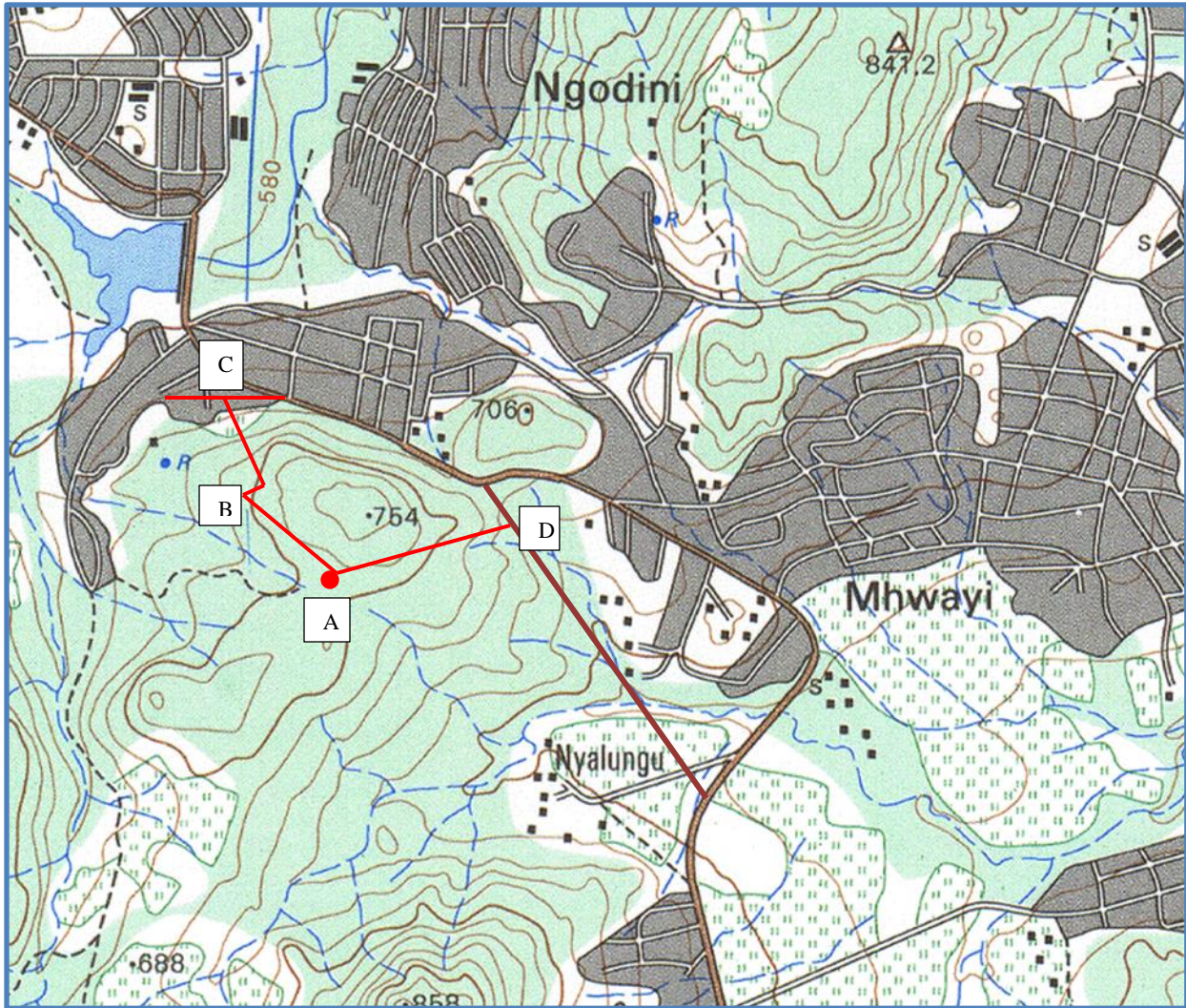
MAP 3: Google image of the Kabokweni Road Project near Hlawu-Hlawu (Clau-Clau), as seen within a wider context (red oval).

The 1984 topographical map show that the study area (map 4, red line), was not built up at that time, and it was still in its natural state. No archaeological, or historical features were indicated on this map, for the proposed project site. Over nearly 40 years, the township developed, and covered most of the natural sections (see maps 2 & 5). The extent of the residential development is clearly visible in map 3.

Description of methodology:

The 1984 topographical map, (2531AC WITRIVIER, map 4), as well as Google images were intensively studied to assess the current and historically disturbed areas and infrastructure. In order to reach a comprehensive conclusion regarding the cultural heritage resources in the study area, the following methods were used:

- The desktop study consisted mainly of archival sources studied on distribution patterns of early African groups who settled in the area since the 17th century, and which have been observed in past and present ethnographical research and studies. Literary sources, books and government publications, which were available on the subject, have been consulted, in order to establish relevant information;
 - Literary sources: A list of books and government publications about prehistory and history of the area were cited, and revealed some information;



MAP 4: Topographical map 1:50 000 (1984), 2531AC, WITRIVIER. The red line indicates the project site: A (Center at red dot), B (turn direction east), C (end) & D (eastern road section).

-The archaeological database of SAHRA as well as the National Cultural History Museum were consulted. Heritage Impact Assessment reports of specialists who worked in the area were studied and are quoted in section B.

- Specialists currently working in the field of anthropology and archaeology have also been consulted on the subject;
- The fieldwork and survey were conducted on the roads by three people on foot and per vehicle. The existing roads for the proposed upgrade, were used (see Appendix 1).
- The field investigation was done during April 2023, and visibility was excellent.
- The relevant data was located with a GPS instrument (Garmin Oregon 750) datum WGS 84, and plotted. Co-ordinates were within 3 meters of identified sites.

- Evaluation of the resources which might be impacted upon by the footprint, was done within the framework provided by the National Heritage Resources Act, no. 25 (1999);
- Personal communication with Mr. Mthethwa (NEDA), was held.

GPS co-ordinates of the road upgrade route. Co-ordinates: provided by NEDA: ⁶⁴

Location	South	East	Elevation
A: From center to north: start of road upgrade; & Center to D (east).	S 25° 21' 53.07"	E 31° 07' 51.03"	676m
B Turn: towards east	S 25° 21' 38.63"	E 31° 07' 46.63"	641m
C – End of road (northern point)	S 25° 21' 29.63"	E 31° 07' 50.72"	613m
D – From center to east	S 25° 21' 58.09"	E 31° 08' 15.62"	683m

E. DESCRIPTION OF IDENTIFIED SITES

The proposed upgrading of the Joe Slovo Street at Clawu-Clawu in Ward 11 (City of Mbombela Local Municipality), from gravel to paving, is currently a priority to improve accessibility as well as living conditions of the communities. These roads are degraded as a result of erosion, due to poor maintenance and flooding. ⁶⁵ The Ngodini road upgrade will be kept within the existing road footprint that has been used by the community for many years. ⁶⁶

There are a few graveyards along the section of the road which start from the center (Point A), and proceed in a northern direction to Points B & C. Point C is the end location of the proposed upgrade project. The section from the centre (A), to Point D, will also be upgraded, but there are no graveyards next to this section of road (See figs. 7 – 32).

The graveyards / sites are directly next to where the roadworks will take place (see maps 5 – 8). The family graveyard (1)(map 6), is visible in figs. 8 & 30, the community graveyard (2)(map 7), is visible in figs. 11 – 15, and the third graveyard (map 8) is visible in figs. 21 – 24). The proposed Ngodini road upgrade does not constitute the construction of a new road and the upgrade is intended to remain within the existing road alignment. ⁶⁷

⁶⁴ BID document: EAP – S. Zwane, KE Holdings (Pty) Ltd, July 2022, Access 2022-08-02.

⁶⁵ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 7.

⁶⁶ Personal communication: Mr. T. Mthethwa, NEDA, E-mail access: 2023-03-13.

⁶⁷ AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawu within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 23.

All comments should be studied in conjunction with the maps, figures and appendices, which indicate the study area, and which correspond with the summary below. Photographs in Appendix 3 show the general view of the study area, as well as the graveyards which were identified (figs. 1 - 32). (Maps 4 - 8).



MAP 5: The shaded areas represent the graveyards which are situated directly next to the road which is proposed to be upgraded by paving (see maps 6 - 8 below).
FAMILY GRAVEYARD 1:



MAP 6: The small family graveyard is situated at Point A, the center of the study area. It consists of a very small site of approximately 6 graves (figs. 8 & 30).

COMMUNITY GRAVE YARD 2:



MAP 7: A very large community graveyard, visible at Point A, is situated to the west of the proposed road upgrade (green line). The area is over one hectare in size (figs 11-15).

COMMUNITY GRAVE YARD 3:



MAP 8: A very large community graveyard, between Points B & C, is situated to the south of the proposed road upgrade (green line). This area is also larger than one hectare (figs. 21-24).

Graveyards within the study area, which were observed during the survey (maps 5 - 8):

Feature / Site	Description / Comments	Site Location
GRAVES		
Family Grave yard (1)	A small family graveyard is situated at the Centre point (Point A), where the northern and eastern sections of the roads join with the western access road (see map 5). Figs. 8 & 30	25°21'53.03"S 31°07'51.46"E Elev. 677m
Community Graveyard (2)	A very large community graveyard is situated at the Centre point (Point A, directly west of the proposed road upgrade project (see map 5). Figs. 11 - 15	25°21'52.17"S 31°07'48.90"E Elev. 672m
Community Graveyard (3)	A very large community graveyard is situated between Points B & C, to the south of the proposed road upgrade project (see map 5). Figs. 21 - 24	25°21'36.33"S 31°07'51.34"E Elev. 640m

Please note that the study area is currently within a residential Township and therefore extensively disturbed in terms of archaeological or historical heritage resources. The wider area has a long settlement history and items such as upper and lower grinding stones as well as clay pots may still be found in the township, but nothing was observed during the survey. These items are also currently still widely used in rural areas, and may be associated with recent settlement. No archaeological or historical features were identified during the field investigation.

F. STATEMENT OF SIGNIFICANCE & EVALUATION OF HERITAGE RESOURCES

Section 38 of the NHRA, rates all heritage resources into National, Provincial or Local significance, and proposals in terms of the above are made for all identified heritage features.

• **Evaluation methods**

Site significance is important to establish the measure of mitigation and / or management of the resources. Sites are evaluated as *HIGH (National importance)*, *MEDIUM (Provincial importance)* or *LOW, (local importance)*, as specified in the NHRA. It is explained as follows:

• **National Heritage Resources Act**

The National Heritage Resources Act no. 25, 1999 (NHRA) aims to promote good management of the national estate, and to enable and encourage communities to conserve their legacy so that it may be bequeathed to future generations. Heritage is unique and it cannot be renewed,

and contributes to redressing past inequities.⁶⁸ It promotes previously neglected research areas.

All archaeological and other cultural heritage resources are evaluated according to the NHRA, section 3(3). A place or object is considered to be part of the national estate if it has cultural significance or other special value in terms of:

- (a) its importance in the community, or pattern of South Africa's history;
- (c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- (h) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa.⁶⁹

- **Graves**

SAHRA Policy on burial grounds

NHRA Sections 27 & 36: The policy is that graves and cemeteries should be left undisturbed, no matter how inaccessible and difficult they are to maintain. It is our obligation to empower civil society to nurture and conserve our heritage. It is only when essential developments threaten a place of burial, that human remains should be disinterred to another cemetery or burial ground.

From a historical point of view and for research purposes, it is vital that burial sites are not disturbed. The location and marking of an individual's grave tell a life story, possibly where he / she died defending (or attacking) a particular place or situation and makes it easier to understand the circumstances of his / her death.⁷⁰

- **The significance and evaluation of heritage features as well as graves on the project site:**

Three graveyards / sites were identified along the route of the proposed Ngodini upgrade of the Joe Slovo road. SAHRA regards all graves and burial sites as of high significance, and therefore mitigation measures are recommended for graves / burial sites on the project site.

⁶⁸ National Heritage Resources Act, no. 25 of 1999. p. 2.

⁶⁹ National Heritage Resources Act, no. 25 of 1999. pp. 12-14

⁷⁰ SAHRA, Burial sites, [Http://www.sahra.org.za/burial.htm](http://www.sahra.org.za/burial.htm), Access, 2008-10-16.

BURIAL SITES: Grave sites within the project area:

Site no	Cultural Heritage features	Significance	Measures of mitigation
Grave yards G1, G2 & G3	Family graveyard 1; Community graveyard 2 (large); Community graveyard 3 (large);	HIGH	The grave sites must be fenced off to prevent damage and disturbance during the road upgrade project, and for future preservation. A grave sites Management Plan to be drawn up. *Relocation is not an option due to the size of the sites (see discussion in text).

All graves, even if they fall outside of the project site, fall under the National Heritage Resources Act no. 25, 1999 (NHRA), and must be handled accordingly.

- **Field rating:**

Please note that no archaeological, historical or heritage features (apart from the graveyards), were observed during the field investigation.

Burial Sites / graves:

SAHRA's policy on burial grounds are strict and sections 27 & 36 rate all such sites as of **High** significance (NHRA, no. 25 of 1999, section 36).⁷¹ Three graveyards were observed next to the Joe Slovo road which is proposed for upgrading into a paved road (see maps 5 – 8 & figs. 1-32). It is recommended that graves or burial sites be left intact and undisturbed.

During such a road upgrade project, there will be more people and machinery working in the area and care must be taken to prevent accidental damage and vandalism to the grave sites, therefore the sites must be fenced. Although the graves will not be directly impacted by the proposed road development, it is recommended that a Grave Sites Management Plan be compiled for the various grave sites along the route. Such a Management Plan will mean that the grave sites be documented (photographic documentation, mapping, and listing), to also include in a register which will be lodged with the South African Heritage Resources Agency (SAHRA).

Due to the extent of the sites, relocation will not be an option. (See Appendix 2 for the minimum requirements for a process of relocation of graves).

⁷¹ SAHRA, Burial sites, <http://www.sahra.org.za/burial.htm>, Access, 2018-08-09.

G. CONCLUSION

Three burial sites were observed within the direct vicinity of the road upgrade project. One is a small family grave yard, while the other two are very old & large graveyards, with known as well as unknown graves (see Appendix 3, & maps 5 – 8). It must be taken into consideration that the wider area has a long and continuous settlement history from ca 1600 to today.

Graves always carry a High Cultural Significance rating and should not be impacted, be left undisturbed and intact. It is recommended that the graveyards be fenced off before the road upgrade starts to prevent any impact on the sites from the construction activities. Consent should be given by the community and Tribal Authority.⁷² The option to relocate the graves will not be considered, due to the extent of the sites. Although the graves will not be directly impacted by the proposed road development, it is recommended that a Grave Sites Management Plan be compiled for the various grave sites along the route. Such a Management Plan will mean that the grave sites be documented (photographic documentation, mapping, and listing), to also include in a register which will be lodged with the South African Heritage Resources Agency (SAHRA). The document is based on applicable legislation as well as knowledge and experience of the author. The communities which are involved, may also provide valuable insight into the management and preservation of the sites. Such a document can be reviewed at least every five years.

During such a road upgrade project, there will be more people and machinery working in the area and care must be taken to prevent accidental damage and vandalism to the grave sites. During the site investigation, no other heritage features were observed within the footprint of the Ngodini road upgrade project, but it should be remembered that there is always a possibility of the subterranean presence of archaeological or historical features, artifacts or human remains. Should anything be observed, the work should cease, and a Heritage Specialist should be called in to do an investigation and assessment, before work may continue.

Adansonia Heritage Consultants cannot be held responsible for any archaeological material or graves which were not located during the survey.

⁷² AEB: Danie van der Walt: Draft BA report for the construction of culvert bridges on Joe Slovo road at Hlawu-Hlawy within Ward 11 of the City of Mbombela Local Municipality, Mpumalanga, p. 23.

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PERSONAL INFORMATION

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APPENDIX 1

Tracks and Paths used to access the study area



Tracks which were used during the survey, are indicated in green.

APPENDIX 2

GRAVE RELOCATION PROCESS

Mitigation measures are required for the burial sites to prevent development activities to impact negatively on them. The client has two options (with implications) in the way forward (An institution dealing with heritage related grave issues must mitigate the graves, i.e. facilitated by an archaeologist and a registered undertaker):

1. To preserve the graves in situ with a fence around them; or
2. To relocate the graves;

Option 1:

The site must be demarcated and excluded from the development (by the Client);

Regulations specify that the client / specialist must-

- establish management guidelines for the burial site;
- make a concerted effort to contact communities or individuals who by tradition have an interest in such remains;
- reach agreements with such communities or individuals regarding the future of such remains, for eg. visiting rights. All agreements must be set out in the management guidelines. The stipulations in the guidelines must be respected by both parties.

Option 2:

To relocate the graves:

Arbitrary exhumation and re-internment of human remains, apart from being illegal, does not constitute a socially responsible mitigation action and borders on the destruction of culturally sensitive property. The minimum requirements for a process of relocation of graves involve the following:

Regulations specify that the client / specialist must-

- make a concerted effort to contact communities or individuals who by tradition have an interest in such remains;
- reach agreements with such communities or individuals regarding the future of such remains;
- the area be fenced off, until the human remains are relocated;
- a possible site to be considered for the relocation for eg., a cemetery on the property, close by.

An institution dealing with heritage related grave issues must mitigate the graves.

- Report intention of relocation of graves to the SAPS and SAHRA in compliance with Act no. 25 of 1999;
- Place notices required by Act no. 25 of 1999 and the Transvaal Ord. 7 of 1925 (Refer Proc. 109 of 17 June 1994);
- Ensure social consultation process, according to the requirements of Act no. 25 of 1999 and the Transvaal Ord. 7 of 1925;
- Obtain SAHRA authorization and comply to the conditions;
- Obtain National Department of Health authorization and comply to conditions;
- Obtain Office of the Provincial Premier authorization and comply to conditions;
- Obtain Local Authority authorization and comply to conditions;
- Comply to stipulations of Act 65 of 1983 during handling of human remains;
- Generate Third Schedule Notice of Internment in compliance with applicable Local Authority Bylaw;
- Generate a Burial Order in compliance of Act 51 of 1992.

Physical exhumation to follow by an archaeologist and a registered undertaker.