

HERITAGE SURVEY FOR THE PROPOSED EXPANSION OF MINING ACTIVITIES
ON THE FARM NKOMATI 770-JT, MPUMALANGA PROVINCE



Compiled by:

ARCHAEOLOGY AFRICA CC
P.D. BIRKHOLTZ

Tel: +27 12 332 5305
Fax: +27 12 332 2625
Cell: +27 82 717 6661
E-mail: polke@lantic.net



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EXECUTIVE SUMMARY

Archaeology Africa cc was appointed by *Nkomati Mine (Pty) Ltd* to undertake a heritage survey on the farm Nkomati 770-JT. The farm Nkomati 770-JT is earmarked for the expansion of mining activities. This farm was recently proclaimed by the mining company from sections of the farms Uitkomst 541-JT and Vaalkop 608-JT. The study focussed specifically on that section of the farm Nkomati 770-JT which used to be located on the farm Uitkomst 541-JT.

The study has identified 24 heritage sites situated within the study area. The sites can be classified into Late Iron Age and/or historic sites, historic sites with graves, graves, possible graves and old mine workings.

- Late Iron Age / Historic sites

Five sites were located which could either not be positively identified as belonging to the Late Iron Age or historic period, or alternatively contained elements from both periods. These five sites are NKO-17, NKO-19, NKO-21, NKO-22 and NKO-23.

- Historic sites with graves

One of the historic sites located within the study area were found to be associated with a grave. The grave was identified through its physical grave dressing. The site is NKO-20.

- Graves

Thirteen sites comprised of only graves were located within the study area. These are NKO-1, NKO-2, NKO-3, NKO-4, NKO-5, NKO-6, NKO-7, NKO-8, NKO-9, NKO-10, NKO-11, NKO-12, NKO-14 and NKO-15. The graves from nine of these sites (NKO-1 to NKO-5 and NKO-7 to NKO-10) have already been exhumed and relocated after the required permits had been obtained.

- Possible Graves

Three sites comprised of features or structures which could possibly be grave dressings have been found. These are NKO-6, NKO-13 and NKO-16.

The following mitigation measures are recommended for these sites:

- Late Iron Age / Historic sites

The settlement layout of all these sites must be documented through surveying and the drawing of a detailed Site Layout Plan.

None of these sites can be considered to be of any great significance. As such the recording of their settlement layouts will be the only requirement before destruction can take place.

- Historic sites with graves

The settlement components of these sites must all be documented through surveying and the drawing of a detailed Site Layout Plan.

As it would be impossible to conserve the graves *in situ* full grave relocation is recommended. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation process to try and identify the family of the deceased.

- Graves

As it would be impossible to conserve the graves *in situ* full grave relocation is recommended. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation process to try and identify the family of the deceased.

- Possible Graves

As these sites would be impossible to conserve *in situ* mitigation in the form of reconnaissance excavation must be undertaken. The excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. The site can be destroyed if no evidence is found. However, should it be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a relocation process must always be

inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all the relevant legislation.

It is the opinion of the author of this report that on the condition that all the recommendations made in this report are adhered to, the development may be allowed to continue.

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1. INTRODUCTION

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As will be discussed in more detail below, an archaeological survey was undertaken during February 2000 in terms of the proposed mining expansion on the farm Uitkomst 541-JT. This initial survey focussed on the proposed mining pits and infrastructure associated with the proposed mine expansions.

The present study must be considered as a heritage survey of the area earmarked for mining expansion on those sections of the farm Nkomati 770-JT which used to be located on the farm Uitkomst 541-JT.

2. DESCRIPTION OF STUDY AREA AND DEVELOPMENT

2.1 The Study Area

The study area is located in the Albert Luthuli Local Municipality, approximately 24 kilometres north-east of the town of Badplaas.

In general terms the site can be described as very mountainous and as such is characterised by numerous slopes and gradients.

A number of non-perennials flow through the study area while the closest perennial river is the Gladdespruit a short distance to the west.

At the time of the survey large sections of the study area had been disturbed by prior mining, mining development activities as well as plantations.

2.2. The Proposed Development

The proposed development comprises the expansion of mining activities by *Nkomati Mine (Pty) Ltd* to the farm Nkomati 770-JT.



Plate 1 General view of the study area. Photograph taken in a south-eastern direction.



Plate 2 Another view of the study area. This photograph was taken in a south-western direction.

3. METHODOLOGY

The methodological approach used for the study is aimed at compiling as complete as possible heritage inventory of the study area.

3.1 Desktop Study

The primary aim of the desktop study is to compile as much available information as possible on the heritage resources of the area. Such a study also helps in providing historical context for any sites that are located.

The desktop investigation focussed on the study of published and unpublished source material, archival records as well as historical and archival maps.

The institutions housing material that was studied during the course of the project include the South African National Archives, University of South Africa's Muckleneuk Library and the Directorate: Surveys and Mapping in Cape Town.

3.2 Field Surveys

The field surveys took place during August and October 2007 and consisted of foot surveys of the entire study area.

All located sites were briefly documented. This documentation includes photographs (where possible) and descriptions as to the nature and condition of the located material. A hand-held Global Positioning System (Garmin Summit) set to datum WGS84 was used to obtain site coordinates.

The located sites were also given unique individual numbers, from NKO-1 to NKO-24. The acronym used as part of the numbering system was derived from the name of the mine, in this case *Nkomati Mine*.

3.3 Consulting with Local Interested and/or Affected Parties

Intensive consultation with erstwhile residents of the study area took place during the fieldwork. The following individuals were consulted with:

- Amos Mbokane
- Sam Kutuba Nkosi
- N.E. Vilakazi
- Michael Mbokane
- Petros Mbokane
- Grace Mbokane
- Rose Nkosi
- Moses Soko
- Noziga Julia Nkosi
- Linah Masilela
- Lidiah Lettie Makhanya
- Andries Masilela

3.4 Aspects regarding Visibility and Constraints

Not subtracting in any way from the comprehensiveness of the fieldwork undertaken, it is necessary to realise that the heritage resources located during the fieldwork do not necessarily represent all the heritage resources located there. This may be due to various reasons, including the subterranean nature of some archaeological sites and dense vegetation cover. As such, should any heritage features and/or objects not included in the present inventory be located or observed, a heritage specialist must immediately be contacted. Such observed or located heritage features and/or objects may not be disturbed or removed in any way until such time that the heritage specialist has been able to make an assessment as to the significance of the site (or material) in question. This is true for graves and cemeteries as well.

4. FINDINGS

4.1 Desktop Study Findings

4.1.1 Cartographic findings

The study of historic and archival maps represents a valuable tool in the identification of heritage sites within a defined area. The primary source for maps used in this study was the cartographic section of the National Archives in Pretoria. Maps housed at the Africana Section of the University of South Africa Library were also studied. Two maps of relevance for the study area were located. Copies of these maps are included in this report and a short overview of each is made.

4.1.1.1 Geological Map

Figure 1 depicts an enlarged section of the Geological Map of the Barberton District. It was surveyed in 1905 as well as between 1913 and 1916.

The farm Uitkomst is depicted as unsurveyed land. No heritage resources are indicated for the area

4.1.1.2 Untitled Map

Figure 2 depicts sections of an untitled map that was first published on the 17th of February 1906 and revised on the 1st of February 1911.

The farm Uitkomst is still depicted as unsurveyed land. No heritage resources are indicated for the farm area, though two black dwellings are depicted to the north on the farm Slaaihoek.

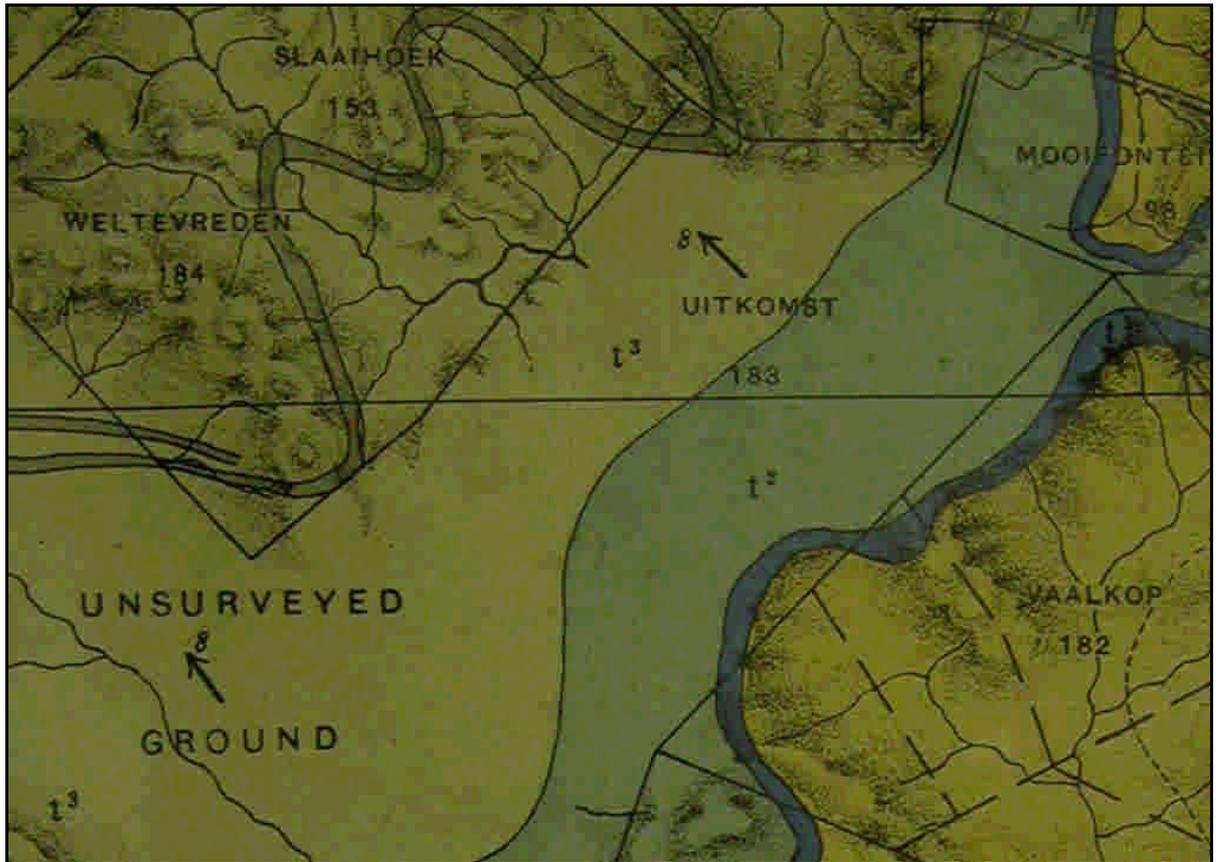


Figure 1 Geological map that was surveyed in 1905 as well as between 1913 and 1916.



Figure 2 Untitled map that was surveyed in 1906 and revised in 1911.

4.1.2 Ethnographic evidence for prehistoric settlement

During the 1940s and 1950s reasonably intensive attempts were made by A.C. Myburgh of the then *Department of Native Affairs* to record the oral history of the black people of the Carolina district. His study included the present study area and surroundings as well and was published in 1956 as *The Tribes of the Carolina District* (Myburgh, 1956).

The work of Dr. J.S.M. Matsebula titled *A History of Swaziland* (Matsebula, 1988) also provided information on the history of Swazi expansion and settlement into the areas surrounding the study area.

Mpumalanga: History and Heritage, the newly published book of Prof. Peter Delius, was used to augment the other works, especially on the history of the Sotho speaking groups in the area.

4.1.2.1 The Sotho

According to Makhura (2007) the so-called eastern Sotho (including the Pai, Pulana and Kutswe) expanded from the 17th century onwards into large areas of western and northern Swaziland as well as the districts of Carolina, Barberton and Waterval Boven. The stone settlements of the Pulana in the present-day Carolina and Barberton districts were called Shakwaneng (near the present day towns of Waterval Boven and Badplaas) and Motšhiteng respectively.

The research undertaken by Prof. B.V. Lombaard has also shown a strong association of the area lying between Lydenburg and Machadodorp with the Koni (The Lydenburg News, 12 November 1976).

The presence of the Sotho in these areas before the expansion of Swazi is supported by the oral histories recorded by Myburgh (1956). He refers to various elderly residents of the Carolina district who were of the opinion that before the Swazi came to settle in the area during the 19th century it was resided in by people belonging to the Sotho-Tswana linguistic group. Matsebula (1988) concurs and states that Sotho groups such as the Pedi resided along the Mpumalanga escarpment before the Swazi came into the area.

The Swazi expansion into the districts of Carolina and Barberton took place during the successive reigns of Swazi kings Sobhuza I (Somhlolo) (ca 1815 - 1839) and Mswati II (ca 1840 - 1868). For example, during the early 1830s Sobhuza had established a royal

village at Ezulwini from where he extended his sphere of influence to the Komati River in the north and the Dlomodlomo Mountains (north of Badplaas) in the west.

4.1.2.2 The Swazi

4.1.2.2.1 The Mbhuleni settlement

As mentioned above, Mswati II followed on the expansion programme of his father (Sobhuza I) into areas presently falling within the Carolina and Barberton districts. He encountered and defeated various Sotho groups. He eventually also managed to defeat the Pedi of Sekwati who was forced to accept the Swazi king's authority. As a way of ensuring that they stay subjugated Mswati established three large military posts along the Little Crocodile River. These settlements were named Mekemeke, Mjindini and Mbhuleni and the king placed one of his wives (inkhosikati) as well as a ndvuna (governor) in each. Two of the settlements were located away from the study area with Mekemeke between present day Barberton and Komatipoort and Mjindini at present day Barberton. However, the third settlement known as Mbhuleni was established at the foot of the Dlomodlomo Mountains to the north of the present day town of Badplaas. The inkhosikati here was Nandzi the daughter of Magadla Khumalo while the ndvuna was Ngcina Matsebula (Matsebula, 1988).

While Myburgh (1956) agrees that all three settlements outlined before existed, his research has shown that the Mbhuleni settlement was established shortly after the death of Sobhuza I in 1839 while the other two settlements were only established approximately 25 years later in c. 1864. He also indicates that the settlement of Mbhuleni was first built at the foot of the Mkhingoma Mountain on the farm Nederland (some distance south-east of Badplaas). Myburgh (1956) concurs with Matsebula (1988) that Nandzi was settled here and that the settlement's governor was Ngcina Matsebula. He adds that in c. 1840 it was relocated to the Sibongela Mountain on the farm Welgevonden some distance to the south of Badplaas. It remained here for a long time and was only relocated in 1915 to the farm Alexandria. This farm is located a short distance south-west of the study area between Badplaas and Kafferskraal. In 1937 the settlement was moved to the farm Kafferskraal. In 1947 the entire settlement once again returned to the farm Nederland, where they remained for approximately two years before they once again moved to the farm Alexandria.

Myburgh (1956) also mentions that the Mbhuleni settlement of Nandzi was at first the Mbhuleni of another one of the wives of Mswati II, the daughter of Ngodzela Mkhonta. This settlement was located inside Swaziland. After Mswati's wife was accused by a group

of people known as Ngcamane of an extramarital relationship with the settlement's ndvuna Ndzinga Jele, she was executed. Tandzile, the mother of Mswati, was not happy with this and banned the Ngcamane to the foot of the Dlomodlomo Mountain where the Mbhuleni was rebuilt.

4.1.2.2.2 The Ludlambedlwini settlement

Between c. 1840 and c. 1855 king Mswati II established a settlement for his oldest brother Somcuba (Ndlovuyangwane) south of the Komati River on what is presently known as the farm Kafferskraal 618 JT. This farm is located adjacent and to the south of Onverwacht 611 JT. A cattle post for the king's Ludlambedu herd was also established here and as a result the settlement became known as Ludlambedlwini.

Shortly before c. 1855 a civil war erupted between the sons of Mlambo Nhlapo, Mhlangala and Gama in the Ermelo area. Gama Nhlapo managed to get the protection of Mswati II and settled near the Mbhuleni settlement which at the time was located on the farm Welgevonden. A joint attack was undertaken on the settlement of Mhlangala by the troops of Mswati II and Gama Nhlapo. In response Mhlangala attacked the Swazi at Ludlambedlwini. The attack took place early in the morning and was a complete victory for Mhlangala. All the king's cattle were taken and recollections of eyewitnesses to the attack told of how the children of the settlement were killed and hung on the posts of the cattle kraal. The vernacular names of three streams in the area tell the tale of this attack, namely Ligatane (blood), Nontjobongo (hiding place) and Nkendezzi (where blood meandered).

Fortunately for Somcuba he was visiting outlying areas of his settlement north of the Komati River at the time. Upon hearing of the attack he sent his Ngcova regiment out to recover the king's cattle. They met up with Mhlangana's troops at the Libobo stream in the vicinity of present-day Badplaas, routed them and managed to recover the king's cattle.

After the attack a dispute took place between Somcuba and Mswati II and their respective troops met in battle in the vicinity of present-day Barberton. Although Somcuba's men won the day he saw the dangers of staying at Ludlambedlwini and decided to move. He established himself near the present-day town of Lydenburg where he was later attacked by Mswati II and killed.

4.1.2.2.3 The Shangweni settlement

During the beginning of the 19th century King Sobhuza I (Somhlolo), the founder of the Swazi nation, placed two of his sons Ndlaphu and Kufa in charge of a section of his kingdom. Kufa received the so-called Lusushwana area in the vicinity of present-day Ermelo where he stayed till past the death of his father in c. 1839. A few years after the crowning of his half-brother as King Mswati II in c.1840 Kufa paid a visit to the newly crowned king and complained that the Lusushwana area which he had been given was unproductive. In response the king offered Kufa a section of land to the north of present-day Badplaas. Kufa accepted this offer and found himself in charge of an extensive portion of land to the north of the Komati River reaching from the Mgubudla (or Gladde) Stream in the west all the way to Waterval Boven in the east.

He subsequently built his settlement on the Ndlulele hill presently located in the north-western corner of the farm Vriesland (directly adjacent to Onverwacht) and named it Shangweni.

In c. 1869 the settlement of Shangweni was attacked by Msutfu, the son of Mswati II's brother Somquba. The attack by Msutfu was in response to the death of his father at the hands of the king's warriors. Kufa and most of his men were away from the settlement at the time of the attack, which meant that the women and children bore the brunt of Msutfu's revenge and many of them were either killed or captured. It is related that after the attack Msutfu stood at the entrance to the settlement's cattle enclosure to supervise the removal of all Shangweni's cattle.

After the attack the Shangweni settlement was relocated to the farm Kafferskraal 618 JT. It was here that Mabhedla, the son of Mswati II, attacked Shangweni again.

4.1.2.2.4 Swazi settlement on the farm Uitkomst

During a period of famine (in c. 1877) an indvuna from within Swaziland, Mshiza Maseko, was given permission by Swazi king Mbandzeni to relocate to the farm Uitkomst 541-JT. He settled near the boundary with the farm Vaalkop 608-JT where his settlement was known as eLuvalweni. Mshiza Maseko died in c. 1884 and was buried here. His eldest son, Nyovane Maseko, was only five years old at the time and was adopted by Mshiza Maseko's brother Gajane Maseko. He stayed on at his father's settlement until c. 1895 when he went to work on a nearby white-owned farm. During the South African War (1899-1902) Nyovane Maseko travelled around with his cattle to keep them from being confiscated by British troops or Boer commandoes. After the war he settled on the farm

Uitkomst again and stayed there until 1908 when a mine was established on the neighbouring farm Slaaihoek 540-JT. He started working for the mine shortly thereafter and remained an employee for the remainder of his life. In 1911 he was appointed the indvuna of the area by Nandzi, the wife of Mswati II. In 1930 Nyovane Maseko relocated from Uiktomst to Slaaihoek, where he established his Nhleleleka settlement.

Dandane Norah Maseko, the daughter of Nyovane and his third wife Lomatfondvo (born Nkhambule) married Magajane Mbokane. After becoming the indvuna for the area, Nyovane Maseko appointed Magajane Mbokane as his tindvuna. Magajane settled on the farm Uiktomst.

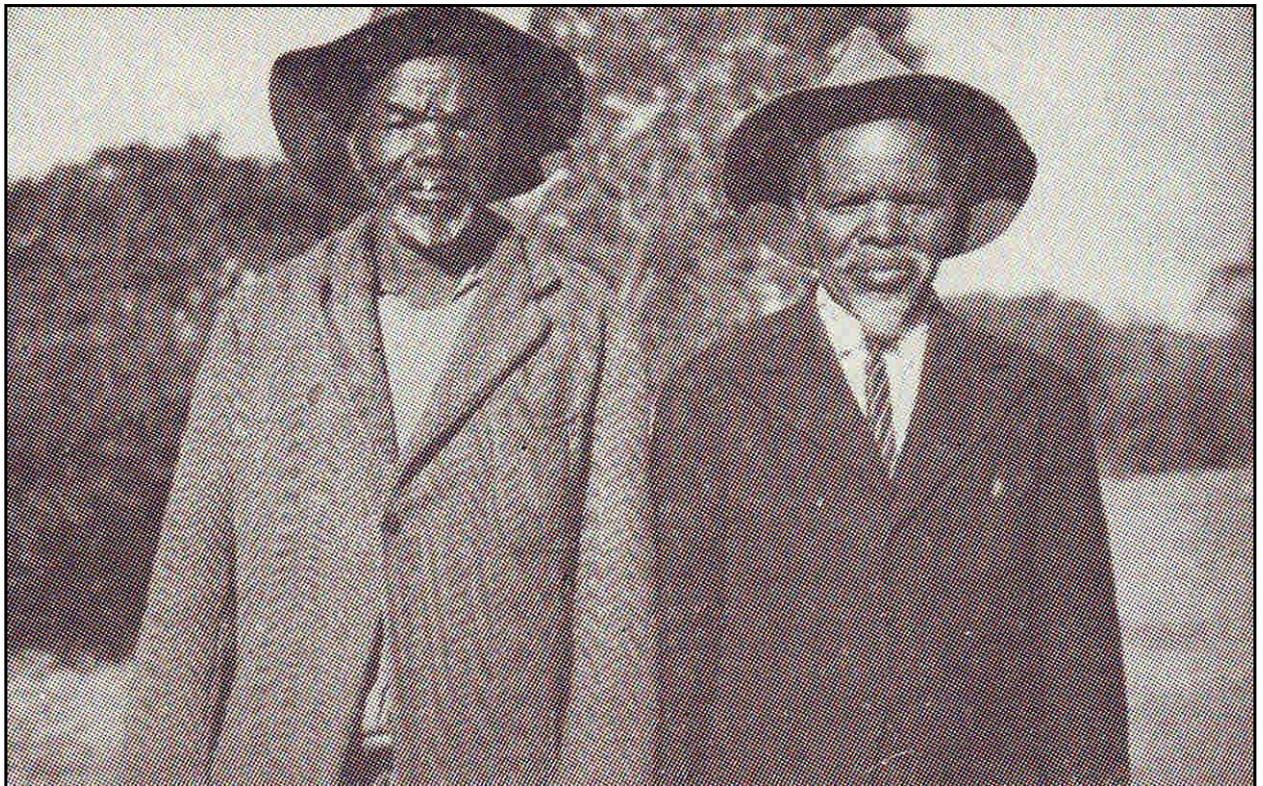


Figure 3 Nyovane Maseko (left) with evangelist Johannes Jele (right) (Myburgh, 1956:279)

4.1.3 The archaeology of the study area and surroundings

4.1.3.1 General

The known archaeological fieldwork which has taken place in the direct vicinity of the study area is outlined under Sections 4.1.3.2 and 4.1.3.3 below. In the wider region the closest published archaeological research that could be found was the work undertaken by D.P. Collett (1979) in the Badfontein valley as well as the research undertaken by Evers (1975) and Marker & Evers (1976) in the vicinity of Lydenburg. Their research has

revealed the existence of extensive settlements comprised of terracing, cattle tracks and areas with concentrated enclosures. The last mentioned features consisting of an area in which a number of stone walled enclosures and walling are found, have been referred to as cultural units (Evers, 1976), ruins (Collett, 1982) and homesteads (Evers, 1981). In the section that follows the term "enclosure unit" will be used.

In general terms two broad types of enclosure units have been found and recorded during various research projects. Collett describes these two types as simple ruins and complex ruins, with the first being isolated circular enclosures and the latter defined as "*...two or more contiguous circular or sub-circular enclosures.*" (Collett, 1982:34). Marker and Evans (1976) have identified three enclosure unit types. The first consists of two concentric circles, in which the inner enclosure would most likely have been the cattle kraal and the area between the inner and outer walling used for the building of huts. The second type identified by Marker & Evers also has an outer wall, but instead of a single smaller enclosure within its centre the enclosure units from this type has in its central part a "*...complex of enclosures, generally consisting of a large central one with two opposed entrances and a number of circles around part of, or the whole of, the perimeter*" (Marker & Evers, 1976:161). The suggestion made is that the huts would have been built between the enclosing wall and this central complex of enclosures. The third type identified by them consists of a concentration of small enclosures which does not conform to the layout pattern of the first two types.

Excavations at a Late Iron Age site in the Gustav Klingbeil Reserve (Old number 61/73; later Klingbeil 2530 AB:3) have revealed a complete hut floor as well as the courtyard and verandah of a second hut. The hut floor consisted of a layer of gravel on top of which a layer of flat stones were placed. The stones were covered in clay. The remains of a verandah with clay flooring and a clay bench were excavated on that side of the hut which faced down slope and toward the central livestock enclosures. The walls of the hut were built of closely positioned poles, while the inner and outer walls were plastered with clay.

A charred post excavated from the courtyard of a hut at Klingbeil 2540 AB:3 has been radiocarbon dated to 130 ± 40 B.P (Evers & Vogel, 1980). The calibrated dating of the site has been suggested as between A.D. 1640 and A.D. 1820 (Evers, 1981).

The numerous stone walled enclosures and cattle tracks found at many of these sites indicate the significance of herding activities, and direct evidence in the form of the cattle as well as goat/sheep teeth have been found. Agricultural activities in turn are indicated

by the location of numerous grinding stones as well as terracing used for levelling sloped areas for use as agricultural fields (Marker & Evers, 1976).

The Late Iron Age excavations have also revealed decorated and undecorated ceramic fragments and vessels. Evers (1981:98) indicates that the research undertaken essentially by him and D.P. Collett have revealed that the stone walled sites from the Lydenburg district "...belong to a single ceramic phase which Collett has called *Marateng*". He also points to the strong association in terms of settlement layout as well as ceramic decoration with the Pedi.

More recently, however, it has been suggested that all Late Iron Age sites from Lydenburg can not always be associated with the Pedi alone, and that some of these can be associated with the Koni as well.

4.1.3.2 Archaeological survey on the farm Slaaihoek

In 1994 an archaeological survey was undertaken by the Archaeological Resources Management (ARM) unit of the Department of Archaeology at the University of the Witwatersrand (Huffman & Steele, 1994). The study's area of focus was the proposed NICO mining project on the farm Slaaihoek 540-JT.

The survey located a total of five sites, which were classified as two Iron Age sites, two historic sites and one cemetery.

- Iron Age Sites

The first of the two Iron Age sites comprised two stone-walled enclosures located close to each other at the upper end of the project area near the proposed slimes dam. The enclosures were 25m in diameter and both their entrances faced uphill. The suggestion was made in the report that although huts may have been situated some 15 to 20 meters uphill from the enclosures, prior plantations had destroyed any physical evidence which may have existed for these. A short distance uphill from the enclosures a cluster of dolerite boulders were found which had three Iron Age engravings on them. The subject matter consisted primarily of irregular circles representing cattle enclosures and in one instance double lines representing cattle tracks.

The second Iron Age site was located against a ridge on the southern end of the site and also comprised a cluster of stone-walled enclosures. Although three separate enclosures could be identified, prior plantations had largely destroyed two of these.

Both Iron Age sites were identified as Swazi homesteads likely dating to the period AD 1750 to 1850.

- Historic sites

An old prospector's excavation associated with a pile of cobbles was what the first historic site consisted of. The site was located on the saddle of a ridge.

The second historic site was located some 300m east of the first and comprised an enclosure 25m in diameter. While one section of the wall was 1.5m high and associated with prickly pear plants, other sections were associated with wooden fence posts. It was assumed that this site dated from the period when Slaaihoek was still an active farm.

- Cemetery

The fifth site was a historic cemetery containing approximately 15 graves. The grave dressings comprised stone concentrations and some headstones.

4.1.3.3 Archaeological survey on the farm Uitkomst

In 2000 an archaeological survey was undertaken by the Archaeological Resources Management (ARM) unit of the Department of Archaeology at the University of the Witwatersrand (Huffman, 2000). The study's area of focus was the proposed expansion of mining activities by Nkomati Mine on the farm Uitkomst 541-JT, and specifically four proposed pit areas and possible waste stockpiles.

The survey located a total of eight sites which were classified as three Late Iron Age sites, four historic sites and one cemetery. With the exception of the cemetery none of these sites were located in the field. This may be due to the fact that they did not require further mitigation and were possibly destroyed.¹

¹ For the aims of this report the sites were given site numbers ranging from ARMS-1 to ARMS-8. The positions of these sites are marked on the site distribution map (see Annexure B).

- Late Iron Age Sites

The first two Late Iron Age sites comprised stone enclosures with diameters between 14m and 20m. Both these stone circles likely represented cattle byres and must have had dwellings around them. While the first site (ARMS-1) (S25.74111 E30.62028) was located on the south-eastern boundary of Pit 4, the second site (ARMS-2) (S25.74333 E30.61472) was located on the western boundary of Pit 3. These two sites were identified as Swazi homesteads which likely dated to the period AD 1750 to 1850. A third Late Iron Age site (ARMS-3) was found to the south of Pits 3 and 4 and was located in a defensive position on top of a ridge. The suggestion was made in the report that this site may have provided protection for the homesteads lower down in the valley during a time of war or unrest (i.e. the *difaqane*).

When a comparison is drawn between the positions of these three sites and the sites located during the present survey, it was found that ARMS-1 was located 45m north-west of a historic cemetery associated with the Nkosi and Masilela families (see site NKO-9 below), while ARMS-2 was found to be located 54m north of a small stone circle (see site NKO-18 below). None of these sites appear to be associated with one another. ARMS-3 was found to be located to the west and outside of the present study area.

- Historic sites

All four the historic sites comprised historic homesteads. Two of these (ARMS-4 was located inside Pit 1 at coordinates S25.75222 E30.63389 while ARMS-5 was located just west of Pit 1 at coordinates S25.75194 E30.63000) consisted of grindstones, pottery and stone alignments. The third historic site (ARMS-6) (S25.74500 E30.61972) was located inside Pit 3 and comprised terrace walling and rectangular structures. The fourth historic site (ARMS-7) (S25.74722 E30.62861) was located on a ridge inside Pit 2 and contained a cement stone slab, stone lines, terraces and a rectangular wall made with stone and cement.

- Cemetery

One historic cemetery (ARMS-8) (S25.75139 E30.63694) was found north-east of Pit 1. The site was associated with a historic homestead.

When a comparison is drawn between the positions of ARMS-8 and the sites located during the present survey, it was found to be 47m north-west of a historic cemetery associated with the Nkosi and Vilakazi families (see site NKO-4 below). These two sites must be one and the same and the slight difference in locality can likely be attributed to differences in GPS calibration and/or accuracy.

4.1.4 Historic black settlement in the study area and surroundings

As discussed before, ever since the late 1800s families such as the Masekos and Mbokanes settled on what is today the farm Uitkomst 541-JT. The settlement of people on the farm would have been rapidly increased by people coming to work for the farm owner as well as by the opening of a gold mine on the nearby farm Slaaihoek 540-JT. While Myburgh (1956) has it that the mine was established in 1908, the archival sources indicate a more recent date. For example, on the 1st of November 1917 one G. F. Mijnhardt approached the Director of Irrigation to launch an application on behalf of the *Slaaihoek Prospecting Syndicate* for a water right in accordance with Section 21 of Act, No.8 of 1912 for the purpose of running machinery and general mining. The stream for which the application was to be made was the Gladdespruit. The Mining Commissioner responded by saying that the farm Slaaihoek was not yet proclaimed with the department and that only prospecting was taking place at the time. He suggested that the applicants first apply for a Discover's Rights and Proclamation of the Farm before water rights were to be given (MNW 397). This indicates that the Slaaihoek mine must only have been opened after 1917. In another archival file it is indicated that during 1920 the plant and buildings required for mining operations at Slaaihoek Mine had already been completed (MNW, 533).

The homestead of the Swazi is called the *umuti* (pl. *imiti*) and is at least resided in by the homestead leader (*umunzane*), his wife (or wives), unmarried children as well as other dependants. In some cases married sons of the *umunzane* would also settle in the *umuti*.

While the ethnographical sources indicate the use of wood, plant materials, clay and mud in the construction of the various structural elements of the *umuti*, the primary building material observed in the homesteads observed within the study area was stone with some clay and mud visible as well. This can be attributed to various factors, including the fact that very few trees and bushes are found in or near the study area whereas all the ridges found here are excellent sources of stone.

While the layout of each individual homestead can differ and change depending on the number of wives, children and other family members, they are usually comprised of the same settlement components. These include:

- *Sibaya* (cattle kraal)

The cattle kraal is arguably the most significant element of the homestead and traditionally would have been centrally located. In more recent times the *sibaya* would be located down slope or to the east of the remainder of the homestead. The kraal mostly has a smaller enclosure attached to its outside known as *inhlambelo* in which calves were kept.

- *Indlunkhulu* (main hut)

The main hut is located directly behind the cattle kraal and is used to house the mother of the *umunzane*.

- *Indlu Yekunene* (secondary hut)

The second most senior residential unit of the homestead is located to the right of the *indlunkhulu* and is known as the *indlu yekunene*. This hut is always located to the right of the main hut. In cases where the mother of the *umunzane* is still alive, his first wife would stay here. If she has passed on this area would combine with the *indlunkhulu* to form one section.

- *Indlu Yelikhohlwa* (tertiary hut)

The third most senior residential unit is called the *indlu yelikhohlwa* and is built for the second wife of the *umunzane*.

- *Lilawu* (hut for boys)

While small children sleep in their mother's hut, this changes before puberty. All boys reaching the age of approximately 12 years are moved from the huts of their mothers to a hut that is built specifically for the boys and known as the *lilawu*. The *lilawu* is often constructed on the right-hand side of the homestead near the entrance to the cattle kraal and has such a strong association with the cattle kraal that it is often built of exactly the same material.

- *Intsanga* (hut for girls)

Just before puberty the girls of the homestead are moved from the huts of their mothers to a hut built specifically for them. This hut is known as *intsanga* and while it is built in exactly the same way as the huts of the adults, it does not have a hearth (*litiko*) or place of offering (*umsamo*).

- *Lidladla* (kitchen hut)

In earlier years every woman had her own *lidladla*. In more recent years however, more than one woman would share this structure. The *lidladla* was used as the space in which food was prepared by a woman (or women) as well as the place where the woman (or women) and children would eat.

- Storage hut

In earlier years every woman in the homestead had her own storage hut. As is the case with the kitchen hut, however, more than one woman would share this hut in more contemporary times. This area was used for the storage of various articles such as pots, blankets, clothing as well as a sleeping space for guests.

- Structures or features where food is stored

These structures or features include the grain hut (*sihlandla semabele*), the grain platform (*inyango*) and the grain pit (*ingungu*) (Herbst, 1985).

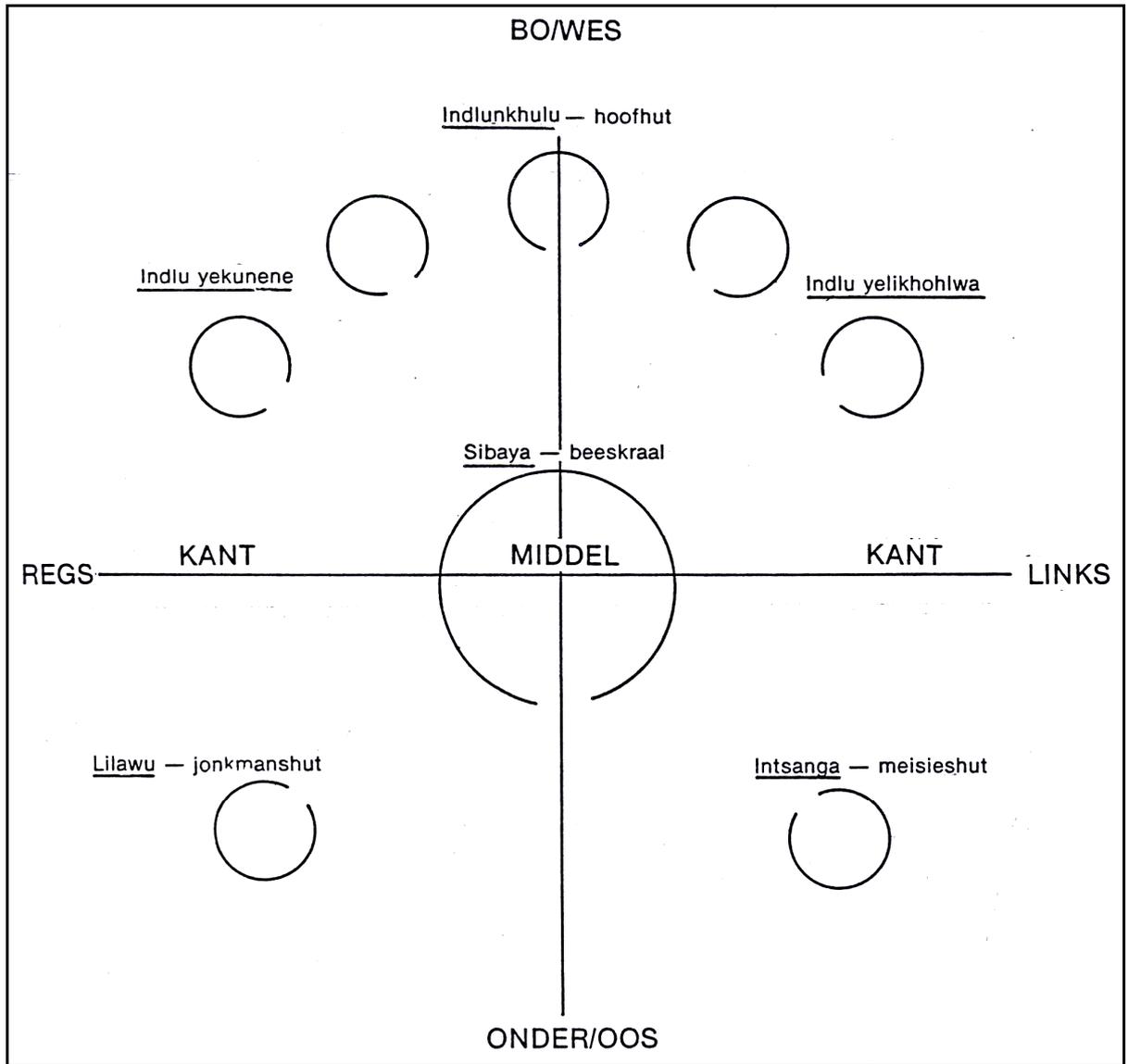


Figure 4 Diagram of a typical Swazi homestead (Herbst, 1985:27).



Figure 5 Undated archival photograph of a Swazi homestead showing an *indlu* (or sleeping hut) and *sibaya* (cattle kraal). The photograph was possibly taken during the late 1800s to early 1900s.



Figure 6 Undated archival photograph of a Swazi homestead showing three *indlu* (huts). The photograph was possibly taken during the late 1800s to early 1900s.

4.2 Social Consultation Findings

As indicated before a number of erstwhile residents of the study area and surrounds have been consulted with. These consultations have revealed information on the heritage resources and history of the study area and specifically the identification of the persons buried in the various cemeteries located within the study area.

The erstwhile residents of the area and their families who were consulted with include:

- Amos Mbokane
- Sam Kutuba Nkosi
- N.E. Vilakazi
- Michael Mbokane
- Petros Mbokane
- Grace Mbokane
- Rose Nkosi
- Moses Soko
- Noziga Julia Nkosi
- Linah Masilela
- Lidiah Lettie Makhanya
- Andries Masilela



Plate 3 Members of the Nkosi family at the graves of their family.



Plate 4 Discussions taking place with Noziga Julia Nkosi.

4.3 Survey Findings

4.3.1 NKO-1

4.3.1.1 Coordinates

S 25.75433

E 30.63922

4.3.1.2 General Site Description

NKO-1 consisted of three stone-packed graves (NKM04, NKM05 & NKM06). While NKM04 was enclosed by a low stone circle the others comprised rectangular stone dressings only.

Although intensive social consultation took place, the graves could not be identified. However, according to an erstwhile resident of the area the Zwane family had a homestead near to where these graves are located (Macaleni Amos Mbokane, Pers. Comm.). It seems likely that the graves can be associated with this Zwane family.

4.3.1.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.1.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.1.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 29th of March 2007. No further mitigation measures are required for the site.



Plate 5 The dressing on one of the graves from site NKO-1. The grave's number is NKM04.



Plate 6 The skeletal remains from grave NKM04.

4.3.1 NKO-2

4.3.2.1 Coordinates

S 25.75265

E 30.63687

4.3.2.2 General Site Description

The site consisted of two graves (NKM27 and NKM29) located next to an old road. A lower grinder was observed on grave NKM27.

The Mbokane family had been linked to the site. According to their representative (Macaleni Amos Mbokane), grave NKM27 was that of his father's mother Mrs. Mbokane (born Mpila). The second grave from the site (NKM29) was the second wife of his grandfather. An affidavit was signed which also provided permission for these graves to be relocated.

4.3.2.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.2.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.2.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 8th of June 2007. No further mitigation measures are required for the site.



Plate 7 The dressing on the grave of Mrs. Mbokane (born Mpila). The grave number is NKM26.



Plate 8 Close-up view of the broken lower grinder from grave NKM26.



Plate 9 The skeletal remains of Mrs. Mbokane (born Mpila) (grave NKM26).

4.3.3 NKO-3

4.3.3.1 Coordinates

S 25.75176

E 30.63857

4.3.3.2 General Site Description

The site consisted of a single grave (NKM27) located at the foot of a low ridge.

The Mbokane family had been linked to the site. According to their representative (Macaleni Amos Mbokane) a child of one of his father's first wives was buried here. An affidavit was signed which also provided permission for the grave to be relocated.

4.3.3.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.3.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.3.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 8th of June 2007. No further mitigation measures are required for the site.



Plate 10 The surface of site NKO-3.



Plate 11 These stones were found at the bottom of the grave pit at NKO-3.

4.3.4 NKO-4

4.3.4.1 Coordinates

S 25.75175

E 30.63717

4.3.4.2 General Site Description

The site consisted of an informal cemetery located on the summit of a hill. The cemetery comprised five rectangular stone packed graves (NKM7, NKM8, NKM9, NKM10 & NKM11).

The Mbokane family had been linked to the site. An affidavit was signed which also provided permission for the graves to be relocated.

4.3.4.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.4.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.4.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 29th of March 2007. No further mitigation measures are required for the site.



Plate 12 General view of a section of site NKO-4. Graves NKM10 and NKM11 can be seen on the left and right respectively.



Plate 13 These stones were found at the bottom of the grave pit at NKO-3.

4.3.5 NKO-5

4.3.5.1 Coordinates

S 25.75018

E 30.63445

4.3.5.2 General Site Description

The site consisted of an informal cemetery located on the summit of a hill. The cemetery comprised five rectangular stone packed graves (NKM20, NKM21, NKM22, NKM23, NKM24 & NKM25).

The site has been linked to the Mbokane family. According to their representative (Macaleni Amos Mbokane) five children of one of his father's first wives had been buried here. Myama Mbokane, the firstborn of his grandfather Mvhelaphi Mbokane was also buried here. An affidavit providing permission for the graves to be relocated was signed.

4.3.5.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.5.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.5.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 6th of August 2007. No further mitigation measures are required for the site.



Plate 14 Dressing on grave NKM21.



Plate 15 The skeletal remains from grave NKM21.

4.3.6 NKO-6

4.3.6.1 Coordinates

S 25.74657

E 30.63512

4.3.6.2 General Site Description

The site consists of a single possible grave. Until such time that the presence of a grave here has been proven (or disproven), the site will be considered a grave.

4.3.6.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.6.4 Site Significance

All graves have high level of emotional and religious significance. The site must be deemed to be of **High Significance** until such time that the existence of graves here has been established.

4.3.6.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*. As a result the stone concentration must be investigated by way of reconnaissance excavation. The excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. The site can be destroyed if no evidence is found. However, should it be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a relocation process must always be inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all the relevant legislation.



Plate 16 General view of site NKO-6. Note how overgrown it is.

4.3.7 NKO-7

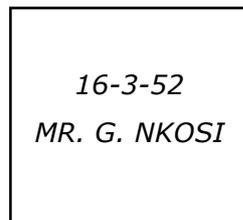
4.3.7.1 Coordinates

S 25.74284

E 30.62951

4.3.7.2 General Site Description

The site consisted of an informal cemetery situated on the southern foot of a mountain and was comprised of four graves (NKM30, NKM31, NKM32 & NKM33). Three of these graves had rectangular stone packed dressings without any headstones or inscriptions. One grave had a large rectangular concrete slab as a dressing, on which grave goods in the form of 16 unbroken clay pots and one broken clay pot were found. The following inscription appeared on the western end of the concrete dressing:



All the grave dressings were orientated along the east-west axis. This signified that the deceased were buried in the Christian/Western tradition which in turn suggested that the cemetery could be associated with the historic to recent past. This was supported by the inscription found on one of the graves.

Through intensive social consultation the cemetery had been linked to the Nkosi and Vilakazi families. According to these families (and their respective representatives Sam Kutuba Nkosi and N.E. Vilakazi) the following individuals were buried here: Gadzabala Nkosi (the grave with the concrete dressing and inscription), Ntokolovu Nkosi, Sabet Nkosi and Julia Nkosi.

Affidavits were signed by the family representatives for all these graves. These affidavits provided permission for the graves to be relocated.

4.3.7.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.7.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.7.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 29th of May 2008.

No further mitigation measures are required for the site.



Plate 17 Representatives of the Nkosi and Vilakazi family at the cemetery.



Plate 18 Close-up view of a section of the concrete dressing on the grave of Gadzabala Nkosi. The inscription can clearly be seen. Note the clay pots.



Plate 19 The grave dressing on the grave of Gadzabala Nkosi.



Plate 20 The skeletal remains of Gadzabala Nkosi.



Plate 21 The grave dressing on the grave of Ntokolovu Nkosi.



Plate 22 The skeletal remains of Ntokolovu Nkosi.

4.3.8 NKO-8

4.3.8.1 Coordinates

S 25.74168

E 30.62617

4.3.8.2 General Site Description

The site consisted of a single stone packed grave (NKM18) located within a circular stone enclosure. Grave goods in the form of a clay beer pot and glass bottle were observed on top of the grave. A single peach tree was found growing on the south-western end of the grave.

The grave had a rectangular stone packed dressing which was orientated along the east-west axis. This point on its own suggests that the deceased was buried in the Christian/Western tradition which in turn suggests that the cemetery can be associated with the historic to recent past. However, the fact that the grave was located within a circular enclosure suggests in turn that in some instances the traditional way of burial (i.e. inside the cattle kraal) was also followed.

No families for the deceased buried at this site could be located.

4.3.8.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.8.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.8.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 2nd of October 2007.

No further mitigation measures are required for the site.



Plate 23 General view of the site.



Plate 24 View of the grave dressing at NKO-8. Grave goods in the form of a clay beer pot and glass bottle can be seen.



Plate 25 View of the skeletal remains of the deceased at NKO-8.

4.3.9 NKO-9

4.3.9.1 Coordinates

S 25.74148

E 30.62043

4.3.9.2 General Site Description

The site consisted of an informal cemetery which was comprised of five graves (NKM13, NKM14, NKM15, NKM16 & NKM17). All these graves had rectangular stone packed dressings without any headstones or inscriptions.

The grave dressings from the site were all orientated along the east-west axis. This signified that the deceased were buried in the Christian/Western tradition which in turn suggested that the cemetery could be associated with the historic to recent past. This was supported by the family of the deceased who indicated that the graves are from the 1960s.

Through intensive social consultation the cemetery had been linked to the Nkosi and Masilela families. According to the family representative Andries Masilela the following individuals were buried here: Gobodla Masilela, Liesbet Zwane, Nelie Masilela, Zablou Masilela and Sisana Sibanjona.

Affidavits were signed by the family representative for all these graves. These affidavits provided permission for the graves to be relocated.

4.3.9.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.9.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.9.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 18th of May 2007.

No further mitigation measures are required for the site.



Plate 26 The grave dressing on the grave of Sisana Sibanjona.



Plate 27 The skeletal remains of Sisana Sibanjona.

4.3.10 NKO-10

4.3.10.1 Coordinates

S 25.73807

E 30.61991

4.3.10.2 General Site Description

The site consisted of an informal cemetery and was comprised of three graves (NKM1, NKM2 & NKM3). All these graves had rectangular stone packed dressings without any headstones or inscriptions. The grave dressings were all orientated along the east-west axis. This signified that the deceased were buried in the Christian/Western tradition which in turn suggested that the cemetery could be associated with the historic to recent past.

Through intensive social consultation the cemetery had been linked to the Nkosi, Masilela and Makhanya families. According to the respective family representatives (Linah Masilela, Julia Noziga Nkosi and Lidiah Lettie Makhanya) the following individuals were buried here: Nomadjadji Masilela, Vangile Nkosi and Jan Makhanya. Affidavits were signed by the family representative for all these graves. These affidavits provided permission for the graves to be relocated.

4.3.10.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.10.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.10.5 Mitigation

As the site was situated inside the proposed expansion activities of Nkomati Mines, it was deemed impossible to conserve *in situ*. In terms of an exhumation permit granted by the South African Heritage Resources Agency, the graves were exhumed on the 30th of March 2007. No further mitigation measures are required for the site.



Plate 28 The dressing on the grave of Nomadjadji Masilela. The graves of Vangile Nkosi (left) and Jan Makhanya (right) can be seen in the back.



Plate 29 The skeletal remains of Vangile Nkosi.

4.3.11 NKO-11

4.3.11.1 Coordinates

S 25.73355

E 30.61789

4.3.11.2 General Site Description

The site consists of a cemetery which had been inadvertently covered by a mine stockpile. Before the establishment of a stockpile the site was located in a dense pine plantation and all surface features associated with the graves may have been disturbed. The mine was alerted to the presence of graves here by members of the Mbokane family, who indicated that the site comprised seven graves which have been identified as Ntokolovu Mkhabela, Suzi Phiri, Todva Phiri and four unknown Mbokane children.

4.3.11.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983 and the Ordinance on Excavations (Ordinance no. 12 of 1980). Refer Annexure C Legislative Framework.

4.3.11.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.11.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*. As such full grave relocation is recommended. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation process to try and identify the family of the deceased. Intensive consultation has taken place between the Mbokane family and Henk Steyn of *Professional Grave Solutions (Pty) Ltd*. As a result of this consultation it was agreed by all parties that these graves will only be relocated once the stockpile has been removed.



Plate 30 View of the stockpile which covers the cemetery at NKO-11.

4.3.12 NKO-12

4.3.12.1 Coordinates

S 25.73592

E 30.61418

4.3.12.2 General Site Description

The site consists of an informal cemetery situated on a south-facing slope and is comprised of nine graves. The graves have oval or rectangular stone packed dressings and are all orientated along the east-west axis. This signifies that the deceased were buried in the Christian/Western tradition which in turn suggests that the cemetery can be associated with the historic to recent past.

The families of the deceased buried in this cemetery were located and communicated with. With the help of these family members a total of seven graves could be identified. These graves are for Josephine Dinah Mbokane as well as six unknown Mbokane children.

It is evident from the names of the deceased buried in the cemetery that it is largely associated with the Mbokane family.

4.3.12.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.12.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.12.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*. As such full grave relocation is recommended. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation process to try and identify the family of the deceased. The associated family was consulted with regards to the proposed relocation of their graves and they have provided permission for them to be relocated.

4.3.13 NKO-13

4.3.13.1 Coordinates

S 25.73758

E 30.61156

4.3.13.2 General Site Description

The site is located roughly between the mine's haulage and bypass roads and comprises one circular stone concentration. One upper grinder was observed on the site surface. The possibility exists that the stone concentration is the surface dressing of a grave.

4.3.13.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.13.4 Site Significance

A worse case scenario in which a grave is located here will be used to assess the site's significance. As a result the site is deemed to be of **High Significance**.

4.3.13.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*. The structure must be investigated by way of reconnaissance excavation. The excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. The site can be destroyed if no evidence is found. However, should it be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a relocation process must always be inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all the relevant legislation.



Plate 31 General view of the stone structure from NKO-13.

4.3.14 NKO-14

4.3.14.1 Coordinates

S 25.73882

E 30.61297

4.3.14.2 General Site Description

The site consists of an informal cemetery situated on an east-facing slope.

The cemetery is comprised of 14 graves. The graves have oval or rectangular stone packed dressings and are orientated along the east-west axis. This signifies that the deceased were buried in the Christian/Western tradition which in turn suggests that the cemetery can be associated with the historic to recent past. This is supported by the legible inscriptions that could be found (see below).

One of the graves is located within a circular stone enclosure which might indicate that this grave is older than the others.

The largest majority of the graves have upright stones on its western ends functioning as headstones. While most of these upright stones do not have any inscriptions on them, five stones with legible inscriptions were found. The inscriptions read:

<p><i>3-4-1975</i> <i>Mosi Mbhokane</i></p>	<p><i>1974</i> <i>Nora Mbhokane</i></p>	<p><i>Jeremiaa</i> <i>Mbhokane</i> <i>13-02-1972</i></p>	<p><i>Moses</i> <i>Mbokane</i> <i>13-7-1975</i></p>
<p><i>3-24-1976</i> <i>Mariya</i> <i>Nginida</i></p>			

The families of the deceased buried in this cemetery were located and communicated with. According to these families the following individuals are buried here: Jeremiah S. Mbokane, Norah G. Mbokane, Moses M. Mbokane, Johannes Mbokane, Moses M.

Mbokane, Three Unknown Mbokane Children, Unknown Mbokane Adult, Sakkie Ginindza, Unknown Moyana, Betty Soko and Maria Ginindza.

It is evident from the names of the deceased buried in the cemetery, that it is largely associated with the Mbokane family.

4.3.14.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.14.4 Site Significance

All graves and burial grounds have high levels of emotional, religious and in some cases historical significance. As a result the site is deemed to be of **High Significance**.

4.3.14.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*. As such full grave relocation is recommended. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation process to try and identify the family of the deceased. The associated family was consulted with regards to the proposed relocation of their graves and they have provided permission for it to be relocated.



Plate 32 General view of the site.



Plate 33 Another view of the site. The grave within the circular stone enclosure is visible in the back.



Plate 34 Closer view of the grave located within a circular stone enclosure.



Plate 35 Close-up view of one of the inscribed headstones found within the cemetery. This headstone is from the grave of Moses Mbokane.

4.3.15 NKO-15

4.3.15.1 Coordinates

S 25.73959

E 30.61360

4.3.15.2 General Site Description

NKO-15 consists of two stone concentrations situated within a circular stone structure. The stone concentrations have the appearance of graves. Until such time that the presence of graves have been proven or disproven the site will be seen as containing graves.

4.3.15.3 Current Protection Status

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.15.4 Site Significance

All graves have high level of emotional and religious significance. The site must be deemed to be of **High Significance** until such time that the existence of graves here has been established.

4.3.15.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*. As the structures have the appearance of graves a standard grave relocation process must take place. Such a relocation process must always be inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all the relevant legislation.



Plate 36 General view of the circular structure associated with the possible graves.



Plate 37 Closer view of the structure.

4.3.16 NKO-16

4.3.16.1 Coordinates

S 25.74044

E 30.61378

4.3.16.2 General Site Description

The site is located roughly between the mine's haulage and bypass roads and comprises one or two small circular stone enclosures. One lower grinder as well as a potsherd was observed on the surface of the site.

Although no grave dressings could be observed, other grave sites have been observed in the surrounding area which comprises a small circular stone structure with one or more dressing inside. Apart from the small structure there is no surface feature that indicates the presence of a grave. As such, there is a slight chance for a grave to be located here. The presence of a grave here will nonetheless have to be confirmed or disproved through test excavation.

4.3.16.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.16.4 Site Significance

As the possible presence of a grave here is deemed to be low, only the significance of the structure will be assessed. As such the site is of **Low Significance**.

4.3.16.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*. While no mitigation is required for the stone structure itself, the inside of the structure must be investigated by way of reconnaissance excavation. The excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. The site can be destroyed if no evidence is found. However, should it be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a relocation process must always be inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all relevant legislation.



Plate 38 General view of the site. The general line of the stone wall is indicated in red dotted line while the arrow indicates the position of the lower grinder.

4.3.17 NKO-17

4.3.17.1 Coordinates

S 25.74045

E 30.61453

4.3.17.2 General Site Description

The site is located a short distance south of the main haul road and is very overgrown. It consists of a circular stone enclosure (\pm 8 meters in diameter) with a small enclosure (\pm 2 meters in diameter) attached to its western end.

No artefacts or archaeological deposits were observed on the surface of the site.

The site can either be associated with the Historic Period or Late Iron Age.

4.3.17.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

4.3.17.4 Site Significance

As the site consists only of a stone enclosure and some stonewalling inside, without any deposits or artefacts evident, it is of **Low Significance**.

4.3.17.5 Mitigation

The mitigation of the site consists of the documentation of the settlement layout by surveying and drawing of a detailed Site Layout Plan.

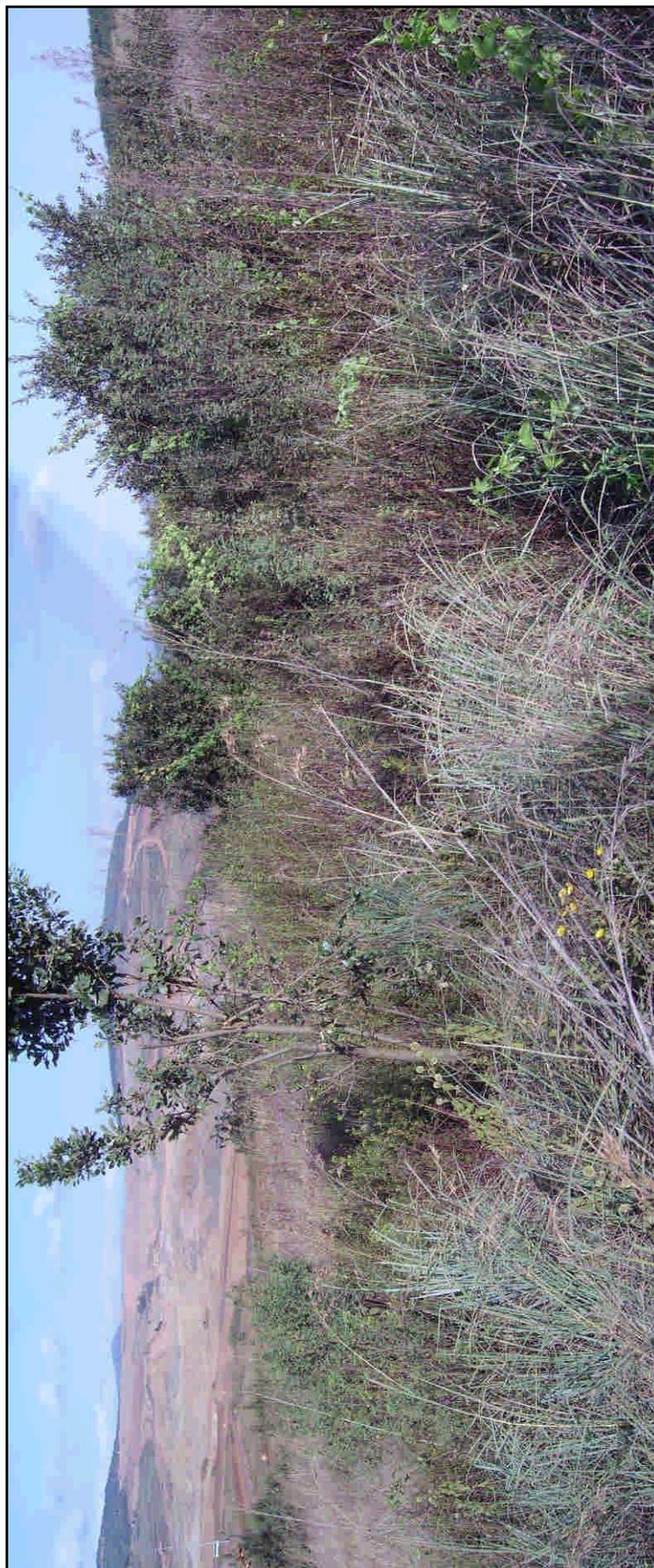


Plate 39 Panoramic view of NKO-17. Note how overgrown it is.

4.3.19 NKO-18

4.3.18.1 Coordinates

S 25.74382

E 30.61468

4.3.18.2 General Site Description

The site consists of a small circular stone enclosure located at the northern foot of a slight rise. The structure is approximately 5 m in diameter and its walls have collapsed.

Although no grave dressings could be observed, other grave sites have been observed in the surrounding area which comprises a small circular stone structure with one or more dressing inside. Apart from the small structure there is no surface feature that indicates the presence of a grave. As such, there is a slight chance for a grave to be located here. The presence of a grave here will nonetheless have to be confirmed or disproved through test excavation.

4.3.18.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C Legislative Framework.

4.3.18.4 Site Significance

As the possible presence of a grave here is deemed to be low, only the significance of the structure will be assessed. As such the site is of **Low Significance**.

4.3.18.5 Mitigation

As the site is situated inside the proposed expansion activities of Nkomati Mines, it would be impossible to conserve it *in situ*.

No mitigation is required for the stone structure itself. However, the inside of the structure must be investigated by way of reconnaissance excavation. The excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave is found, or alternatively that no such evidence is found. The site can be destroyed if no evidence is found. However, should it be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a relocation process must always be inclusive of a detailed social consultation process, must be respectful to the deceased and must be undertaken in cognisance of all the relevant legislation.



Plate 40 General view of the site. The structure is visible on the right.

4.3.19.1 NKO-19

4.3.19.1 Coordinates

S 25.74580

E 30.61599

4.3.19.2 General Site Description

The site consists of a circular stone enclosure (\pm 19 meters in diameter) located a short distance south of the main haul road. The stonewall has collapsed and is approximately 1.5 m wide.

While no archaeological deposits were observed, one broken lower grinder as well as one undecorated potsherd was observed on the surface of the site.

The site can either be associated with the Historic Period or Late Iron Age.

4.3.19.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

4.3.19.4 Site Significance

As the site consists only of a stone enclosure and some stonewalling inside, without any deposits or artefacts evident, it is of **Low Significance**.

4.3.19.5 Mitigation

The mitigation of the site consists of the documentation of the settlement layout by surveying and drawing of a detailed Site Layout Plan.



Plate 41 General view of NKO-19. The overgrown nature of the site is clearly visible.



Plate 42 Closer view of the site.

4.3.20 NKO-20

4.3.20.1 Coordinates

S 25.74673

E 30.61755

4.3.20.2 General Site Description

A historic site is situated here on a low ridge overlooking the mine's haulage road. The site is comprised of two components, namely a stonewalled settlement at the northern end of the site and an oval stone packed grave at its southern end.

The stonewalled settlement comprises a large circular stone enclosure (± 10 m in diameter) with a small stone enclosure (± 2 m in diameter) on its western end. One lower grinder was observed here. It can be assumed that this component of the site represented the homestead and/or livestock enclosure.

The grave is located approximately 30 meters to the south of the stonewalled settlement and comprises a large oval stone packed dressing (± 2 m x 3 m) that is roughly aligned to the East-West axis. No grave goods or marked headstone could be found.

4.3.20.3 Current Protection Status

The site can be considered as older than 60 years. All structures older than 60 years are protected by Section 34(1) of National Heritage Resources Act and may not be demolished or altered without a permit from the relevant heritage authority.

Graves and burial grounds fall under various legislative protections, depending on factors such as where the graves are located as well as their age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place.

4.3.20.4 Site Significance

The two components of the site have varying degrees of significance. The historic settlement is of **Low Significance**. However, all graves and burial grounds have high

levels of emotional, religious and in some cases historical significance. As a result the grave is deemed to be of **High Significance**. In multi-component sites such as the one under discussion, the highest significance ranking given to any one of the site components is given to the entire site. NKO-20 is therefore of **High Significance**.

4.3.20.5 Mitigation

The mitigation of the historic structure consists of the documentation of the settlement layout by surveying and drawing of a Site Layout Plan.

As the site is situated inside the development footprint of the proposed expansion of Nkomati Mine, it would be impossible to conserve the grave *in situ*. As such full grave relocation is recommended. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation process to try and identify the family of the deceased.



Plate 43 General view of NKO-20. The overgrown nature of the site is clearly visible.



Plate 44 A section of stonewalling from the site.



Plate 45 The grave at NKO-20.

4.3.21 NKO-21

4.3.21.1 Coordinates

S 25.74719

E 30.61741

4.3.21.2 General Site Description

The site is located short distance south of the main haul road and is very overgrown. It consists of two circular enclosures attached to one another. The entire site is approximately 10m by 5m in extent.

No artefacts or archaeological deposits were observed on the surface of the site.

The site can either be associated with the Historic Period or Late Iron Age.

4.3.21.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

4.3.21.4 Site Significance

As the site consists only of a stone enclosure and some stonewalling inside, without any deposits or artefacts evident, it is of **Low Significance**.

4.3.21.5 Mitigation

The mitigation of the site consists of the documentation of the settlement layout by surveying and drawing of a detailed Site Layout Plan.

4.3.22.1 NKO-22

4.3.22.1 Coordinates

S 25.74757

E 30.61655

4.3.22.2 General Site Description

The site is located a short distance north of the bypass road. It consists of a large circular stone enclosure (\pm 20m x 30m) which has a number of small circular enclosures (\pm 2m in diameter) attached to it.

No artefacts or archaeological deposits were observed on the surface of the site.

The site can either be associated with the Historic Period or Late Iron Age.

4.3.22.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

4.3.22.4 Site Significance

As the site consists only of a stone enclosure and some stonewalling inside, without any deposits or artefacts evident, it is of **Low Significance**.

4.3.22.5 Mitigation

The mitigation of the site consists of the documentation of the settlement layout by surveying and drawing of a detailed Site Layout Plan.



Plate 46 General view of NKO-22. The overgrown nature of the site is clearly visible.



Plate 47 A small section of the enclosing wall can be seen.

4.3.23 NKO-23

4.3.23.1 Coordinates

S 25.74818

E 30.61702

4.3.23.2 General Site Description

The site is located short distance north of the bypass road and is very overgrown. It consists of a single circular stone enclosure (\pm 20 meters in diameter).

No artefacts or archaeological deposits were observed on the surface of the site.

The site can either be associated with the Historic Period or Late Iron Age.

4.3.23.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

4.3.23.4 Site Significance

As the site consists only of a stone enclosure and some stonewalling inside, without any deposits or artefacts evident, it is of **Low Significance**.

4.3.23.5 Mitigation

The mitigation of the site consists of the documentation of the settlement layout by surveying and drawing of a detailed Site Layout Plan.

4.3.24.1 NKO-24

4.3.24.1 Coordinates

S 25.74826

E 30.61767

4.3.24.2 General Site Description

The site is located a short distance north of the bypass road. It consists of a reasonably large depression which can be interpreted as a prospecting or mining trench.

No artefacts or archaeological deposits were observed on the surface of the site.

The site can certainly be associated with the Historic Period.

4.3.24.3 Current Protection Status

If the site dates from the Historic Period, it is protected under Section 34(1) of the National Heritage Resources Act 25 of 1999. This section states that all structures older than 60 years may not be demolished or altered without a permit from the relevant heritage authority. If it is older than 100 years, it can be considered an archaeological site and as such falls under the protection of Section 35(4) of the said Act. Refer Annexure C Legislative Framework.

4.3.24.4 Site Significance

As the site consists only of a depression without any associated deposits or artefacts, it is of **Low Significance**.

4.3.24.5 Mitigation

The mitigation of the site consists of the documentation of the trench by surveying and drawing of a detailed Site Layout Plan. Photographic recording will also be required.

5. CONCLUSIONS AND GENERAL RECOMMENDATIONS

Archaeology Africa cc was appointed by *Nkomati Mine (Pty) Ltd* to undertake a heritage survey on the farm Nkomati 770-JT. The farm Nkomati 770-JT is earmarked for the expansion of mining activities. This farm was recently proclaimed by the mining company from sections of the farms Uitkomst 541-JT and Vaalkop 608-JT. The study focussed specifically on that section of the farm Nkomati 770-JT which used to be located on the farm Uitkomst 541-JT.

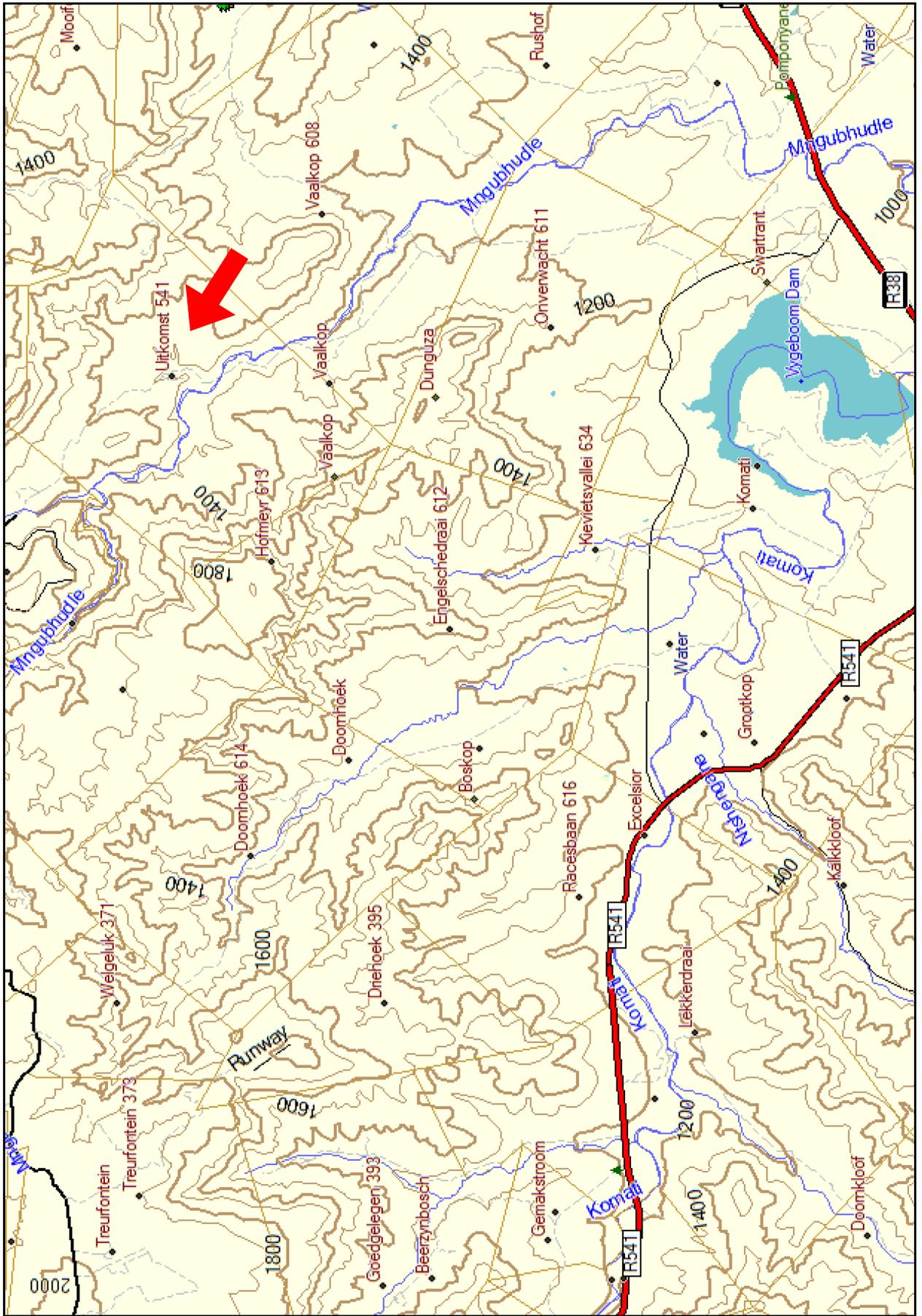
During the study a total of 24 heritage sites were located. The significance of the sites were assessed and established, and recommendations made on the way in which the impact of the proposed development on the sites can be mitigated.

It is the opinion of the author of this report that on the condition that all the recommendations made in this report are adhered to, the development may be allowed to continue.

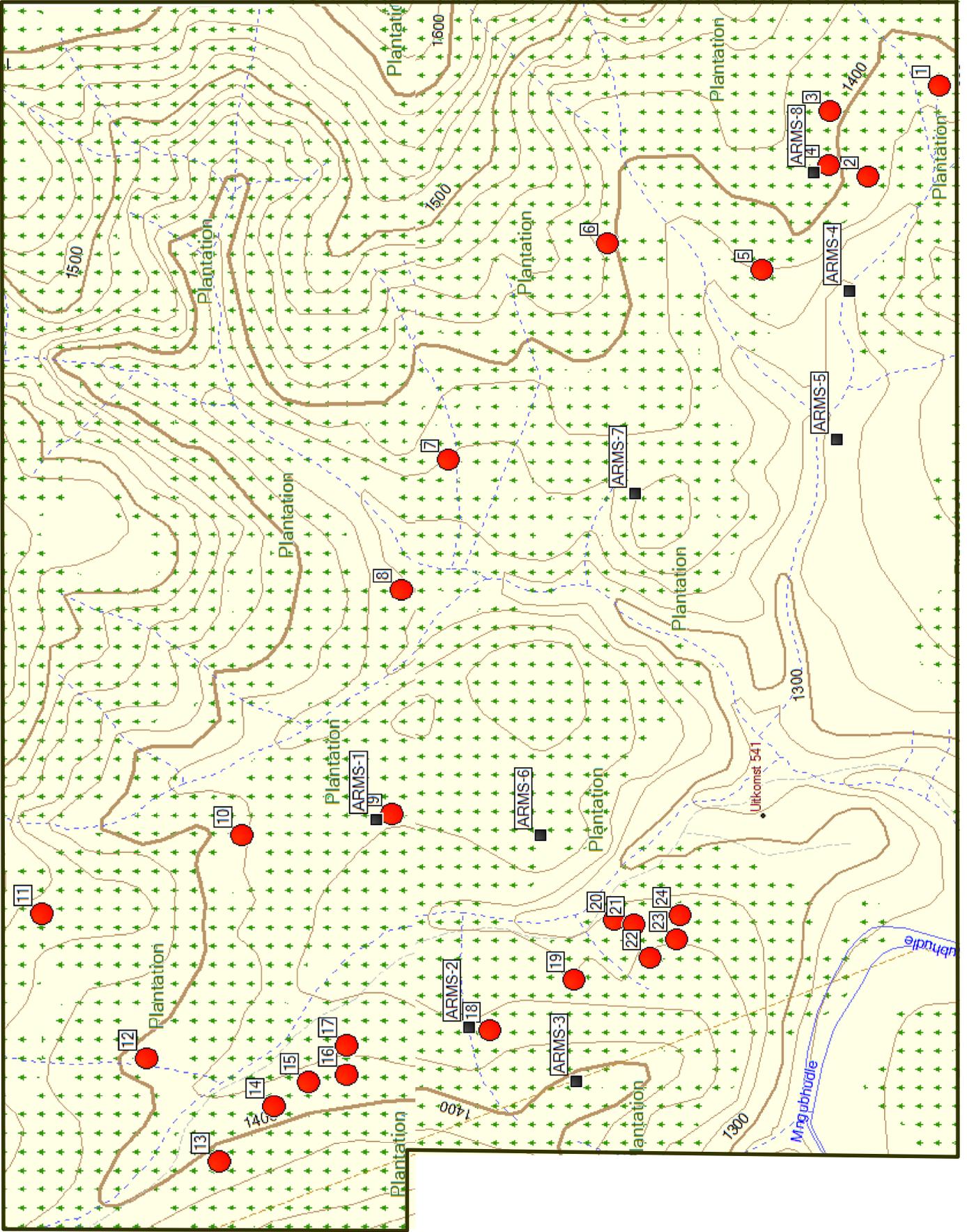
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ANNEXURE A - LOCALITY MAP



ANNEXURE B – SITE DISTRIBUTION MAP



ANNEXURE C – LEGISLATIVE FRAMEWORK

LEGISLATIVE FRAMEWORK

South Africa has a number of legislative measures in place aimed at protecting its heritage resources. Of these the most important is the National Heritage Resources Act 25 of 1999.

1. National Heritage Resources Act 25 of 1999

The promulgation of the National Heritage Resources Act 25 of 1999 brings the conservation and management of heritage resources in South Africa on par with international trends and standards.

Section 38 (3) of the act provides an outline of ideally what should be included in a heritage report. The act states:

"(3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2) (a): Provided that the following must be included:

- (a) The identification and mapping of all heritage resources in the area affected;*
- (b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;*
- (c) an assessment of the impact of the development on such heritage resources;*
- (d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;*
- (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;*
- (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and*
- (g) plans for mitigation of any adverse effects during and after the completion of the proposed development."*

Replacing the old National Monuments Act 28 of 1969, the Heritage Resources Act offers general protection for a number of heritage related features and objects (see below).

Structures are defined by the Heritage Resources Act as *"...any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated with it."* In section 34 of the Act the general protection for structures is stipulated. It is important to note that only structures older than 60 years are protected. Section 34(1) of the National Heritage Resources Act reads as follows: *"No person may alter or demolish any structure or*

part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority."

The second general protection offered by the Heritage Resources Act which is of relevance for this project, is the protection of **archaeological sites and objects (as well as paleontological sites and meteorites)**. Section 35(4) of the National Heritage Resources Act states that:

"No person may, without a permit issued by the responsible heritage resources authority-

- (a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;*
- (b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;*
- (c) trade in, sell for private gain, export or attempt to export from the Republic any category of archaeological or palaeontological material or object, or any meteorite; or*
- (d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites."*

In order to understand exactly what is protected, it is important to look at the definition of the concept "**archaeological**" set out in section 2(ii) of the Heritage Act:

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

The third important general protection offered by the Heritage Resources Act that is of importance here, is the protection of **graves and burial grounds**. Section 36(3) of the National Heritage Resources Act states that:

"No person may, without a permit issued by SAHRA or a provincial heritage resources authority –

- a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;*
- b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or*
- c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals."*

Of importance as well is section 36 (5), which relates to the conditions under which permits will be issued by the relevant heritage authority should any action described in section 36 (3), be taken. Section 36(5) reads that:

"SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority –

- a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and*
- b) reached agreements with such communities and individuals regarding the future of such grave or burial ground."*

This section of the Act refers to graves and burial grounds which are older than 60 years and situated outside of a formal cemetery administered by a local authority.

Section 36 (6) of the act refers to instances where previously unknown graves are uncovered during development and other activities.

"Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must

immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority-

- a) carry out an investigation for the purpose of obtaining information on whether or not such a grave is protected in terms of the Act or is of significance to any community; and*
- b) if such a grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangement for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any arrangements as it deems fit."*

2. Other Legislation

In terms of graves, other legislative measures which may be of relevance include the Removal of Graves and Dead Bodies Ordinance (Ordinance no. 7 of 1925), the Human Tissues Act 65 of 1983, the Ordinance on Excavations (Ordinance no. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place.