

Phase 1 Heritage Impact Assessment Report:
Proposed Developments at OR Tambo Memorial Site,
Mbizana Local Municipality,
Alfred Nzo District,
Eastern Cape Province, South Africa

Prepared for

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13 September 2013

MANAGEMENT SUMMARY

The South African Department of Arts and Culture (DAC), through their agent, the Independent Development Trust (IDT), recently initiated a number of Legacy Projects to honour prominent Liberation Struggle icons. The objective of the OR Tambo Legacy Project is to create a living link between the legacy of OR Tambo and the greater South Africa, while recognizing both the tangible and intangible heritage inherent to his natal district.

HERITAGE RESOURCE DESCRIPTIONS AND SIGNIFICANCE

— KwaMzimeli at Nkantolo: Place associated with oral traditions and living heritage

KwaMzimeli, the homestead of OR Tambo's father, Lokomane Mzimeli Tambo, is associated with oral tradition and living heritage. Its significance is summarised below.

Type of significance	Sphere of significance					
	Specialist group or community	Local	Regional	Provincial	National	International
Historical	High	High	High	High	Medium-High	Low-Medium
Aesthetic	Low-Medium	Low-Medium	Low-Medium	Low-Medium	Low	Low
Scientific	Low	Low	Low	Low	Low	Low
Social/cultural/spiritual	High	High	High	High	Medium-High	Low-Medium
Educational	High	High	High	High	Medium-High	Low-Medium
Economic including tourism	Medium	Medium	Medium	Medium	Low-Medium	Low-Medium

INFORMANTS FOR THE PROPOSED DEVELOPMENT

1. Authenticity
2. Key Structuring Element
3. Key Focal Point and *genius loci*
4. Prospect
5. Aspect
6. Landscape Informant

RECOMMENDATIONS

1. The proposed regeneration of the OR Tambo Memorial Site should be consideration for approval and implementation.
2. The current design proposal should be augmented by a significant spatial component that alludes to the existence of the structures formerly present on the property.
3. An alteration permit from the ECPHRA detailing all final design elements must be obtained prior to the start of any on-site activities.
4. No further alterations may be made to the family graves without a permit from the ECPHRA.
5. The public monument should be retained within the landscaping.
6. The bust could be redeployed to a secure venue within the District Municipality.
7. A heritage practitioner should be appointed to undertake periodic monitoring of construction and report to the ECPHRA, as may be stipulated in the conditions of the alteration permit.
8. On completion of the proposed interventions at the OR Tambo Memorial Site and the current interventions at OR Tambo's Mdikiso residence, the sites should be nominated for serial grading as a Grade II Provincial Heritage Site.

CONCLUSION

We recommend that the proposed development proceed with the recommended heritage mitigation and have submitted this report to the ECPHRA in fulfilment of the requirements of the NHRA.

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1 INTRODUCTION

eThembeni Cultural Heritage was appointed by the Independent Development Trust to undertake a Phase 1 Heritage Impact Assessment (HIA) of proposed developments at the OR Tambo Memorial Site in the Eastern Cape Province, in compliance with Section 38 of the National Heritage Resources Act 25 of 1999, as amended (NHRA; refer to Appendix A).

South Africa's heritage resources are both rich and widely diverse, encompassing sites from all periods of human history. Resources may be tangible, such as buildings and archaeological artefacts, or intangible, such as landscapes and living heritage. Their significance is based upon their aesthetic, architectural, historical, scientific, social, spiritual, linguistic, economic or technological values; their representivity of a particular time period; their rarity; and their sphere of influence.

The integrity and significance of heritage resources can be jeopardized by natural (e.g. erosion) and human (e.g. development) activities. In the case of human activities, a range of legislation exists to ensure the timeous identification and effective management of heritage resources for present and future generations.

This report represents compliance with a full Phase 1 HIA for the proposed development, excluding a specialist palaeontological study, which is not required given the nature of proposed site interventions.

The public consultation process undertaken as part of the development of the OR Tambo Heritage Route by the Department of Tourism and the Eastern Cape Parks & Tourism Agency between 2006 and 2008, and latterly by DAC in promoting the Legacy Projects (2012) is deemed sufficient and adequate, and does not require repetition as part of the HIA.

2 TERMS OF REFERENCE

An HIA must address the following key aspects:

- the identification and mapping of all heritage resources in the area affected;
- an assessment of the significance of such resources in terms of heritage assessment criteria set out in regulations;
- an assessment of the impact of the development on heritage resources;
- an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- plans for mitigation of any adverse effects during and after completion of the proposed development.

3 PROJECT DESCRIPTION¹

The South African Department of Arts and Culture (DAC), through their agent, the Independent Development Trust (IDT), initiated a number of Legacy Projects to honour prominent Liberation Struggle icons. The objective of the OR Tambo Legacy Project is to create a living link between the legacy of Oliver Reginald Tambo and the greater South Africa, while recognizing both the tangible and intangible heritage inherent to his natal district.

The intention of the project includes:

- Expounding the legacy of OR Tambo as a hero of the struggle and an international iconic figure;
- Regenerating a heritage site of national significance;
- Honouring the family of OR Tambo through the rehabilitation of existing infrastructure, and
- Implementing a broad spectrum of interventions for community development.

The development proposal currently under consideration for the OR Tambo Memorial site is to upgrade the existing public facility (Figure 1) by means of the following interventions, illustrated in Figures 2 and 3.

- **The demolition and off-site removal of all existing elements on the site that comprise the extant public memorial, except for the two rondawels and the family graves**
- **A redesigned and realigned Legacy Pathway leading across the site**
This will comprise six interpretive stations along its course depicting milestones in OR Tambo's life. The outdoor interpretation will allow visitors to stop and experience the contemplative nature of the site.
- **A statue of OR Tambo surrounded by 100 pillars of different heights and proportions**
The pillars both symbolise and pay tribute to the 100 years of the struggle for freedom. Water will flow via four ponds to end in a pebbled memorial pool surrounding the statue of OR Tambo. The statues' overall size will be 4.5 metres and will reflect how this humble man achieved greatness.
- **A Wall of Remembrance**
Flanking the memorial pool and statue will be a wall of remembrance that pays tribute to forgotten heroes. Granite slabs will depict and acknowledge people that are not memorialized and who played a part in OR Tambo's life and in the struggle for freedom. The reflective qualities of granite, where one can view oneself superimposed on others who made sacrifices for the common good of all, may inspire others to work and sacrifice in a collective manner and not only work for self.
- **Upgrading of the family graves**
This component was undertaken at the initiative of DAC and completed in 2012.
- **Appropriate landscaping of the site and plantings of endemic Pondoland vegetation with spiritual, medicinal and other socio-cultural significances**
The landscaped and planted spaces will be contemplative, whilst the meandering pathways will allow access to viewpoints over the cultural landscape to the Ngeli Mountains on the north western horizon.

¹ Information obtained from the client.

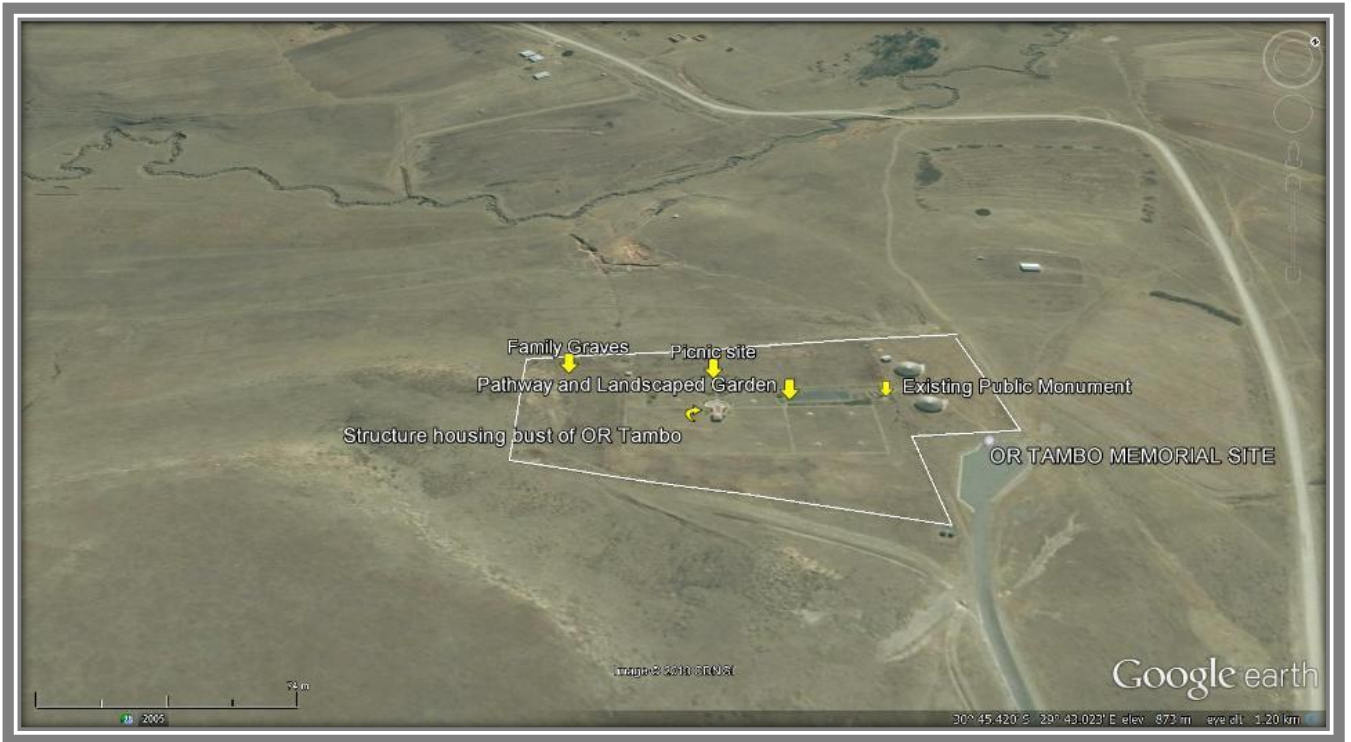


FIGURE 1 EXISTING OR TAMBO MEMORIAL SITE LAYOUT.



FIGURE 2 SCHEMATIC OVER LAY OF PROPOSED LEGACY WALKWAY AND STATUE ON THE SITE.



FIGURE 3 ARTIST'S IMPRESSION OF PROPOSED LEGACY WALKWAY AND STATUE ON THE SITE.

4 PROJECT LOCATION AND ENVIRONMENTAL DESCRIPTION

The OR Tambo Memorial site is located within the jurisdictions of Mbizana Local Municipality (EC443), Alfred Nzo District (DC44), close to the village of Nkantolo within the Isikelo Traditional Authority. Geographically the site lies between the upper catchment of the Ludeke and Ntlamvukazi Rivers within the Mtamvuna drainage basin. The relevant Surveyor-General 1:50 000 map sheet is 3029CC Magusheni (Figure 4). Coordinates for the site are 30°45.380' S 29°43.110' E (Figures 5 and 6).

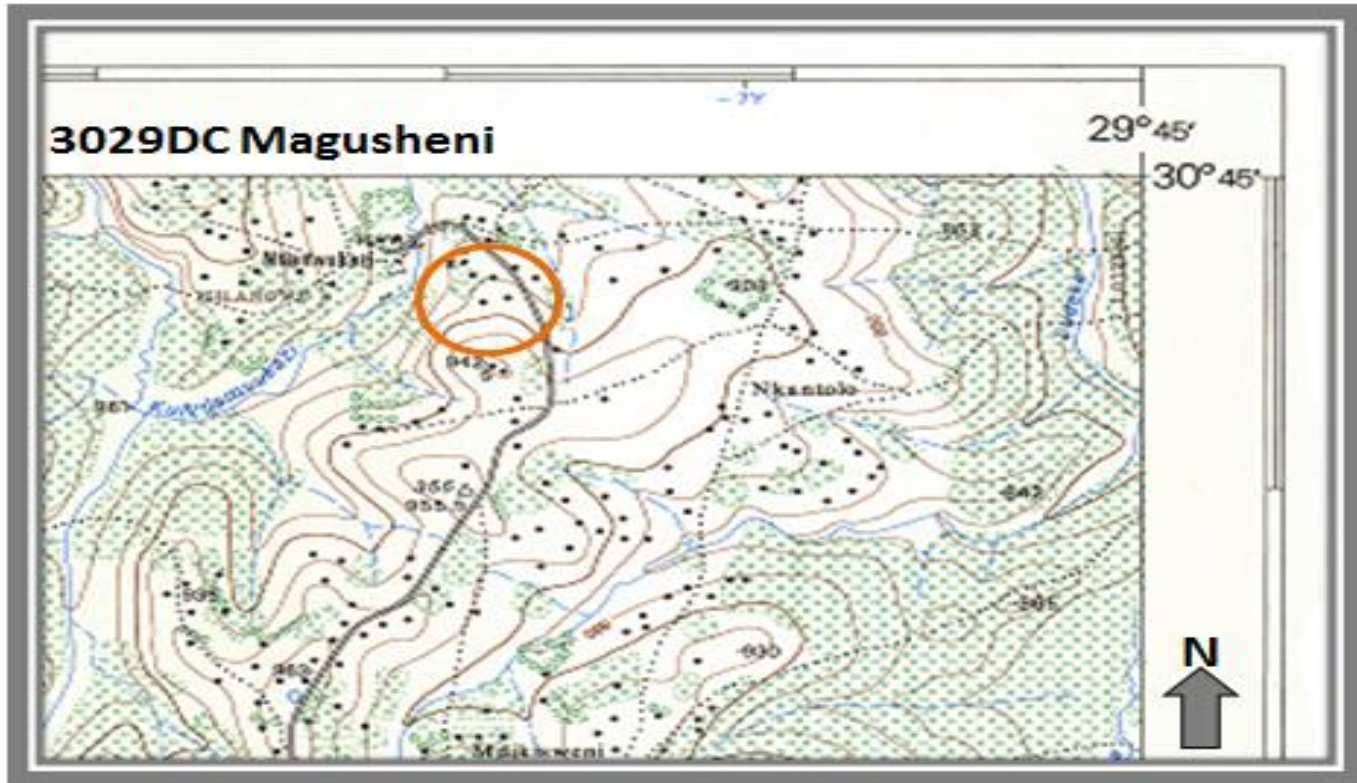


FIGURE 4 EXTRACT FROM THE RELEVANT SURVEYOR-GENERAL 1:50 000 MAP SHEET.



FIGURE 5 GOOGLE EARTH IMAGE SHOWING THE SITE LOCATION IN REGIONAL CONTEXT.



FIGURE 6 GOOGLE EARTH IMAGE SHOWING THE SITE LOCATION IN LOCAL CONTEXT.

5 BACKGROUND

The OR Tambo Memorial site is one of four main visitor sites included in the OR Tambo Heritage Route in the Alfred Nzo District of the Eastern Cape Province. The other three main sites are the OR Tambo Homestead at Mdikiso; and Khananda and Ndlovu, sites associated with the Pondo Revolt of the early 1960's. Other visitor attractions include the Pondo Theme Park on the Mtamvuna River and Mbongweni, the site of the homestead of Winnie Madikizela-Mandela, former wife of South Africa's first democratically elected state president.

The OR Tambo Memorial site is located at KwaMzimeli close to the village of Nkantolo. KwaMzimeli was the homestead of OR Tambo's father, Lokomane Mzimeli Tambo. It is the natal home of OR Tambo and the place where he grew up during his primary schooling at the nearby Ludeke Wesleyan Mission. More poignantly, the site contains the graves of Mzimeli and two of his wives; MaNjyela, his first wife, and MaNzala (Julia), his second wife and mother of OR Tambo. Mzimeli's brother, Sighetshe Mpu, is also buried here.

The site lies nestled in the lee of a range of hills with a north-east aspect overlooking the Ntlamvukazi River valley, with spectacular views of the Ngeli Mountain range to the north and north-west (Figure 7). Access to the site is via a 15 km gravel road from the tarred R61 between the town of Bizana and the hamlet of Magusheni on the R626.



FIGURE 7 VIEW FROM THE OR TAMBO MEMORIAL SITE TO THE NGELI MOUNTAINS IN THE NORTH-WEST.

The surrounding landscape is typical of rural Pondoland, a setting of rolling grassland interfluvies between steeply incised streamlines and river courses. The amaPondo have traditionally lived in dispersed nuclear homesteads scattered across the landscape as resource availability prescribed. However, from the late 1950s, recommendations of the Tomlinson Commission (Government of South Africa 1954) were implemented, whereby many people were forcibly moved into villages (*amalali*) and the surrounding landscape was formally demarcated into crop-lands and grazing camps. Whilst some individuals have broken from this mould, *amalali* remain a characteristic feature of the modern rural settlement pattern and cultural landscape.

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

The undulating landscape is one of semi-rural human settlement focussed on *amalali* located along main access roads, with communal water supply; electricity and telecommunications' infrastructure; schools; clinics; and small 'spaza' shops. Homesteads generally comprise a number of small dwellings, family graves and fenced gardens (Figure 8).

The vernacular architecture of circular and hexagonal dwellings has been supplemented and sometimes supplanted by modern rectangular and multi-form structures. Building materials generally comprise concrete blocks, kiln-fired bricks, cement, tiles and corrugated iron, rather than the traditional sundried bricks, daga and thatch.



FIGURE 8 TYPICAL HOMESTEAD IN THE VICINITY OF THE MEMORIAL SITE.

— SITE DEVELOPMENT HISTORY

After the passing of OR Tambo's father and mothers at KwaMzimeli the homestead was abandoned in the late 1950s and came to comprise a place associated with oral traditions and living history within the local Isikelo community. The development of the OR Tambo Heritage Route by the Department of Tourism and the Eastern Cape Parks & Tourism Agency between 2006 and 2008 bought KwaMzimeli back into public focus, as the birthplace of OR Tambo.

The initial interventions at KwaMzimeli and the establishment of the Memorial Site in 2006 saw the remnants of the abandoned homestead structures, including the cattle byre and associated vegetable garden, maize field and orchard; levelled by bulldozer. The family graves were inadvertently covered over by a spoils heap. The original homestead precinct was fenced off and a paved access road, visitor parking and two rondawels were subsequently constructed at the site. The latter were to serve as a visitor interpretive centre and a community skills training centre respectively.

However, no comprehensive interpretive material was ever provided for and skills training programmes have only been conducted episodically. The levelled homestead precinct was allowed to grow back to grass and was subsequently landscaped, including the provision of picnic tables and benches, and latrines (Figure 9). Site custodians are present on-site to conduct visitors and provide a narration of the legacy of OR Tambo.



FIGURE 9 OR TAMBO MEMORIAL SITE – ACCESS PATH AND LANDSCAPING.



FIGURE 10 STRUCTURE HOUSING BUST OF OR TAMBO

A pathway leads from the visitor centre to a face brick crypt-like structure that houses a brass cast bust of OR Tambo and a commemorative plaque (Figures 10-12). The building is unassuming and utilitarian and serves to provide a secure housing for the brass bust and commemorative plaque.

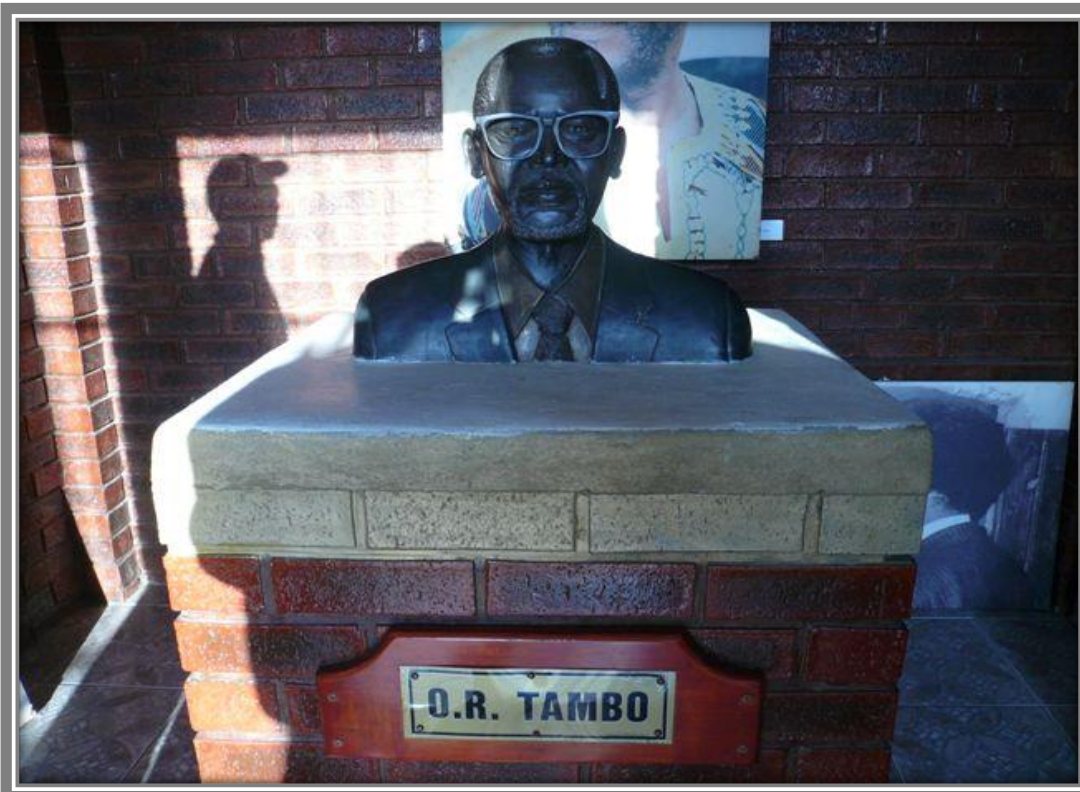


FIGURE 11 BUST OF OR TAMBO.

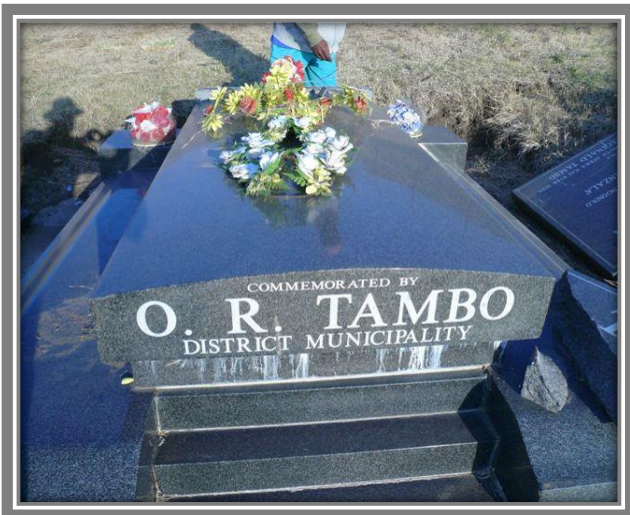


FIGURE 12 COMMEMORATIVE PLAQUE.

The path leads onwards to the family graves. In 2008 the grave site was re-exposed from below the spoils heap and formal granite surrounds and inscribed headstones were provided by the OR Tambo District Municipality. These headstones were subsequently damaged in a tornado (Figures 13 and 14) and the family graveyard was again refurbished in 2012 by the Department of Arts and Culture (Figures 15-17).



FIGURES 13 AND 14 TORNADO DAMAGED HEADSTONES .



FIGURES 15-17
REFURBISHMENT OF BROKEN
HEADSTONES AND GRAVEYARD
IN 2012.

6 IDENTIFICATION OF HERITAGE RESOURCES

The following table summarises the heritage resource types assessed, and our observations.

TABLE 1 HERITAGE RESOURCE TYPES ASSESSED.

Heritage resource type	Observation
Places, buildings, structures and equipment	None were identified within the proposed development area.
Places associated with oral traditions or living heritage	See below.
Landscapes	None were identified within the proposed development area.
Natural features	None were identified within the proposed development area.
Burial grounds and graves	See below.
Ecofacts	None were identified within the proposed development area.
Geological sites of scientific or cultural importance	None were identified within the proposed development area.
Archaeological sites	None were identified within the proposed development area.
Historical settlements and townscapes	None were identified within the proposed development area.
Public monuments and memorials	See below.
Battlefields	None were identified within the proposed development area.

— KWAMZIMELI AT NKANTOLO: PLACE ASSOCIATED WITH ORAL TRADITIONS AND LIVING HERITAGE

KwaMzimeli, the homestead of OR Tambo's father, Lokomane Mzimeli Tambo, is associated with oral tradition and living heritage. It is the natal home of OR Tambo and the place where he lived during his primary schooling at the nearby Ludeke Wesleyan Mission.

“In circa 1942 Mzimeli Tambo established a second homestead at Mdikiso for his third wife, MaSwazini (Lena). As there was no male head-of-household at Mdikiso ‘OR’ was sent from KwaMzimeli to Mdikiso to be invested as *inhlokoyekhaya* to look after his ‘younger mother’, and so that place became ‘OR’s’” (Vernon Tambo *pers. comm.* August 2012²).

KwaMzimeli was abandoned in the 1950s, after the death of Mzimeli and his wives, and never reoccupied. While the physical elements of the site were left to decay it retained a spiritual significance for the Tambo family, as the place of interment of the head of household and its association with the ancestors.

— FAMILY GRAVES

KwaMzimeli contains the graves of Lokomane Mzimeli Tambo and two of his wives; MaNjijela, his first wife, and MaNzala (Julia), his second wife and mother of OR Tambo. Mzimeli's brother, Sighetshe Mpu, is also buried here.

After the homestead's abandonment the traditional earth mounded and stone-packed graves were considered to be revered space. In time these mounds deflated to the extent that they were invisible at the inception of earthworks in 2006 and were inadvertently buried. Subsequent family engagement has seen to the re-exposure and formalization of the burial place and its incorporation into the layout of the memorial site.

² Vernon Tambo is OR Tambo's nephew.

— **PUBLIC MONUMENTS AND MEMORIALS**

A granite monolith monument with a metal silhouette head and shoulders profile of OR Tambo was erected at the Memorial Site in 2006 at the initiative of the OR Tambo District Municipality (Figure 18). The monolith serves not only as a site marker but, together with the housed cast bust of OR Tambo, is further testimony to the wider public reverence of the man and his life's achievements.



FIGURE 18 MONUMENT TO OR TAMBO AT THE MEMORIAL SITE.

7 HERITAGE STATEMENT

— STATEMENT OF HERITAGE SIGNIFICANCE

KwaMzimeli at Nkantolo: Place associated with oral traditions and living heritage

KwaMzimeli, the homestead of OR Tambo's father, Lokomane Mzimeli Tambo, is a place associated with oral traditions and living heritage. It is the natal home of OR Tambo and the place where he lived during his primary schooling at the nearby Ludeke Wesleyan Mission. The site currently contains the graves of his father, his mothers and his uncle; and a public monument, cast bust and commemorative plaques in OR Tambo's honour.

KwaMzimeli, as a locus, expresses a series of cumulative significances. As a domestic locus it was Mzimeli's family home from where the formative Oliver Tambo was nurtured and schooled. Here his strong rural roots were set down, roots for which he yearned whilst in exile and to which he returned whenever he could prior to his death (Callinicos 2004).

On Mzimeli's and his wives' deaths the homestead was abandoned. OR Tambo was then *inhlokoyekhaya* (head of household) at the nearby Mdikiso homestead and KwaMzimeli was left to decay. It retained then a parochial spiritual significance for the Tambo family for the next forty years, as a place of burial and continuity with the ancestors.

After OR Tambo's death the significance of KwaMzimeli as locus has been and is publicly revived as his natal home. It is the place from where his humble and traditional African origins and his deep rural roots stem; in contradistinction to his international political recognition, his activism and his prominent role in the liberation struggle.

Thus KwaMzimeli has been appropriated as the place at which to publicly celebrate and honour the man which is manifested in the provision of a public monument and a memorial bust. In itself this monument has at least medium heritage significance at the local, regional and provincial levels for its historical and social values. OR Tambo's roots are further manifest in the presence of the graves of his fathers and mothers. All human remains have high heritage significance at all levels for their spiritual, social and cultural values.

However, the heritage significance of KwaMzimeli as a whole transcends that of its parts, as summarised in Table 2.

TABLE 2 HERITAGE SIGNIFICANCE OF KWAMZIMELI.

Type of significance	Sphere of significance					
	Specialist group or community	Local	Regional	Provincial	National	International
Historical	High	High	High	High	Medium-High	Low-Medium
Aesthetic	Low-Medium	Low-Medium	Low-Medium	Low-Medium	Low	Low
Scientific	Low	Low	Low	Low	Low	Low
Social/cultural/spiritual	High	High	High	High	Medium-High	Low-Medium
Educational	High	High	High	High	Medium-High	Low-Medium
Economic including tourism	Medium	Medium	Medium	Medium	Low-Medium	Low-Medium

— RECOMMENDATION OF HERITAGE STATEMENT

The intention of recommendations for the protection of the OR Tambo Memorial site at KwaMzimeli, and the attendant family graves, should be to ensure that their heritage significance and values are retained, protected and utilised to best effect. At present the Memorial Site has general protection in terms Section 37 of the NHRA, whereas the graves are afforded general protection in terms of NHRA Section 36.

The South African heritage resources management system is based on grading, which provides for assigning the appropriate level of management responsibility to a heritage resource. Grading is an important step in the process towards the formal protection of a heritage resource, such as a declaration as a National Heritage Site, Provincial Heritage Site, or, in the case of Grade III heritage resources, placement of a resource on the Heritage Register. It is not an end in itself, but a means of establishing an appropriate level of management in the process of formal protection.

Grading may be carried out only by the responsible heritage resources authority, or, in the case of a Grade III heritage resource, by the relevant local authority. Any person may however make recommendations for grading. These are known as field ratings and usually accompany surveys and other reports. Also, NHRA Section 30(5) requires that inventories of heritage resources should be drawn up by local authorities in certain circumstances and, further, Section 30(6) enables anyone to compile or draw up an inventory. Recommendations for grading should be made in whenever an inventory is compiled. Table 4 summarises the steps and responsible authorities associated with grading.

TABLE 3 GRADING PROCESSES AND AUTHORITIES.

Field Rating	Grading (by Heritage Resources Authorities)	Formal Gazette Status	Level of Management	Responsible Heritage Resources Authority
Suggested Grade I	Grade I	National Heritage Site	National	South African Heritage Resources Agency (SAHRA)
Suggested Grade II	Grade II	Provincial Heritage Site	Provincial	Provincial Heritage Resources Authority
Suggested Grade III	Grade III	Heritage Register	Local	Local Planning Authority (usually a municipality)

Grading of heritage resources as Grade I, II or III heritage resources does not afford *formal* protection; and it must be noted that grade II and grade III heritage resources will **not** be *formally* protected until the formal processes have been followed which, in some cases may never be completed. In other words, the protection, management and decision-making in respect of all heritage resources that are graded I, II and III is the responsibility of the provincial heritage resource authorities and is afforded through the **general** protections provided for in Sections 33 to 38 of the NHRA.

The Heritage Western Cape Short Guide to Grading provides the following guidance relevant to the grading of the OR Tambo Memorial Site:

Issues around the nomination of sites associated with individuals and groups can be complex, and highly contestable. Establishing the sphere of significance of a person or group is difficult, and the decision to memorialise a person can be fraught with subjectivity. Also deciding which site best encapsulates the person can be highly contested and there is a danger of numerous places being declared as heritage sites because of a link with that person. In considering nominations of sites relating to people of national, provincial or local significance, the following issues must be considered:

1. What is the sphere of greatest significance of the person or group – national, provincial, local?
2. Is it the person or an event that is associated with the person or group that is significant? Should rather the event be remembered by means of declaration of a site representing the event?
3. Would a heritage route relating to the person be more appropriate?

4. The place should be associated with a significant aspect of a person or group's contribution.
5. The place associated with a person or group must be compared with other places associated with the person or group to demonstrate that this place is an outstanding example that clearly articulates that association.
6. The number of declared heritage sites relating to a specific person must be limited.
7. The declaration of a series of sites as a serial declaration may in instances be considered if no single site is fully enough representative of the person.
8. Does the place retain enough integrity to convey its significant associations?
9. The person whom the site represents should no longer be living - unless under extraordinary circumstances.

SUGGESTED GRADING

On completion of the proposed interventions at the OR Tambo Memorial Site at KwaMzimeli, and the current interventions at OR Tambo's Mdikiso residence (eThembeni 2012), the sites should be nominated for serial grading as a **Grade II Provincial Heritage Site** in recognition of their association with the life of OR Tambo and, in promoting his legacy, pays tribute to the local, regional and provincial contribution and sacrifice of a man of humble origins, to the national and international struggle against apartheid.

8 INFORMANTS FOR THE PROPOSED DEVELOPMENT

KwaMzimeli comprises a number of elements which constitute informants for the proposed development. These are described below and illustrated in Figure 19.

1. Authenticity

The authenticity of KwaMzimeli was embodied in its typically Pondo homestead layout: structures built from locally available, natural materials such as clay and thatch; vegetable gardens and fruit trees; and stone packed ancestral graves. More importantly, its authenticity was exemplified by its occupation by Tambo family members.

This key element has been destroyed. Abandonment of the homestead by the family itself, more recent razing of the homestead structures, westernisation of the formerly humble ancestral graves and the transformation of the homestead into a tourism destination have irrevocably altered and sanitised the place, albeit with the best intentions.

2. Key Structuring Element

The Memorial Site is nestled comfortably in against the steep hill slope of its southern aspect which rises 55 m above the layout of the site in two tiers of rocky ridges to 930m amsl. This effectively screens the site from view from the south east, south and south west. The scale and steepness of the immediate topography further moderate the vertical structural elements on the site, effectively absorbing them into the landscape.

3. Key Focal Point and *Genius loci*

The public memorial, original homestead site and the family graves are located modestly within a landscape that comprises other modest rural homesteads and their attendant fields and gardens. As the Memorial Site comprises the original boundaries of the KwaMzimeli homestead precinct its horizontal extent is thus repeated throughout the landscape in the form of ploughed fields, extant homestead sites and school yards. It is therefore not intrusive in the immediate surrounds.

The 'spirit of place' or *genius loci* is by association the remnant footprint of the homestead with the life of OR Tambo: his natal home, his formative schooling, his rural roots and latterly, the connection with the graves of his mothers and fathers and the ancestral lineage.



FIGURE 19 LANDSCAPE INFORMANTS.

4. Prospect (the Memorial Site as viewed from its surrounds)

The north, west, north west and north east slopes of the drainage basin rise steeply from the Ntlamvukazi River course, reaching 900m amsl at 1.5-1.8 km from the site. Consequently, the Memorial Site is in clear view from these prospects. Once again the modest scale of the site and the distance from which it is being viewed allow it to be perceived as unobtrusive in the wider landscape.

5. Aspect (the view from the site)

The viewsheds to the north, west, north west and north east from the Memorial Site are not interrupted by any vertical elements, natural or structural. The uninterrupted views to the horizon create a sense of place for the site. It was the locus from which OR Tambo departed to be educated, later to teach and then into exile. And it was to this locus that he desired to return – crossing the horizon and returning over the horizon.

6. Landscape Informant

The extant agrarian cultural landscape, as described in Section 5 above, is still largely intact. However, this landscape is not static. The most observable dynamic is the rapid introduction of new design elements and materials into the rural domestic space, largely as a consequence of increased wage wealth and greater social and economic mobility. Such transformation is inevitable and comes to inform the aspirations, wants and desires of a community and ultimately standards and perceptions of what is needed, what is right, what is status, and what is bling.

9 ASSESSMENT OF PROPOSAL

The proposed interventions at and redevelopment of the OR Tambo Memorial Site should be seen as a collaborative effort between many role players and practitioners after a project brief was issued from the National Department of Arts and Culture. As the client, they have endorsed the current design proposal and budget.

As stated in the project proposal the intention of the project includes the rehabilitation of existing infrastructure and the regeneration of a heritage site of national significance in order to honour the family of OR Tambo and expound his legacy as a hero of the struggle and an international iconic figure. Consequently, the intention is to remove all elements of the existing memorial, including the public monument, the building housing the bust and commemorative plaque, and the bust itself.

The key element informing our assessment of the development proposal has been the authenticity, or lack thereof, of KwaMzimeli. It is no longer, and has not been for some time, a humble rural Pondo dwelling. Accordingly, a development that attempted to recreate the natal home of OR Tambo would be patently inauthentic and misleading to the visitor. The current design proposal avoids this error with an overt focus on a memorialisation of Tambo's and others' struggle for the freedom of their country.

However, it is never wise to ignore or forget the past. Accordingly, it is imperative that the visitor realize the significance of KwaMzimeli as the place of OR Tambo's birth and childhood. We suggest that the current design proposal is therefore augmented by a significant spatial component that alludes to the existence of the structures formerly present on the property. The opportunity exists for a subtle, unobtrusive, yet powerful design, possibly incorporating both tangible and intangible elements, that honours a now invisible past.

The proposed interventions are confined to the fenced boundaries of the original homestead layout. Their relatively modest scale and extent, within the nestled locus of the original homestead precinct, have ensured that they sit comfortably within and do not impose dramatically on the extant agrarian cultural landscape. This is further moderated by the steep topography rising to the south west of the site.

It is observable that the extant cultural landscape is dynamic and currently experiencing a rapid introduction of new design elements and materials in both domestic and public architecture. The vernacular architecture of circular and hexagonal dwellings has been supplemented and sometimes supplanted by modern rectangular and multi-form structures. In contrast to the traditional sundried bricks, daga and thatch; building materials now generally comprise concrete blocks, kiln-fired bricks, cement, tiles and corrugated and pressed metal roof sheeting. Graves, where it can be afforded, are capped in marble and granite with ornate headstones and balustrades. Public architecture is modern, large and commanding. Within this context the design elements employed in the proposed redevelopment are agreeable.

In the absence of any residue of the original homestead, gardens, orchard and livestock byre, the restored family graves and the fenced precinct are the only retained elements that inform the *genius loci*. In the light of one of the stated objectives; to expound the legacy of OR Tambo as a hero of the struggle and an international iconic figure, the proposed interventions could enhance this 'spirit of place'.

The prospect of the site will be enhanced by the proposed landscaping and planting of the site, creating a mosaic of vegetation and horizontal and vertical elements within a mainly uniform grassland basal cover. The aspect from the site, over the cultural landscape to the Ngeli Mountains to the north and west will not be compromised by the scale and extent of the proposed interventions.

10 RECOMMENDATIONS

1. The proposed regeneration of the OR Tambo Memorial Site according to the appended concept plans and architectural drawings should be given due consideration for approval and implementation.
2. The current design proposal should be augmented by a significant spatial component that alludes to the existence of the structures formerly present on the property, i.e. the buildings present at the time of OR Tambo's birth and childhood.
3. An alteration permit from the ECPHRA detailing all final design elements must be obtained prior to the start of any on-site activities in fulfilment of NHRA Section 37.
4. No further alterations may be made to the family graves without a permit from the ECPHRA in fulfilment of NHRA Section 36.
5. The public monument should be retained within the landscaping, as a record of both public commitment and the history of intervention at the site.
6. The bust could be redeployed to a secure venue within the District Municipality.
7. A heritage practitioner should be appointed to undertake periodic monitoring of construction and report to the ECPHRA, as may be stipulated in the conditions of the alteration permit.
8. On completion of the proposed interventions at the OR Tambo Memorial Site and the current interventions at OR Tambo's Mdikiso residence, the sites should be nominated for serial grading as a Grade II Provincial Heritage Site in recognition of their association with the life of OR Tambo and, in promoting his legacy, pays tribute to the local, regional and provincial contribution and sacrifice of a man of humble origins, to the national and international struggle against apartheid.

11 PROTOCOL FOR THE IDENTIFICATION, PROTECTION AND RECOVERY OF HERITAGE RESOURCES DURING CONSTRUCTION AND OPERATION

It is possible that sub-surface heritage resources will be encountered during the construction phase of this project. The Project Engineer, Environmental Control Officer and all other persons responsible for site management and excavation should be aware that indicators of sub-surface sites could include:

- Ash deposits (unnaturally grey appearance of soil compared to the surrounding substrate);
- Bone concentrations, either animal or human;
- Ceramic fragments, including potsherds;
- Stone concentrations that appear to be formally arranged (may indicate the presence of an underlying burial); and
- Fossilised remains of fauna and flora, including trees.

In the event that such indicator(s) of heritage resources are identified, the following actions should be taken immediately:

- All construction within a radius of at least 20m of the indicator should cease. This distance should be increased at the discretion of supervisory staff if heavy machinery or explosives could cause further disturbance to the suspected heritage resource.
- This area must be marked using clearly visible means, such as barrier tape, and all personnel should be informed that it is a no-go area.
- A guard should be appointed to enforce this no-go area if there is any possibility that it could be violated, whether intentionally or inadvertently, by construction staff or members of the public.
- No measures should be taken to cover up the suspected heritage resource with soil, or to collect any remains such as bone or stone.

- If a heritage practitioner has been appointed to monitor the project, s/he should be contacted and a site inspection arranged as soon as possible.
- If no heritage practitioner has been appointed to monitor the project, Mrs Noma-Africa Maxongo must be contacted at the ECPHRA info@ecphra.org.za.
- The South African Police Services should be notified by an ECPHRA staff member or an independent heritage practitioner if human remains are identified. No SAPS official may disturb or exhume such remains, whether of recent origin or not.
- All parties concerned should respect the potentially sensitive and confidential nature of the heritage resources, particularly human remains, and refrain from making public statements until a mutually agreed time.
- Any extension of the project beyond its current footprint involving vegetation and/or earth clearance should be subject to prior assessment by a qualified heritage practitioner, taking into account all information gathered during this initial HIA.

12 CONCLUSION

We recommend that the proposed development proceed with the recommended heritage mitigation and have submitted this report to the ECPHRA in fulfilment of the requirements of the NHRA. According to Section 38(4) of the Act the report shall be considered timeously by the Council which shall, after consultation with the person proposing the development, decide –

- whether or not the development may proceed;
- any limitations or conditions are to be applied to the development;
- what general protections in terms of this Act apply, and what formal protections may be applied to such heritage resources;
- whether compensatory action shall be required in respect of any heritage resources damaged or destroyed as a result of the development; and
- whether the appointment of specialists is required as a condition of approval of the proposal.

Mrs Noma-Africa Maxongo may be contacted at the ECPHRA office (Eastern Cape Provincial Heritage Resources Authority, Department of Public Works and Roads Building, Cnr. Amalinda & Scholl Roads, CAMBRIDGE 5206, East London info@ecphra.org.za).

If permission is granted for development to proceed, the client is reminded that the NHRA requires that a developer cease all work immediately and follow the protocol contained in Section 11 of this report should any heritage resources, as defined in the Act, be discovered during the course of development activities.

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APPENDIX A STATUTORY REQUIREMENTS

General

The Constitution of the Republic of South Africa Act 108 of 1996 is the source of all legislation. Within the Constitution the Bill of Rights is fundamental, with the principle that the environment should be protected for present and future generations by preventing pollution, promoting conservation and practising ecologically sustainable development. With regard to spatial planning and related legislation at national and provincial levels the following legislation may be relevant:

- Physical Planning Act 125 of 1991
- Municipal Structures Act 117 of 1998
- Municipal Systems Act 32 of 2000
- Development Facilitation Act 67 of 1995 (DFA)
- KwaZulu-Natal Planning and Development Act 6 of 2008.

The identification, evaluation and management of heritage resources in South Africa is required and governed by the following legislation:

- National Environmental Management Act 107 of 1998 (NEMA)
- KwaZulu-Natal Heritage Act 4 of 2008 (KZNHA)
- National Heritage Resources Act 25 of 1999 (NHRA)
- Minerals and Petroleum Resources Development Act 28 of 2002 (MPRDA)

National Heritage Resources Act 25 of 1999

The NHRA established the South African Heritage Resources Agency (SAHRA) together with its Council to fulfil the following functions:

- co-ordinate and promote the management of heritage resources at national level;
- set norms and maintain essential national standards for the management of heritage resources in the Republic and to protect heritage resources of national significance;
- control the export of nationally significant heritage objects and the import into the Republic of cultural property illegally exported from foreign countries;
- enable the provinces to establish heritage authorities which must adopt powers to protect and manage certain categories of heritage resources; and
- provide for the protection and management of conservation-worthy places and areas by local authorities.

Heritage Impact Assessments

Section 38(1) of the NHRA of 1999 requires the responsible heritage resources authority to notify the person who intends to undertake a development that fulfils the following criteria to submit an impact assessment report if there is reason to believe that heritage resources will be affected by such development:

- the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- the construction of a bridge or similar structure exceeding 50m in length;
- any development or other activity which will change the character of a site—

- (i) exceeding 5 000m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- the re-zoning of a site exceeding 10 000m² in extent; or
 - any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

Reports in fulfilment of Section 38(3) of the Act must include the following information:

- the identification and mapping of all heritage resources in the area affected;
- an assessment of the significance of such resources in terms of the heritage assessment criteria set out in regulations;
- an assessment of the impact of the development on such heritage resources;
- an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
- the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
- if heritage resources will be adversely affected by the proposed development, the consideration of alternatives; and
- plans for mitigation of any adverse effects during and after completion of the proposed development.

Definitions of heritage resources

The NHRA defines a heritage resource as any place or object of cultural significance i.e. of aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. This includes, but is not limited to, the following wide range of places and objects:

- living heritage as defined in the National Heritage Council Act No 11 of 1999 (cultural tradition; oral history; performance; ritual; popular memory; skills and techniques; indigenous knowledge systems; and the holistic approach to nature, society and social relationships);
- ecofacts (non-artefactual organic or environmental remains that may reveal aspects of past human activity; definition used in KwaZulu-Natal Heritage Act 2008);
- places, buildings, structures and equipment;
- places to which oral traditions are attached or which are associated with living heritage;
- historical settlements and townscapes;
- landscapes and natural features;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds;
- public monuments and memorials;
- sites of significance relating to the history of slavery in South Africa;
- movable objects, but excluding any object made by a living person; and
- battlefields.

Furthermore, a place or object is to be considered part of the national estate if it has cultural significance or other special value because of—

- its importance in the community, or pattern of South Africa's history;

- its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
- its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
- its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
- its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons; and
- its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa.

'Archaeological' means –

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

'Palaeontological' means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

A **'place'** is defined as:

- a site, area or region;
- a building or other structure which may include equipment, furniture, fittings and articles associated with or connected with such building or other structure;
- a group of buildings or other structures which may include equipment, furniture, fittings and articles associated with or connected with such group of buildings or other structures;
- an open space, including a public square, street or park; and
- in relation to the management of a place, includes the immediate surroundings of a place.

'Public monuments and memorials' means all monuments and memorials—

- erected on land belonging to any branch of central, provincial or local government, or on land belonging to any organisation funded by or established in terms of the legislation of such a branch of government; or
- which were paid for by public subscription, government funds, or a public-spirited or military organisation, and are on land belonging to any private individual;

'Structures' means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith.

Management of Graves and Burial Grounds

- **Graves younger than 60 years** are protected in terms of Section 2(1) of the Removal of Graves and Dead Bodies Ordinance 7 of 1925 as well as the Human Tissues Act 65 of 1983. Such graves are the jurisdiction of the National Department of Health and the relevant Provincial Department of Health and must be submitted for final approval to the Office of the relevant Provincial Premier. This function is usually delegated to the Provincial Member of the Executive Council for Local Government and Planning, or in some cases the MEC for Housing and Welfare.

Authorisation for exhumation and reinterment must also be obtained from the relevant local or regional council where the grave is situated, as well as the relevant local or regional council to where the grave is being relocated. All local and regional provisions, laws and by-laws must also be adhered to. In order to handle and transport human remains the institution conducting the relocation should be authorised under Section 24 of the Human Tissues Act 65 of 1983.

- **Graves older than 60 years situated outside a formal cemetery administered by a local authority** are protected in terms of Section 36 of the NHRA as well as the Human Tissues Act of 1983. Accordingly, such graves are the jurisdiction of SAHRA. The procedure for Consultation Regarding Burial Grounds and Graves (Section 36(5) of NHRA) is applicable to graves older than 60 years that are situated outside a formal cemetery administered by a local authority. Graves in the category located inside a formal cemetery administered by a local authority will also require the same authorisation as set out for graves younger than 60 years over and above SAHRA authorisation.

If the grave is not situated inside a formal cemetery but is to be relocated to one, permission from the local authority is required and all regulations, laws and by-laws set by the cemetery authority must be adhered to.

The **protocol for the management of graves older than 60 years situated outside a formal cemetery administered by a local authority** is detailed in Section 36 of the NHRA:

- (3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—
- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;
 - (b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
 - (c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.
- (4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3)(a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.
- (5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection (3)(b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority—
- (a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and
 - (b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.
- (6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must

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

(a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

The Vermillion Accord on Human Remains³

Adopted in 1989 at WAC Inter-Congress, South Dakota, USA

1. Respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.
2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.
3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.
4. Respect for the scientific research value of skeletal, mummified and other human remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.
5. Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.
6. The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.

³ <http://www.worldarchaeologicalcongress.org/>

APPENDIX B ARCHAEOLOGICAL AND HISTORICAL CONTEXT OF THE STUDY AREA

In archaeological terms South Africa's prehistory has been divided into a series of phases based on broad patterns of technology. The primary distinction is between a reliance on chipped and flaked stone implements (the Stone Age), the ability to work iron (the Iron Age) and the Colonial Period, characterised by the advent of writing and in southern Africa primarily associated with the first European travellers (Mitchell 2002). Spanning a large proportion of human history, the Stone Age in Southern Africa is further divided into the Early Stone Age, or Paleolithic Period (about 2 500 000–150 000 years ago), the Middle Stone Age, or Mesolithic Period (about 500 000–30 000 years ago), and the Late Stone Age, or Neolithic Period (about 30 000–2 000 years ago). The simple stone tools found with australopithecine fossil bones fall into the earliest part of the Early Stone Age.

The Stone Age⁴

— Early Stone Age

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

— Middle Stone Age

The long episode of cultural and physical evolution gave way to a period of more rapid change about 120 000 years ago. Hand axes and large bifacial stone tools were replaced by stone flakes and blades that were fashioned into scrapers, spear points, and parts for hafted, composite implements. This technological stage, now known as the Middle Stone Age, is represented by numerous sites in South Africa.

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

The Middle Stone Age is perhaps most significant as the time period during which the first modern humans, *Homo sapiens sapiens*, emerged between 120 000 and 30 000 years ago. The Klasies River cave complex, located on the southern Cape coast contains the oldest remains of anatomically modern humans in the world, dating to around 110 000 years ago (Singer & Wymer 1982; Rightmire & Deacon 1991). Humans were anatomically modern by 110 000 years ago but only developed into culturally modern behaving humans between 80 000 and 70 000 years ago, during cultural phases known as the Still Bay and Howieson's Poort time periods or stone tool traditions.

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

— The Late Stone Age

Basic toolmaking techniques began to undergo additional change about 40 000 years ago. Small finely worked stone implements known as microliths became more common, while the heavier scrapers and points of the Middle Stone Age appeared less frequently. Archaeologists refer to this technological stage as the Later Stone Age or LSA, which can be divided into four broad temporal units directly associated with climatic, technological and subsistence changes (Deacon 1984):

1. Late Pleistocene microlithic assemblages (40-12 000 years ago);
2. Terminal Pleistocene / early Holocene non-microlithic (macrolithic) assemblages (12-8 000 years ago);
3. Holocene microlithic assemblages (8 000 years ago to the Colonial Period); and
4. Holocene assemblages with pottery (2 000 years ago to the Historic Period) closely associated with the arrival of pastoralist communities into South Africa (Mitchell 1997; 2002).

Animals were trapped and hunted with spears and arrows on which were mounted well-crafted stone blades. Bands moved with the seasons as they followed game into higher lands in the spring and early summer months, when plant foods could also be found. When available, rock overhangs became shelters; otherwise, windbreaks were built. Shellfish, crayfish, seals, and seabirds were also important sources of food, as were fish caught on lines, with spears, in traps, and possibly with nets.

Elements of material culture characteristic of the LSA that reflect cultural modernity have been summarised as follows (Deacon 1984):

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

Iron Age⁵

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

The earliest agricultural sites in KwaZulu-Natal date to between AD 400 and 550. All are situated close to sources of iron ore, and within 15 km of the coast. Current evidence suggests it may have been too dry further inland at this time for successful cultivation. From 650 onwards, however, climatic conditions

⁵ Whitelaw (1997). See also Whitelaw (1991, 2009); Prins (1994-95); Prins & Granger (1993).

improved and agriculturists expanded into the valleys of KwaZulu-Natal, where they settled close to rivers in savanna or bushveld environments. There is a considerable body of information available about these early agriculturists.

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

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

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

This particular way of life came to an end around AD 1000, for reasons that we do not yet fully understand. There was a radical change in the decorative style of agriculturist ceramics at this time, while the preferred village locations of the last four centuries were abandoned in favour of sites along the coastal littoral. In general, sites dating to between 1050 and 1250 are smaller than most earlier agriculturist settlements. It is tempting to see in this change the origin of the Nguni settlement pattern. Indeed, some archaeologists have suggested that the changes were a result of the movement into the region of people who were directly ancestral to the Nguni-speakers of today. Others prefer to see the change as the product of social and cultural restructuring within resident agriculturist communities.

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

The Pondo People⁶

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

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

⁶ http://ortamboroute.co.za/index.php?option=com_content&view=article&id=48:the-pondo-people&catid=36:the-people&Itemid=79

— Historical Rules of Succession

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

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

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

The wife whose *lobola* is derived from contributions made by the community assumes the highest status and is known as the great wife (*undlunkulu*). When there are twins from the great house, such as Mpondo and Mpondomise, or there is a dispute among the sons of a great house, prioritising the rights of inheritance becomes a matter of the father's preference. In naming his heir, the father takes into account the preferences of his tribal elders and the community at large. Mpondo's father chose him as his heir.

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

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

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

— Faku

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

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

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

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

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

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

Colonial rule and apartheid⁷

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

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

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

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

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

The Pondo people, under Faku (and west of the Kei), had never clashed with the British and the British treated the amaPondo as an independent nation⁸. However, the Boers who trekked into Natal (now KwaZulu-Natal) to escape British rule in first the Western and then the Eastern Cape, found themselves under British sovereignty again. They sought new farms in Pondo territory and Faku turned to the British to help him resist the Boer invasion.

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

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

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

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

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

⁸ http://ortamboroute.co.za/index.php?option=com_content&view=article&id=53:british-colonialism&catid=36:the-people&Itemid=79

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

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

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

Under apartheid blacks were treated like "tribal" people and were required to live on reserves under hereditary chiefs except when they worked temporarily in white towns or on white farms. The government began to consolidate the scattered reserves into eight (eventually ten) distinct territories, designating each of them as the "homeland," or Bantustan, of a specific black ethnic community. The government manipulated homeland politics so that compliant chiefs controlled the administrations of most of those territories. Arguing that Bantustans matched the decolonization process then taking place in tropical Africa, the government devolved powers onto those administrations and eventually encouraged them to become "independent." Between 1976 and 1981 four accepted independence—Transkei, Bophuthatswana, Venda, and Ciskei—though none was ever recognized by a foreign government. Like the other homelands, however, they were economic backwaters, dependent on subsidies from Pretoria.

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

The Pondo Revolt⁹

— Events leading up to the Revolt

The Pondo Revolt of 1960 – 1962 is an outstanding example of a natural collective resistance to oppression. It is significant that the roots of the Pondo Revolt predate both Sharpeville and the Soweto uprising, showing that grassroots opposition to apartheid was national and vigorous. The Pondo Revolt gave rural expression to the national sense of injustice that was about to reach boiling point.

When the Bantu Authorities Act was promulgated by the apartheid government in 1951, it provided for the creation of the nine so-called independent black homelands to which black people who had been living in 'white areas' could be deported according to their racial classification as decided by white authorities.

⁹ Mbeki, G. 1964. The Peasants' Revolt. <http://www.marxists.org/subject/africa/mbeki/peasants-revolt/index.htm>;
http://ortamboroute.co.za/index.php?option=com_content&view=article&id=68:the-pondo-revolt&catid=36:the-people&Itemid=79

This meant that people who had no roots in a given area could be forcibly removed to that area in terms of arbitrary rules.

The Bantu Authorities Act

The Bantu Authorities Act No 68 of 1951 (subsequently renamed the Black Authorities Act, 1951) was one of the pillars of apartheid in South Africa during the apartheid era. This legislation, succeeding the Native Affairs Act No 23 of 1920, created the legal basis for the deportation of black people into nine so-called independent black designated homeland reserve areas and established tribal, regional and territorial authorities. This Act was augmented by the Bantu Homelands Citizens Act of 1970. After the end of apartheid, with the introduction of democratic local government and a new framework for traditional leadership, the act became obsolete, and it was formally repealed in 2010.

Also, homeland government leaders were appointed by the white minority apartheid government in terms of belated and artificial recognition of traditional leadership among black clans. This meant that most black communities in rural areas suddenly found themselves being governed by people they did not know or did not acknowledge as historical rulers.

Opposition to the Bantu Authorities Act was particularly widespread and determined among the amaPondo. According to Govan Mbeki's book, *The Peasant Revolt*, the Nationalist white government initially didn't understand just how significant resistance in Pondoland was until it took on the proportions of a minor war. The government had been taken by surprise because the amaPondo had always found a peaceful way to address oppression. Even when the British had threatened, in 1895, to invade Pondoland because the amaPondo were refusing to pay taxes, Chief Sigcau had allowed himself to be imprisoned on Robben Island more or less as a hostage to his people's future good behaviour.

But the amaPondo's apparent willingness to negotiate had given them the advantage of being trusted rather more by their white governors than was the case with other black groups. So the chiefs had much greater control over tribal structures. Also, many children from royal homes were being educated by the Wesleyan missionaries in the area, often living with them in their homes. From these experiences, they took back to their clans' innovative approaches to leadership.

By the time apartheid came along, both at Qaukeni (Eastern Pondoland) and Nyandeni (Western Pondoland), "the Chiefs had erected modern offices and conducted cases on the pattern of a magistrate's court. For a long time the Pondo Paramount Chiefs were the only Chiefs in the Transkei with civil jurisdiction. They exercised real power over the distribution of land within the framework of government policy, and they used these comparatively wide powers to entrench their chieftainship. Up to the time that Bantu Authorities were introduced the people contributed to the Chiefs' treasuries with little complaint.

"Then the Nationalist government moved to invade the area with its new policies, and from the very start it went wrong, making the serious mistake of choosing as the arch-champion of Bantu Authorities Chief Botha Sigcau, a man already discredited in the eyes of his people. As far back as 1939, when the choice had had to be made of a successor to the Paramount Chief of East Pondoland the government of the day had picked on Chief Botha in preference to his half-brother Nelson, who had been regarded by many as the rightful heir. The use of Chief Botha by the Nationalists to introduce Bantu Authorities, in the face of popular opposition to his chieftainship, was bound to provoke widespread resentment."

At the same time, the government tried to implement a policy of agricultural improvement or 'betterment' in the various reserves and, later, homeland areas of South Africa. While ostensibly about stock improvement, soil conservation and the rehabilitation of rural areas and farming practices, 'betterment' – or the Trust – actually led to racial dispossession of land and belongings, the removal and re-allocation of community land and resources, the parcelling up of rural locations into residential, arable and grazing areas, and the forcible removal of people from their scattered rural homes to more densely populated villages. It came to be known as a process of villagisation.

At a series of public meetings, many centred on Bizana, the Pondo people rejected any attempts by government-appointed officials to change their way of life. Chief Botha and his staff were increasingly forced to use the police to enforce their will on the people. Chiefs and headmen who gave even nominal obedience to the Bantu Authority alienated the members of their clans. Tribal structures began to disintegrate.

In September 1957 the Pondos of Bizana rejected Bantu Authorities, Bantu Education and the rehabilitation scheme at a meeting to which the peasants came in their thousands. They demanded that Botha Sigcau should publicly declare whether he was the head of the Pondo tribe or the boot-licker of Verwoerd, the then Minister of Native Affairs. Botha Sigcau left surreptitiously, and the meeting went out of control, ending in disorder and the widespread cry — '*Umasiziphathe uya Kusebenza sifile*', or 'Bantu Authorities will operate over our dead bodies.'

Then, in 1958, all the Pondoland districts were invited to send representatives to a large gathering called by the Minister of Bantu Administration and Development, Mr de Wet Nel, and Botha Sigcau. The people were led to believe that the gathering was some sort of celebration, but found on arrival that it was an attempt to get Bantu Authorities under way.

Frustration and dissatisfaction were mounting, and at the Isikelo Location in the district of Bizana anger boiled over. The people called a meeting to demand that Mr Saul Mabude, Chairman, and members of the District Authority explain Bantu Authorities to them. Mabude did not attend. The meeting was punctuated with grim silence, a premonition that all was not well in Pondoland. Laughter and easy talk, characteristics of the Pondos, were totally absent. The meeting ended in disorder. On a Sunday morning, some time later, a large impi marched to Mabude's kraal, while the women raised the war cry — '*I — iwuuu I ii wu iwu!*' Mabude's house was surrounded, his pigs and fowls were slaughtered, and his hut was set on fire.

The government struck back savagely. Police traversed the countryside in heavily meshed cars; armed police swarmed into the kraals on the hillsides, terrorizing women and children, arresting the men. Two battalions of the Mobile Watch moved in with armoured vehicles and camped at the villages of Bizana, Lusikisiki and Flagstaff. Sixty 'Native' police underwent special courses to assist in the training of home guards.

— **The Mountain Committee**

A vast popular movement of resistance arose amongst the people in March 1960. Although meetings were illegal, they were attended by thousands of people, who came on foot and on horseback to chosen spots on the mountains and ridges. This popular movement became known as 'Intaba' (the Mountain), when it was not referred to as 'Ikongo' (Congress).

The Mountain Committee rallied the majority of the tribesmen in the Bizana district into open struggle against the authorities. This inspired tribesmen from other districts in East Pondoland to set up their own huge meetings.

Repeated requests by the Mountain Committee for the magistrate to come and hear the people's grievances were ignored. Government officials made it clear that they would continue to carry out government policies through the channel of Bantu Authorities. The Pondos then found that news of their meetings was reaching the magistrate's ears and that their new-found unity was being undermined from within by government agents. The informers' homes were set alight and many were forced to flee.

— The Battle of Ngquza Hill

The most serious clash of the Pondo Revolt took place on June 6 1960 in a valley adjoining Ngquza Hill, between Bizana and Lusikisiki. Two aircraft and a helicopter dropped tear-gas and smoke bombs on the crowd attending a meeting, and police vehicles approached from two directions. The amaPondo raised a white flag to show that their meeting was a peaceful one, but police fired into the crowd. At first the government refused to disclose how many people had been killed, but strong representations were made and finally an inquest was ordered. Relatives found the bodies of 11 men which had been left all day for dogs and other animals to feed on. Twenty-three Pondo men were arrested after the meeting on a charge of 'fighting', and of these nineteen were convicted and sentenced to terms ranging from 18 months with 6 strokes to 21 months.

A Commission of Inquiry, composed of Bantu Administration officials, was appointed to hear popular grievances. The amaPondo demanded the withdrawal of the Bantu Authorities and Bantu Education Acts, representation in the Republic's Parliament, relief from the increased taxes and passes which hampered free movement, and the removal of Paramount Chief Botha Sigcau.

The Commission's findings were announced at a public meeting near Bizana on October 11. Significantly, the government had been forced to bypass its Bantu Authorities machinery in order to convey its findings to the people – and negotiate with the Mountain Committee, which had become the generally accepted tribal representative.

The people were dissatisfied with the Commission's findings and at a meeting on 25 October the Mountain Committee announced their rejection of the report and expressed their determination to continue the struggle against Bantu Authorities. In particular, they would stop paying taxes. At the same time, five of the Pondoland National Committee lost their appeal to the Supreme Court and had been sentenced to more than a year in jail for attending an illegal meeting.

Furious at the jailing of their leaders and in protest at what they believed to be partiality towards the Bantu Authority by shop owners and other business people in Bizana, the people boycotted the town.

One Pondo explained: "We boycott the traders because they helped the government in trying to break us. When we boycott them, we are boycotting the government." The government's reaction was to gazette Emergency Regulation 400 in 1960 – and arrest 4 769 men and women for indefinite periods. Eventually, 2 067 people were brought to trial. In addition, the government brought the military into Pondoland to assist the police against unarmed rural people with sten guns, Saracen armoured cars, and jets.

However, the amaPondo had already effectively destroyed the Tribal and District Authorities, who were considered to be collaborators with the apartheid government. Most officials had fled the wrath of the people and people's courts were dealing with those who had been caught. The government had to take their appointed chiefs into protective custody.

The Pondo Revolt sparked off similar resistance throughout the Eastern Cape, adding momentum to the groundswell of grass roots resistance to apartheid across the country.

— Democracy

Following the creation of South Africa's first democratic society in 1994, section 211(1) of the Constitution recognised the vital role, at local level on matters affecting local communities, of true traditional leadership governing by customary law. As a consequence, the Traditional Leadership Framework Act was passed and the Commission on Traditional Leadership Disputes and Claims was mandated to regularise and restore the dignity of the institution of traditional leadership. In terms of section 28(1) of the Act, any traditional leader who was appointed in terms of applicable provincial legislation and was still recognised as a traditional leader immediately before the Act was passed is deemed to be a traditional leader.

The amaPondo had two officially recognised paramountcies. Mpondombini Justice Sigcau was the paramount chief of Eastern Pondoland, which comprises the districts of Mount Ayliff, Flagstaff, Bizana, Tabankulu, and Lusikisiki. Fikelephi Doris Ndamase was the acting paramount chief of Western Pondoland, which comprises the districts of Port St. Johns, Libode and Ngqeleni.

The Commission was tasked with deciding which chief would be recognised as the single traditional leader of the amaPondo. It took cognisance of the fact that Faku had united many different clans under his leadership and that his two sons, Ndamase and Mqikela, had played a pivotal role in the history of amaPondo kingship in creating a split in the lineage.

The Commission felt that it was common cause that Mqikela was the rightful heir and successor to the kingship of amaPondo before the split and that, when Faku gave Ndamase his blessing to settle across Mzimvubu River, he did not necessarily bestow upon him a status similar to his own. According to the customary law of the amaPondo, the king is born of the great house and not from the right hand house.

Since the time of Faku, kingship of the amaPondo had rested with Qaukeni house and, the Commission ruled, this position has not shifted. In terms of customary law and the Framework Act, the Nyandeni paramountcy is not a kingship and so paramountcy of the amaPondo lies in the house of Sigcau, which is descended from Mqikela's line.

APPENDIX C METHODOLOGY

Site survey

eThembeni staff members first inspected the proposed activity area on 31 July and 01 August 2012. Subsequent visits and interviews with Mr Vernon Tambo were conducted on 21-22 August and 01 and 11 September 2012. We completed a controlled-exclusive surface survey, where 'sufficient information exists on an area to make solid and defensible assumptions and judgements about where [heritage resource] sites may and may not be' and 'an inspection of the surface of the ground, wherever this surface is visible, is made, with no substantial attempt to clear brush, turf, deadfall, leaves or other material that may cover the surface and with no attempt to look beneath the surface beyond the inspection of rodent burrows, cut banks and other exposures that are observed by accident' (King 1978; see bibliography for other references informing methodological approach).

The site survey comprised walks across the entire proposed development area. Photographs were taken with a Nikon Coolpix camera and a representative selection is included in this report. Geographic coordinates were obtained using a handheld Garmin global positioning unit (WGS 84).

Database and literature review

No heritage resource data was available for the project area on SAHRIS. A concise account of the archaeology and history of the broader study area was compiled from sources including those listed in the bibliography.

Heritage Impact Assessment reports relevant to the study area

An HIA undertaken for the Mdikiso homestead of OR Tambo by eThembeni Cultural Heritage is listed on SAHRIS (see eThembeni 2012 in the Bibliography).

Assessment of heritage resource value and significance

Heritage resources are significant only to the extent that they have public value, as demonstrated by the following guidelines for determining site significance developed by Heritage Western Cape in 2007 and utilised during this assessment.

Grade I Sites (National Heritage Sites)

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694 states that: Grade I heritage resources are heritage resources with qualities so exceptional that they are of special national significance should be applied to any heritage resource which is

- a) Of outstanding significance in terms of one or more of the criteria set out in section 3(3) of the NHRA;
 - b) Authentic in terms of design, materials, workmanship or setting; and is of such universal value and symbolic importance that it can promote human understanding and contribute to nation building, and its loss would significantly diminish the national heritage.
-
1. Is the site of outstanding national significance?
 2. Is the site the best possible representative of a national issue, event or group or person of national historical importance?
 3. Does it fall within the proposed themes that are to be represented by National Heritage Sites?
 4. Does the site contribute to nation building and reconciliation?
 5. Does the site illustrate an issue or theme, or the side of an issue already represented by an existing National Heritage Site – or would the issue be better represented by another site?
 6. Is the site authentic and intact?
 7. Should the declaration be part of a serial declaration?
 8. Is it appropriate that this site be managed at a national level?

9. What are the implications of not managing the site at national level?

Grade II Sites (Provincial Heritage Sites)

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694 states that: Grade II heritage resources are those with special qualities which make them significant in the context of a province or region and should be applied to any heritage resource which -

- a) is of great significance in terms of one or more of the criteria set out in section 3(3) of the NHRA; and
- b) enriches the understanding of cultural, historical, social and scientific development in the province or region in which it is situated, but that does not fulfil the criteria for Grade 1 status.

Grade II sites may include, but are not limited to –

- (a) places, buildings, structures and immovable equipment of cultural significance;
- (b) places to which oral traditions are attached or which are associated with living heritage;
- (c) historical settlements and townscapes;
- (d) landscapes and natural features of cultural significance;
- (e) geological sites of scientific or cultural importance;
- (f) archaeological and palaeontological sites; and
- (g) graves and burial grounds.

The cultural significance or other special value that Grade II sites may have, could include, but are not limited to –

- (a) its importance in the community or pattern of the history of the province;
- (b) the uncommon, rare or endangered aspects that it possess reflecting the province's natural or cultural heritage
- (c) the potential that the site may yield information that will contribute to an understanding of the province's natural or cultural heritage;
- (d) its importance in demonstrating the principal characteristics of a particular class of the province's natural or cultural places or objects;
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group in the province;
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period in the development or history of the province;
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons; and
- (h) its strong or special association with the life or work of a person, group or organization of importance in the history of the province.

Grade III (Local Heritage Resources)

Regulation 43 Government Gazette no 6820. 8 No. 24893 30 May 2003, Notice No. 694 states that: Grade III heritage status should be applied to any heritage resource which

- (a) fulfils one or more of the criteria set out in section 3(3) of the NHRA; or
- (b) in the case of a site contributes to the environmental quality or cultural significance of a larger area which fulfils one of the above criteria, but that does not fulfill the criteria for Grade 2 status.

Grade IIIA

This grading is applied to buildings and sites that have sufficient intrinsic significance to be regarded as local heritage resources; and are significant enough to warrant *any* alteration being regulated. The significances of these buildings and/or sites should include at least some of the following characteristics:

- Highly significant association with a
 - historic person
 - social grouping

- historic events
- historical activities or roles
- public memory
- Historical and/or visual-spatial landmark within a place
- High architectural quality, well-constructed and of fine materials
- Historical fabric is mostly intact (this fabric may be layered historically and/or past damage should be easily reversible)
- Fabric dates to the early origins of a place
- Fabric clearly illustrates an historical period in the evolution of a place
- Fabric clearly illustrates the key uses and roles of a place over time
- Contributes significantly to the environmental quality of a Grade I or Grade II heritage resource or a conservation/heritage area

Such buildings and sites may be representative, being excellent examples of their kind, or may be rare: as such they should receive maximum protection at local level.

Grade IIIB

This grading is applied to buildings and/or sites of a marginally lesser significance than grade IIIA; and such marginally lesser significance argues against the regulation of internal alterations. Such buildings and sites may have similar significances to those of a grade IIIA building or site, but to a lesser degree. Like grade IIIA buildings and sites, such buildings and sites may be representative, being excellent examples of their kind, or may be rare, but less so than grade IIIA examples: as such they should receive less stringent protection than grade IIIA buildings and sites at local level and internal alterations should not be regulated (in this context).

Grade IIIC

This grading is applied to buildings and/or sites whose significance is, in large part, a significance that contributes to the character or significance of the environs. These buildings and sites should, as a consequence, only be protected and regulated *if the significance of the environs is sufficient to warrant protective measures*. In other words, these buildings and/or sites will only be protected if they are within declared conservation or heritage areas.

Assessment of development impacts

A heritage resource impact may be defined broadly as the net change, either beneficial or adverse, between the integrity of a heritage site with and without the proposed development. Beneficial impacts occur wherever a proposed development actively protects, preserves or enhances a heritage resource, by minimising natural site erosion or facilitating non-destructive public use, for example. More commonly, development impacts are of an adverse nature and can include:

- destruction or alteration of all or part of a heritage site;
- isolation of a site from its natural setting; and / or
- introduction of physical, chemical or visual elements that are out of character with the heritage resource and its setting.

Beneficial and adverse impacts can be direct or indirect, as well as cumulative, as implied by the aforementioned examples. Although indirect impacts may be more difficult to foresee, assess and quantify, they must form part of the assessment process. The following assessment criteria have been used to assess the impacts of the proposed development on identified heritage resources:

Criteria	Rating Scales	Notes
Nature	Positive	An evaluation of the type of effect the construction, operation and management of the proposed development would have on the heritage resource.
	Negative	
	Neutral	
Extent	Low	Site-specific, affects only the development footprint.
	Medium	Local (limited to the site and its immediate surroundings, including the surrounding towns and settlements within a 10 km radius);
	High	Regional (beyond a 10 km radius) to national.
Duration	Low	0-4 years (i.e. duration of construction phase).
	Medium	5-10 years.
	High	More than 10 years to permanent.
Intensity	Low	Where the impact affects the heritage resource in such a way that its significance and value are minimally affected.
	Medium	Where the heritage resource is altered and its significance and value are measurably reduced.
	High	Where the heritage resource is altered or destroyed to the extent that its significance and value cease to exist.
Potential for impact on irreplaceable resources	Low	No irreplaceable resources will be impacted.
	Medium	Resources that will be impacted can be replaced, with effort.
	High	There is no potential for replacing a particular vulnerable resource that will be impacted.
Consequence (a combination of extent, duration, intensity and the potential for impact on irreplaceable resources).	Low	A combination of any of the following: - Intensity, duration, extent and impact on irreplaceable resources are all rated low. - Intensity is low and up to two of the other criteria are rated medium. - Intensity is medium and all three other criteria are rated low.
	Medium	Intensity is medium and at least two of the other criteria are rated medium.
	High	Intensity and impact on irreplaceable resources are rated high, with any combination of extent and duration. Intensity is rated high, with all of the other criteria being rated medium or higher.
Probability (the likelihood of the impact occurring)	Low	It is highly unlikely or less than 50 % likely that an impact will occur.
	Medium	It is between 50 and 70 % certain that the impact will occur.
	High	It is more than 75 % certain that the impact will occur or it is definite that the impact will occur.
Significance (all impacts including potential cumulative impacts)	Low	Low consequence and low probability. Low consequence and medium probability. Low consequence and high probability.
	Medium	Medium consequence and low probability. Medium consequence and medium probability. Medium consequence and high probability. High consequence and low probability.
	High	High consequence and medium probability. High consequence and high probability.

Assumptions and limitations of this HIA

- The description of the proposed project, provided by the client, is accurate.
- The public consultation process undertaken as part of the development of the OR Tambo Heritage Route by the Department of Tourism and the Eastern Cape Parks & Tourism Agency between 2006 and 2008, and latterly by DAC (2012), is sufficient and adequate and does not require repetition as part of the HIA.
- Soil surface visibility was good. Heritage resources might be present below the surface and we remind the client that the NHRA requires that a developer cease all work immediately and observe the protocol in Section 11 should any heritage resources, as defined in the Act, be discovered during the course of development activities.
- No subsurface investigation (including excavations or sampling) were undertaken, since a permit from the ECPHRA is required to disturb a heritage resource.

- A key concept in the management of heritage resources is that of non-renewability: damage to or destruction of most resources, including that caused by bona fide research endeavours, cannot be reversed or undone. Accordingly, management recommendations for heritage resources in the context of development are as conservative as possible.
- Human sciences are necessarily both subjective and objective in nature. eThembeni staff members strive to manage heritage resources to the highest standards in accordance with national and international best practice, but recognise that their opinions might differ from those of other heritage practitioners.
- Staff members involved in this project have no vested interest in it; are qualified to undertake the tasks as described in the terms of reference (refer to Appendix D); and comply at all times with the Codes of Ethics and Conduct of the Association of Southern African Professional Archaeologists.
- eThembeni staff members take no personal or professional responsibility for the misuse of the information contained in this report, although they will take all reasonable precautions against such misuse.

APPENDIX D SPECIALIST COMPETENCY AND DECLARATION OF INDEPENDENCE

Specialist competency

Len van Schalkwyk is accredited by the Cultural Resources Management section of the Association of Southern African Professional Archaeologists (ASAPA) to undertake HIAs in South Africa. He is also a member of the ASAPA Cultural Resources Management Committee for 2013 to 2015. Mr van Schalkwyk has a master's degree in archaeology (specialising in the history of early farmers in southern Africa) from the University of Cape Town and 25 years' experience in heritage management. He has worked on projects as diverse as the establishment of the Ondini Cultural Museum in Ulundi, the cultural management of Chobe National Park in Botswana and various archaeological excavations and oral history recording projects. He was part of the writing team that produced the KwaZulu-Natal Heritage Act 1997. He has worked with many rural communities to establish integrated heritage and land use plans and speaks good Zulu.

Mr van Schalkwyk left his position as assistant director of Amafa aKwaZulu-Natali, the provincial heritage management authority, to start eThembeni in partnership with Elizabeth Wahl, who was head of archaeology at Amafa at the time. Over the past decade they have undertaken almost 1000 heritage impact assessments throughout South Africa, as well as in Mozambique.

Elizabeth Wahl has a BA Honours in African Studies from the University of Cape Town and has completed various Masters courses in Heritage and Tourism at the University of KwaZulu-Natal. She is currently studying for an MPhil in the Conservation of the Built Environment at UCT. She is also a member of ASAPA.

Ms Wahl was an excavator and logistical coordinator for Glasgow University Archaeological Research Division's heritage programme at Isandlwana Battlefield; has undertaken numerous rock painting surveys in the uKhahlamba/Drakensberg Mountains, northern KwaZulu-Natal, the Cederberg and the Koue Bokkeveld in the Cape Province; and was the principal excavator of Scorpion Shelter in the Cape Province, and Lenjane and Crystal Shelters in KwaZulu-Natal. Ms Wahl compiled the first cultural landscape management plan for the Mnweni Valley, northern uKhahlamba/Drakensberg, and undertook an assessment of and made recommendations for cultural heritage databases and organisational capacity in parts of Lesotho and South Africa for the Global Environment Facility of the World Bank for the Maloti Drakensberg Transfrontier Conservation and Development Area. She developed the first cultural heritage management plan for the uKhahlamba Drakensberg Park World Heritage Site, following UNESCO recommendations for rock art management in southern Africa.

Declaration of independence

We declare that Len van Schalkwyk, Elizabeth Wahl and eThembeni Cultural Heritage have no financial or personal interest in the proposed development, nor its developers or any of its subsidiaries, apart from in the provision of heritage impact assessment and management consulting services.

