

**SECOND PHASE CULTURAL HERITAGE IMPACT
ASSESSMENT OF THE PROPOSED MANDLAKAZI
BULK WATER PIPELINE, PHASE 5, NORTHERN
KWAZULU-NATAL.**



ACTIVE HERITAGE cc.

For: EnviroEdge

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TABLE OF CONTENTS

1	BACKGROUND INFORMATION ON THE PROJECT	2
1.1.	Details of the area surveyed:	2
	BACKGROUND TO THE HERITAGE OF THE PROJECT AREA	3
2	BACKGROUND INFORMATION OF THE SURVEY	3
2.1	Methodology	3
2.2	Restrictions encountered during the survey	3
2.2.1	<i>Visibility</i>	3
2.2.2	<i>Disturbance</i>	3
2.3	Details of equipment used in the survey.....	4
3	DESCRIPTION OF SITES AND MATERIAL OBSERVED	4
3.1	Locational data	4
3.2	Description of heritage resources located during the survey.	4
4	STATEMENT OF SIGNIFICANCE (HERITAGE VALUE)	7
4.1	Field Rating.....	7
5	RECOMMENDATIONS	9
6	MAPS AND PHOTOGRAPHS	11
7	REFERENCES	19

LIST OF TABLES

Table 1.	Background information.....	2
Table 2.	Heritage Sites Identified.....	7
Table 3.	Evaluation and statement of significance.....	8
Table 4.	Field rating and recommended grading of sites (SAHRA 2005)	9

Details and experience of independent Heritage Impact Assessment Consultant

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Frans received his MA (Archaeology) from the University of Stellenbosch and is presently a PhD candidate on social anthropology at UNISA.. His PhD research topic deals with indigenous San perceptions and interactions with the rock art heritage of the Drakensberg.

Frans was employed as a junior research associate at the then University of Transkei, Botany Department in 1988-1990. Although attached to a Botany Department he conducted a palaeoecological study on the Iron Age of northern Transkei - this study formed the basis for his MA thesis in Archaeology. Frans left the University of Transkei to accept a junior lecturing position at the University of Stellenbosch in 1990. He taught mostly undergraduate courses on World Archaeology and research methodology during this period.

From 1991 – 2001 Frans was appointed as the head of the department of Historical Anthropology at the Natal Museum, Pietermaritzburg. His tasks included academic research and publication, display conceptualization, and curating the African ethnology collections of the Museum. He developed various displays at the Natal Museum on topics ranging from Zulu material culture, traditional healing, and indigenous classificatory systems. During this period Frans also developed a close association with the Departments of Fine Art, Psychology, and Cultural and Media Studies at the then University of Natal. He assisted many post-graduate students with projects relating to the cultural heritage of South Africa. He also taught post-graduate courses on qualitative research methodology to honours students at the Psychology Department,

University of Natal. During this period he served on the editorial boards of the *South African Journal of Field Archaeology* and *Natalia*.

Frans left the Natal Museum in 2001 when approached by a Swiss funding agency to assist an international NGO (Working Group for Indigenous Minorities) with the conceptualization of a San or Bushman museum near Cape Town. During this period he consulted extensively with various San groupings in South Africa, Namibia and Botswana. He also made major research and conceptual contributions to the Kamberg and Didima Rock Art Centres in the Ukhahlamba Drakensberg World Heritage Site.

Between 2003 and 2007 Frans was employed as the Cultural Resource Specialist for the Maloti Drakensberg Transfrontier Project – a bilateral conservation project funded through the World Bank. This project involved the facilitation with various stakeholders in order to produce a cultural heritage conservation and development strategy for the adjacent parts of Lesotho and South Africa. Frans was the facilitator for numerous heritage surveys and assessments during this project. This vast area included more than 2000 heritage sites. Many of these sites had to be assessed and heritage management plans designed for them. He had a major input in the drafting of the new Cultural Resource Management Plan for the Ukhahlamba Drakensberg World Heritage site in 2007/2008. A highpoint of his career was the inclusion of Drakensberg San indigenous knowledge systems, with San collaboration, into the management plans of various rock art sites in this world heritage site. He also liaised with the tourism specialist with the drafting of a tourism business plan for the area.

During April 2008 Frans accepted employment at the environmental agency called Strategic Environmental Focus (SEF). His main task was to set-up and run the cultural heritage unit of this national company. During this period he also became an accredited heritage impact assessor and he is rated by both Amafa and the South African Heritage Resources Agency (SAHRA). He completed almost 50 heritage impact assessment reports nation-wide during an 18th month period.

Frans left SEF and started his own heritage consultancy called “Active Heritage cc” in July 2009. Although mostly active along the eastern seaboard his clients also include international companies such as Royal Dutch Shell through Golder Associates, and UNESCO. He has now completed almost 600 heritage conservation and management reports for various clients since the inception of “Active Heritage cc”. Amongst these was a heritage study of the controversial fracking gas exploration of the Karoo Basin and various proposed mining developments in South Africa and proposed developments adjacent to various World Heritage sites. Apart from heritage impact assessments (HIA's) Frans also assist the National Heritage Council (NHC) through Haley Sharpe Southern Africa', with heritage site data capturing and analysis for the proposed National Liberation Route World Heritage Site and the national intangible heritage audit. In addition, he is has done background research and conceptualization of the proposed Dinosaur Interpretative Centre at Golden Gate National Park and the proposed Khoi and San Interpretive Centre at Camdeboo, Eastern Cape Province. During 2009 he also

produced the first draft dossier for the nomination of the Sehlabathebe National Park, Lesotho as a UNESCO inscribed world heritage site.

Frans was appointed as temporary lecturer in the department of Heritage and Tourism, UKZN in 2011. He is also a research affiliate at the School of Cultural and Media Studies in the same institution.

Frans's research interests include African Iron Age, paleoecology, rock art research, San ethnography, traditional healers in South Africa, and heritage conservation. Frans has produced more than forty publications on these topics in both popular and academic publications. He is frequently approached by local and international video and film productions in order to assist with research and conceptualization for programmes on African heritage and culture. He has also acted as presenter and specialist for local and international film productions on the rock art of southern Africa. Frans has a wide experience in the fields of museum and interpretive centre display and made a significant contribution to the conceptual planning of displays at the Natal Museum, Golden Horse Casino, Didima Rock Art Centre and !Khwa tu San Heritage Centre. Frans is also the co-founder and active member of "African Antiqua" a small tour company who conducts archaeological and cultural tours world-wide. He is a Thetha accredited cultural tour guide and he has conducted more than 50 tours to heritage sites since 1992.

Declaration of Consultants independence

Frans Prins is an independent consultant to Enviroedge and has no business, financial, personal or other interest in the activity, application or appeal in respect of which he was appointed other than fair remuneration for work performed in connection with the activity, application or appeal. There are no circumstances whatsoever that compromise the objectivity of this specialist performing such work.



Frans Prins

LIST OF ABBREVIATIONS AND ACRONYMS

EIA	Early Iron Age
ESA	Early Stone Age
HISTORIC PERIOD	Since the arrival of the white settlers - c. AD 1820 in this part of the country
IRON AGE	Early Iron Age AD 200 - AD 1000 Late Iron Age AD 1000 - AD 1830
IIA	Intermediate Iron Age
ISA	Intermediate Stone Age
LIA	Late Iron Age
LSA	Late Stone Age
MSA	Middle Stone Age
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998 and associated regulations (2006).
NHRA	National Heritage Resources Act, 1999 (Act No. 25 of 1999) and associated regulations (2000)
SAHRA	South African Heritage Resources Agency
STONE AGE	Early Stone Age 2 000 000 - 250 000 BP Middle Stone Age 250 000 - 25 000 BP Late Stone Age 30 000 - until c. AD 200

EXECUTIVE SUMMARY

A Second Phase Cultural Heritage Survey of the proposed Mandlakazi Bulk Water Phase 5 Project near Nongoma in northern KwaZulu-Natal located five grave sites adjacent to the existing road in the near vicinity of the proposed pipeline trajectory. No graves occur within 50m from the Mandlakazi Water Works and associated reservoirs. It is suggested that the developer maintains a buffer zone around all the relevant grave sites and that a sturdy fence with an entrance gate be erected around two rural cemeteries that have been identified prior to any excavation in their near environs. Should this not be possible then a heritage specialist may investigate the possibility of reburial and grave relocation of the relevant features. However, this second alternative is time-consuming and not favoured as the first option. The developers should take extra care when conducting excavations and construction work in the near vicinity of the grave sites. Attention is drawn to the South African Heritage Resources Act, 1999 (Act No. 25 of 1999) and the KwaZulu-Natal Heritage Act (Act no 4 of 2008) which, requires that operations that threatens to expose and damage graves as well other heritage features should cease immediately, pending evaluation by the provincial heritage agency or the heritage consultant.

1 BACKGROUND INFORMATION ON THE PROJECT

Table 1. Background information

Consultant:	Frans Prins (Active Heritage cc) for Enviroedge
Type of development:	<p>Details of proposed Construction Works include :</p> <ul style="list-style-type: none"> • The upgrade of the existing Mandlakazi Water Treatment Works from 2Ml/day to 20Ml/day • Approximately 144Km bulk pipelines ranging from DN 350 to DN 100 mm in diameter and associated chambers • Approximately 28 Reservoirs ranging in size from 4ML down to 50Kl. • Two Pumpstations • The proposed Mandlakazi Water Purification Works (Fig 1).
Rezoning or subdivision:	Not applicable
Terms of reference	Conduct a Phase One Heritage Impact Assessment
Legislative requirements:	The Heritage Impact Assessment was carried out in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and following the requirements of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) and the KwaZulu-Natal Heritage Act, 1997 (Act No. 4 of 2008)

1.1. Details of the area surveyed:

Zululand District Municipality (ZDM) is currently implementing the Mandlakazi Phase 5: Water Treatment Works located approximately 20 km east of Nongoma in the KwaZulu Natal Province. The project involves the construction of bulk and secondary bulk pipelines, reservoirs and pump stations as well as the proposed Mandlakazi Water Purification Works (Fig 1). The proposed development is located in an area under the leadership of the Mandlakazi Tribal Authority. The area is predominantly rural with small-scale subsistence farming being the dominant economic activity. Small villages and individual Zulu homesteads are scattered throughout the project area (Fig 8). The proposed pipeline development follows the existing road reserves for most of the area. The GPS coordinates for the center of the footprint are: S 27° 48' 57.43" E 31° 52' 20.42". The GPS coordinates for the proposed Mandlakazi Purification Works are: S 27° 40' 49.70" E 31° 54' 56.70".

BACKGROUND TO THE HERITAGE OF THE PROJECT AREA

This section has already been covered in the Phase One Heritage Impact Assessment of the project area and there is no need to repeat it here.

2 BACKGROUND INFORMATION OF THE SURVEY

2.1 Methodology

A Phase One Heritage Impact Assessment and associated survey was conducted in September 2017. Six grave sensitive areas was identified in the Phase One Heritage Impact Assessment. These areas was revisited for the Phase Two Heritage Impact Assessment. The survey conducted during the Phase Two Heritage Impact Assessment (this report) focused on community interviews and participation. The consultant was accompanied by Mr Thulasiwe Ngcobo of MSW Consulting and Mr Robert Masango the ISD Consultant who is based at Nongoma near the project area. Mr Masango have been responsible for the community liaison process of the greater Mandlakazi Project. He has an intimate knowledge of the project area and the local residents. The heritage consultant visited various homesteads and potential grave sites in areas that has been identified as sensitive from a heritage perspective. Informal interviews were conducted with local residents and community members (Figs 9 & 13). Particular attention was paid to identify graves that would be affected by the proposed pipeline construction. The survey for the Phase Two Heritage Impact Assessment commenced on 28 December 2018.

2.2 Restrictions encountered during the survey

2.2.1 Visibility

Visibility was good.

2.2.2 Disturbance

No obvious disturbance of any potential heritage features was noted.

2.3 Details of equipment used in the survey

GPS: Garmin Etrek

Digital cameras: Canon Powershot A460

All readings were taken using the GPS. Accuracy was to a level of 5 m.

3 DESCRIPTION OF SITES AND MATERIAL OBSERVED

3.1 Locational data

Province: KwaZulu-Natal

Municipality: Zululand District Municipality

Towns: Nongoma and Mkhuze

3.2 Description of heritage resources located during the survey.

No archaeological sites were located during the survey. However, five grave sites have been identified in the close proximity of the proposed pipeline trajectory. All these grave sites are located within 50m from the existing road and the proposed pipeline trajectory (Fig 2). A description of the context and locality of the identified grave sites is given in Table 2 (below). No graves or other heritage sites was found within 50m of the Mandlakazi Water Purification Works.

Table 2. Heritage site description and context.

Site no	Site description	GPS Coordinates	Rating	Mitigation per individual site
Grave Site 1 (Figs 2, 3 & 10)	Two individual graves located approximately 30m from the side of the road (eastern bank). The individual graves are situated directly adjacent to each other within an occupied homestead. These graves are unmarked and indicated by informal stone heaps. They are younger than	S 27° 47' 24.07" E 31° 50' 5.90"	Locally high (Table 3) as these graves are still being maintained by relatives of the deceased.	Respect a buffer zone of 30m around the grave site. Should this not be possible then the developer may motivate for a grave exhumation and relocation permit from

	60 years old and are still being maintained by family members of the deceased.			Amafa. However, this option will entail a lengthy process of community consultation and negotiation (Appendix 1).
Grave Site 2 (Figs 2, 4 & 11)	An individual unmarked grave located on the edge of the existing road (eastern bank). The grave is not associated with any homestead and appears to be older than 60 years old. The grave is unmarked and indicated by an informal stone heap.	S 27° 46' 22.10" E 31° 50' 2.90"	Locally high (Table 3).	Given the locality of the grave on the edge of the existing road it is only practical to maintain a buffer zone of 1m around the grave. Should this not be possible then the developer may motivate for a grave exhumation and relocation permit from Amafa. However, this option will entail a lengthy process of community consultation and negotiation (Appendix 1).
Grave Site 3 (Figs 2, 5 & 12)	Individual grave located approximately 50m from the side of the road (eastern bank). This individual grave is associated with adjacent homesteads and younger than 60 years old. The grave is unmarked but still being maintained by family members and relatives of the deceased. It is indicated by an informal stone heap.	S 27° 43' 53.60" E 31° 50' 37.37"	Locally high (Table 3) as these graves are still being maintained by relatives of the deceased	Respect a buffer zone of 30m around the grave site. Should this not be possible then the developer may motivate for a grave exhumation and relocation permit from Amafa. However, this option will entail a lengthy process of community consultation and

				negotiation (Appendix 1).
Grave Site 4 (Figs 2, 6 & 14)	An informal rural cemetery consisting of 18 unmarked graves. The cemetery covers an areas of approximately 40m x 60m. It is located approximately 10m from the side of the road (eastern bank). These graves are all unmarked and indicated by informal stone heaps. There are both old (older than 60 years old) and more recent graves in the cemetery. Some of the graves are still being maintained by family members of the deceased	S 27° 43' 0.09" E 31° 55' 3.87"	Locally high (Table 3) as these graves are still being maintained by relatives of the deceased	Respect a buffer zone of 10m around the Cemetery. It is also suggested that the developer erects a sturdy fence together with an entrance gate around the cemetery prior to any excavations within 30m from the Cemetery. Should this not be possible then the developer may motivate for a grave exhumation and relocation permit from Amafa. However, this option will entail a lengthy process of community consultation and negotiation (Appendix 1).
Grave Site 5 (Figs 2, 7 & 15)	A large informal rural cemetery consisting of 26 unmarked graves. The cemetery covers an areas of approximately 100m x 100m. It is located approximately 20m from the side of the road (eastern bank). These graves are all unmarked and indicated by informal stone heaps. There are both old (older than 60 years old) and more recent graves in the cemetery. Some of the graves are still being	S 27° 43' 17.64" E 31° 54' 54.96"	Locally high (Table 3) as these graves are still being maintained by relatives of the deceased	Respect a buffer zone of 20m around the Cemetery. It is also suggested that the developer erects a sturdy fence together with an entrance gate around the cemetery prior to any excavations within 30m from the Cemetery. Should this not be possible then the

	maintained by family members of the deceased			developer may motivate for a grave exhumation and relocation permit from Amafa. However, this option will entail a lengthy process of community consultation and negotiation (Appendix 1).

4 STATEMENT OF SIGNIFICANCE (HERITAGE VALUE)

4.1 Field Rating

All the grave sites have been rated as locally significant as they are still being visited and maintained by local community members (Tables 3 & 4). It is important to note that all graves, even those younger than 60 years old, are protected by provincial heritage legislation. They are therefore protected by heritage legislation and may not be altered or destroyed under any circumstances.

Table 3. Evaluation and statement of significance of heritage sites or features on the footprint.

Significance criteria in terms of Section 3(3) of the NHRA		
	Significance	Rating
1.	Historic and political significance - The importance of the cultural heritage in the community or pattern of South Africa's history.	None.
2.	Scientific significance – Possession of uncommon, rare or endangered aspects of South Africa's cultural heritage.	None.
3.	Research/scientific significance – Potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage.	None
4.	Scientific significance – Importance in demonstrating the principal characteristics of a particular class of South Africa's cultural places/objects.	None
5.	Aesthetic significance – Importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.	None.
6.	Scientific significance – Importance in demonstrating a high degree of creative or technical achievement at a particular period.	None.
7.	Social significance – Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.	The grave sites are all of local significance to the local community in the project area.
8.	Historic significance – Strong or special association with the life and work of a person, group or organization of importance in the history of South Africa.	None.
9.	The significance of the site relating to the history of slavery in South Africa.	None.

Table 4. Field rating and recommended grading of sites (SAHRA 2005)

Level	Details	Action
National (Grade I)	The site is considered to be of National Significance	Nominated to be declared by SAHRA
Provincial (Grade II)	This site is considered to be of Provincial significance	Nominated to be declared by Provincial Heritage Authority
Local Grade IIIA	This site is considered to be of HIGH significance locally	The site should be retained as a heritage site
Local Grade IIIB	This site is considered to be of HIGH significance locally	The site should be mitigated, and part retained as a heritage site
Generally Protected A	High to medium significance	Mitigation necessary before destruction
Generally Protected B	Medium significance	The site needs to be recorded before destruction
Generally Protected C	Low significance	No further recording is required before destruction

5 RECOMMENDATIONS

The proposed Mandlakazi Bulk Water Project Phase 5 and associated Mandlakazi Water Purification Works may proceed from a general heritage perspective but under the following strict conditions:

- A buffer zone must be maintained around all the grave sites identified. The size of the relevant buffer zones are specified in Table 2. No activity may take place within the designated buffer zones.
- A sturdy fence, with an entrance gate, must be erected around the two rural cemeteries identified before any construction or excavation activities within 30m from these sites.
- Should it not be possible to adhere to the above mentioned conditions then the developer may apply for a grave exhumation and reburial permit from Amafa. This is the less preferred option. It would entail extensive community consultation and the process is time consuming. The conditions for a grave exhumation is outlined in Appendix 1.

- Northern KwaZulu-Natal has a rich archaeological history. The area is also important in terms of the history of the Zulu State and more recent 'living heritage sites'. Construction work and excavations may yield archaeological and/or cultural material. If any heritage features are exposed by construction work then all work should stop immediately and the provincial heritage agency, Amafa, should be contacted for further evaluation. Attention is drawn to the South African Heritage Resources Act, 1999 (Act No. 25 of 1999) and the KwaZulu-Natal Heritage Act (Act no 4 of 2008) which, requires that operations that expose archaeological or historical remains should cease immediately, pending evaluation by the provincial heritage agent.

6 MAPS AND PHOTOGRAPHS

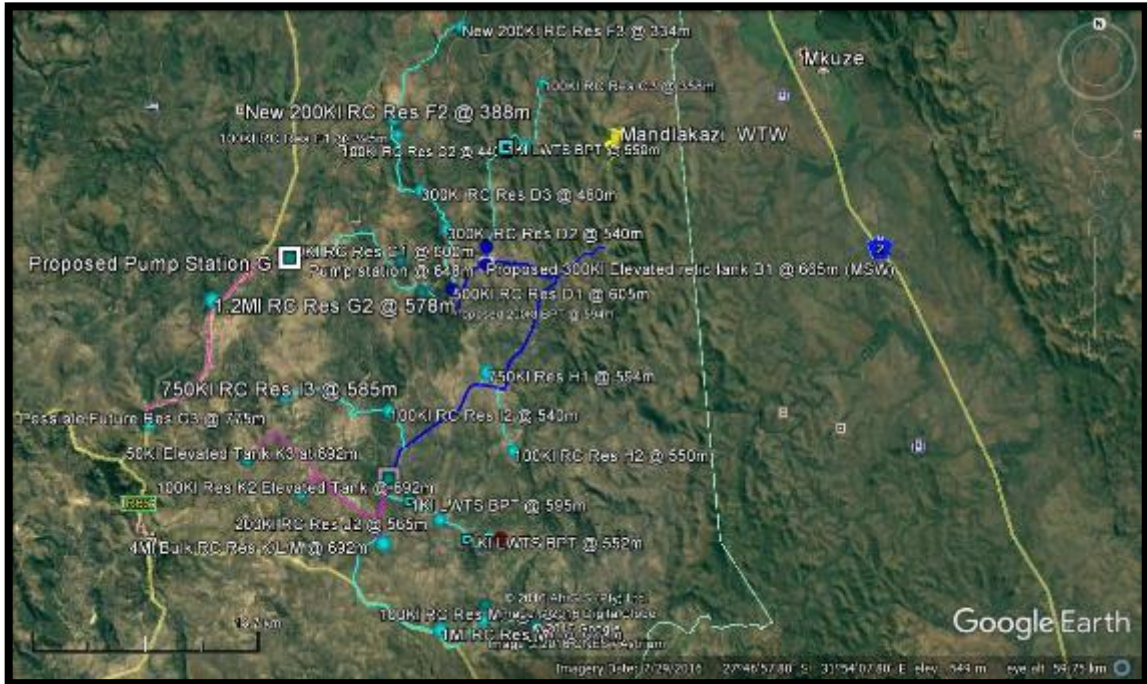


Figure 1. Google aerial photograph showing the location of the proposed Mandlakazi Bulk Water Project Phase 5 and the associated Mandlakazi Water Purification Works.



Figure 2. Google aerial photograph showing the location of all the identified grave sites in the project area.



Figure 3. Google aerial photograph showing the location of Grave Site 1.



Figure 4. Google aerial photograph showing the location of Grave Site 2.



Figure 5. Google aerial photograph showing the location of Grave Site 3.



Figure 6. Google aerial photograph showing the location of Grave Site 4.



Figure 7. Google aerial photograph showing the location of Grave Site 5.



Figure 8. View over the project area. The proposed pipeline trajectory follows the existing roads for most of the way.



Figure 9. Robert Masango having a discussion with Thumsile Mbatha – a resident of the homestead where Grave Site 1 is situated.



Figure 10. Grave Site 1 consisting of two unmarked graves situated within a Zulu homestead.



Figure 11. Robert Masango and Thulasizwe Ngcobo discussing the location of Grave Site 2 at the edge of the road.



Figure 12. Grave Site 3 is situated approximately 50m from the side of the road and the proposed pipeline trajectory



Figure 13. Informal interviews with community members at the Mandlakazi Water Works. No graves occur closer than 50m to this site.



Figure 14. Grave Site 4: an informal cemetery consisting of approximately eighteen individual graves.



Figure 15. Grave Site 5: an informal rural cemetery consisting of approximately 25 individual graves.

7 REFERENCES

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APPENDIX 1 RELOCATION OF GRAVES

Burial grounds and graves older than 60 years are dealt with in Article 36 of the NHR Act, no 25 of 1999. The Human Tissues Act (65 of 1983) protects graves younger than 60 years. These fall under the jurisdiction of the National Department of Health and the Provincial Health Departments. Approval for the exhumation and reburial must be obtained from the relevant Provincial MEC as well as the relevant Local Authorities.

Below follows a broad summary of how to deal with grave in the event of proposed development.

- If the graves are younger than 60 years, an undertaker can be contracted to deal with the exhumation and reburial. This will include public participation, organising cemeteries, coffins, etc. They need permits and have their own requirements that must be adhered to.
- If the graves are older than 60 years old or of undetermined age, an archaeologist must be in attendance to assist with the exhumation and documentation of the graves. This is a requirement by law.

Once it has been decided to relocate particular graves, the following steps should be taken:

- Notices of the intention to relocate the graves need to be put up at the burial site for a period of 60 days. This should contain information where communities and family members can contact the developer/archaeologist/public-relations officer/undertaker. All information pertaining to the identification of the graves needs to be documented for the application of a SAHRA permit. The notices need to be in at least 3 languages, English, and two other languages. This is a requirement by law.
- Notices of the intention needs to be placed in at least two local newspapers and have the same information as the above point. This is a requirement by law.
- Local radio stations can also be used to try contact family members. This is not required by law, but is helpful in trying to contact family members.
- During this time (60 days) a suitable cemetery need to be identified close to the development area or otherwise one specified by the family of the deceased.
- An open day for family members should be arranged after the period of 60 days so that they can gather to discuss the way forward, and to sort out any problems. The developer needs to take the families requirements into account. This is a requirement by law.

- Once the 60 days has passed and all the information from the family members have been received, a permit can be requested from SAHRA. This is a requirement by law.
- Once the permit has been received, the graves may be exhumed and relocated.
- All headstones must be relocated with the graves as well as any items found in the grave