

**PROPOSED ESKOM MBAHE-MHINGA 132KV POWERLINE FROM  
MBAHE SUBSTATION TO MHINGA SUBSTATION WITHIN  
THULAMELA LOCAL MUNICIPALITY, IN LIMPOPO PROVINCE:  
ARCHAEOLOGICAL AND HERITAGE IMPACT ASSESSEMENT  
REPORT.**

Prepare by: Nzumbululo Heritage Solutions

Prepared For: [ESKOM](#)

Final A/HIA Report

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TITLE:	PROPOSED ESKOM MHINGA-MBAHE 132KV POWERLINE FROM MBAHE SUBSTATION TO MHINGA SUBSTATION WITHIN THULAMELA LOCAL MUNICIPALITY IN LIMPOPO PROVINCE. ARCHAEOLOGICAL AND HERITAGE IMPACT ASSESSMENT REPORT.		
PURPOSE OF SCOPE: The purpose of this document is to describe the cultural values and heritage factors that may be impacted on by the proposed installation of the proposed Mbahe-Mhinga powerline and substation development. The proposed Mhinga and Mbahe Substations and Powerline development are located in Limpopo Province.			
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Eskom Reference	

**Caveat**

PROPOSED MHINGA-MBAHE 132KV POWERLINE FROM MBAHE SUBSTATION TO MHINGA SUBSTATION IN THULAMELANA LOCAL MUNICIPALITY IN LIMPOPO PROVINCE: ARCHAEOLOGICAL AND HERITAGE IMPACT ASSESSEMENT REPORT.

**Authorship:** This Report has been prepared by Dr. M. Murimbika (Principal Investigator & Professional Archaeologist) assisted by Mr T Mlilo. The report is for the review of the Heritage Resources Agency (PHRA).

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**Geographic Co-ordinate Information:** Geographic co-ordinates in this report were obtained using a hand-held Garmin Global Positioning System device. The manufacturer states that these devices are accurate to within +/- 5 m.

**Maps:** Maps included in this report use data extracted from the NTS Map and Google Earth Pro.

**Disclaimer:** The Author is not responsible for omissions and inconsistencies that may result from information not available at the time this report was prepared.

The Archaeological and Heritage Impact Assessment Study was carried out within the context of tangible and intangible cultural heritage resources as defined by the SAHRA Regulations and Guidelines as to the authorisation proposed Powerline development Project being proposed by the Thulamela Local Municipality of Limpopo Province.

Signed by Principle Investigator:



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McEdward Murimbika (Ph.D.),

July 2012

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Dr. M. Murimbika (Principal Archaeologist & Heritage Consultant) & T Mlilo conducted the HIA study and prepared this Report.

### **ACKNOWLEDGEMENTS**

The author acknowledges Shumani SHE Specialists, and Eskom for their assistance with information, and the associated project BID as well as responding to technical queries related to the project.

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## EXECUTIVE SUMMARY

Nzumbululo Heritage Solutions has been commissioned by Shumani SHE Specialists to conduct an Archaeological and Heritage Impact Assessment (AIA/HIA) Study for the proposed Mbahe-Mhinga powerline development. The proposed developments are situated within the Thulamela Local Municipality area of Limpopo Province. This report includes an impact study on potential archaeological and cultural heritage resources that may be associated with the proposed powerline development project receiving area. The findings of this report have been informed by desktop data review, field survey and impact assessment reporting which include recommendations to guide heritage authorities in making decisions with regards to the proposed project. This study was conducted as part of the specialist input for the Environmental Impact Assessment exercise. The proposed development consists of:

- Construction of a ±35km 132kv powerline from the proposed Mbahe Substation to the proposed Mhinga Substation.

Analysis of the archaeological, cultural heritage, environmental and historic contexts of the study area predicted that archaeological sites, cultural heritage sites, burial grounds or isolated artefacts were likely to be present on the affected landscape. The field survey was conducted to test this hypothesis and verify this prediction within the proposed Mhinga and Mbahe Substation and Powerline area. The proposed site of interest is located in the east of Thohoyandou town. The residential areas in the area include Mhinga, Basane, Hlanengi, Shigalo, Xikundu and Mbahe. The level of disturbance in most of these areas is such that it is unlikely that large significant archaeological or physical heritage sites remain intact or well preserved in situ over most of the affected land portions.

The report makes the following observations:

- Mbahe to Mhinga powerline routes are situated on generally accessible sites. The project receiving areas are situated on previously disturbed land parcels. However, some portions of the proposed Mbahe-Mhinga powerline site of interest were not accessible because of thick vegetation cover.
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- The study identified recent historic homestead remains on different portions of the Mbahe-Mhingha powerline site of interest. However, none of the heritage sites are likely to be directly affected by the proposed Mbahe-Mhingha powerline development. This is especially clear from the observation that most of the proposed Mhingha and Mbahe Substation and powerline routes are severely degraded from existing developments such as bulk water pipelines and access roads.
- The study identified one burial site in vicinity of the preferred powerline servitude. Two burial sites were recorded in the vicinity of the alternative powerline servitude. The burial sites are clearly marked and unlikely to be interfered with during the proposed development.
- Although the possibility of archaeological or historical sites associated with the general project area is valid from a contextual studies perspective, no medium to high significance archaeological, heritage landmark or monument were recorded during this study.

The Report makes the following recommendations:

- The heritage authorities may approve the preferred the preferred powerline servitude. These preferred sites are situated within a contemporary degraded cultural landscape with some sections covered with existing densely built up settlements and associated infrastructures. The Mbahe-Mhingha powerline construction works will have minor disturbance to the receiving cultural landscape within the earmarked powerline servitudes given the fact that this will be an in situ development.
  - The proposed Mbahe-Mhingha powerline development may be approved by PHRA to proceed as planned subject to heritage monitoring measures being incorporated into the project construction EMP.
  - Should construction work commence for this project:
    - The Mbahe-Mhingha powerline construction teams should be inducted on the significance of the possible archaeological resources that may be encountered during subsurface construction work before they work on the area in order to ensure appropriate treatment and course of action is afforded to any chance finds.
-

- If archaeological materials are uncovered, work should cease immediately and the SAHRA be notified and activity should not resume until appropriate management provisions are in place.
- The findings of this report, with approval of the PHRA/SAHRA, may be classified as accessible to any interested and affected parties within the limits of the laws.

The conclusion of the HIA is that the impacts of the proposed development of the cultural environmental values are not likely to be significant if the EMP includes recommended safeguard and mitigation measures identified in this report.

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**ABBREVIATIONS**

AIA	Archaeological Impact Assessment
C	Contractor
CECO	Construction Environmental Conservation Officer
EAP	Environmental Assessment Practitioner
ECO	Environmental Conservation Officer
EIA	Environmental Impact Assessment
EM	Environmental Manager
EMP	Environmental Management Plan
HIA	Heritage Impact Assessment
LIA	Late Iron Age
NHRA	Nation Heritage Resources Act, Act 25 of 1999
PM	Project Manager
SM	Site Manager
SAHRA	South African Heritage Resources Agency

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## Definitions

The following terms used in this A/HIA are defined in the National Heritage Resources Act [NHRA], Act Nr. 25 of 1999, South African Heritage Resources Agency [SAHRA] Policies as well as the Australia ICOMOS Charter (Burra Charter):

**Archaeological Material** remains resulting from human activities, which are in a state of disuse and are in, or on, land and which are older than 100 years, including artefacts, human and hominid remains, and artificial features and structures.

**Chance Finds** Archaeological artefacts, features, structures or historical cultural remains such as human burials that are found accidentally in context previously not identified during cultural heritage scoping, screening and assessment studies. Such finds are usually found during earth moving activities such as water pipeline trench excavations.

**Cultural Heritage Resources** Same as Heritage Resources as defined and used in the National Heritage Resources Act (Act No. 25 of 1999). Refer to physical cultural properties such as archaeological and palaeontological sites; historic and prehistoric places, buildings, structures and material remains; cultural sites such as places of ritual or religious importance and their associated materials; burial sites or graves and their associated materials; geological or natural features of cultural importance or scientific significance. Cultural Heritage Resources also include intangible resources such as religion practices, ritual ceremonies, oral histories, memories and indigenous knowledge.

**Cultural Significance:** The complexities of what makes a place, materials or intangible resources of value to society or part of, customarily assessed in terms of aesthetic, historical, scientific/research and social values.

**Grave:** A place of interment (variably referred to as burial), including the contents, headstone or other marker of such a place, and any other structure on or associated with such place. A grave may occur in isolation or in association with others where upon it is referred to as being situated in a cemetery.

**Historic Material:** remains resulting from human activities, which are younger than 100 years, but no longer in use, including artefacts, human remains and artificial features and structures.

**In Situ material** Material culture and surrounding deposits in their original location and context, for example an archaeological site that has not been disturbed by farming.

Late Iron Age this period is associated with the development of complex societies and state systems in southern Africa.

Material culture Buildings, structure, features, tools and other artefacts that constitute the remains from past societies.

**Site:** A distinct spatial cluster of artefacts, structures, organic and environmental remains, as residues of past human activity

**Place** means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

**Cultural significance** means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

**Fabric** means all the physical material of the place including components, fixtures, contents and objects.

**Conservation** means all the processes of looking after a place so as to retain its cultural significance.

**Use** means the functions of a place, as well as the activities and practices that may occur at the place.

**Compatible** use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

**Setting** means the area around a place, which may include the visual catchment.

**Interpretation** means all the ways of presenting the cultural significance of a place.

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## **2. INTRODUCTION**

### **2.1 Background**

This Archaeological and Heritage Impact Assessment (A/HIA) Report has been prepared by Nzumbululo Heritage Solutions for the purpose of Environmental Impact Assessment commissioned by Eskom into the development of powerline from Mbahe substation to Mhinga substation in Limpopo Province. This report details the field study, results of the study as well as discussion on the anticipated impacts of the proposed development as is required by the National Heritage Resources Act, Act 25 of 1999 Section 38. It focuses on identifying and assessing potential impacts on archaeological resources as well as on other physical cultural properties including historical heritage resources in relation to the proposed powerline development. A professional archaeologist and a heritage specialist undertook the assessments, research and consultations required for the preparation of the report comprising archaeological and heritage impacts for the purpose of ensuring that the cultural environmental values are taken into consideration and reported into the EIA processes.

The study was designed to ensure that any significant archaeological or cultural physical property or sites are located and recorded, and site significance is evaluated to assess the nature and extent of expected impacts from the proposed development. The assessment includes recommendations to manage the expected impact of the powerline development sites and servitude respectively. The report includes recommendations to guide heritage authorities in making appropriate decision with regards to approval process for the proposed development. The report concludes with detailed recommendations on heritage management associated with the Mhinga and Mbahe Substation and powerline development work.

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Nzumbululo Heritage Solutions, an independent consulting firm, conducted the assessment, research and consultations required for the preparation of the HIA report in a manner consistent with its obligations set in the NHRA as well as the environmental management legislations. In line with SAHRA guidelines, this report, not necessarily in that order, provides:

- 1) Management summary
- 2) Methodology
- 3) Information with reference to the desktop study
- 4) Map and relevant geodetic images and data
- 5) GPS co-ordinates
- 6) Directions to the site
- 7) Site description and interpretation of the cultural area where the project will take place
- 8) Management details, description of affected cultural environment, photographic records of the project area
- 9) Recommendations regarding the significance of the site and recommendations regarding further monitoring of the site
- 10) Conclusion.

## **2.2 Location of Activity Area and Impact Area**

The geographical area which is the subject of this HIA study (The HIA Area) has been determined by proposed preferred location for the powerline servitudes and the related alternatives. The specific area of interest for this study is located within Limpopo Province. The project area falls under the jurisdiction of Thulamela Local Municipality within Vembe District (refer to locality map attached). The nearest urban areas consist of Thohoyandou, Makhado, Polokwane (Shumani SHE

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Specialists BID, 2012). The project area is accessed from the R81 North or N1 North Highway to R524 West Highway. (Refer to Fig. 1 – Google Site Map).

Figure 1: Site and directions to access to the proposed Mhingha and Mbahe Substation and powerline servitude .



### 2.3 Activity Description

The HIA study was prompted by the proposed:

- Construction of a 35km 132kv powerline from Mbahe Substation to Mhingha Substation.

### 3. STATUTORY REQUIREMENTS

This HIA report is a component of a broader EIA Study and addresses the requirements of the NHRA Act 25 of 1999 Section 38 and EIA Terms of Reference in relation to the assessment of impacts of the proposed development on the cultural and heritage resources associated with the receiving environment. The statutory mandate of heritage impact assessment studies is to encourage and facilitate the protection and conservation of archaeological and cultural heritage sites, in accordance with the provisions of the National Heritage Resources Act, Act 25 of 1999 and auxiliary regulations. Therefore, in pre-development context, heritage impact assessment study is conducted to fulfil the requirements of Section 38 (1) of the National Heritage Resources Act (No 25 of 1999).

The legislation requires that when constructing a linear development exceeding 300m in length or developing an area exceeding 5000 m<sup>2</sup> in extent, the developer must notify the responsible heritage authority of the proposed development and they in turn must indicate within 14 days whether an impact assessment is required. The NHR Act notes that "any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the consent", the heritage authority here being Provincial Authority (PHRA-G).

Both the national legislation and provincial provisions provide protection for the following categories of heritage resources:

Landscapes, cultural or natural;

- Buildings or structures older than 60 years;
- Archaeological Sites, palaeontological material and meteorites;
- Burial grounds and graves;
- Public monuments and memorials;

- Living heritage (defined as including cultural tradition, oral history, performance, ritual, popular memory, skills and techniques, indigenous knowledge systems and the holistic approach to nature, society and social relationships) (Also see Appendix 4).
-

#### 4. STUDY TERMS OF REFERENCE

Nzumbululo heritage specialists were asked to conduct an AIA/HIA study addressing the following issues:

- rchaeological and heritage potential of each of the alternative Mhing and Mbahe Substation sites and powerline routes including any known data on affected areas;
- Provide details on methods of study; potential and recommendations to guide the PHRA-G provincial authority to make an informed with regards to authorization of the proposed development.



Plate 1: View of Mbahe Substation site and communal agriculture fields in the background (Photograph © by Author 2012).



Plate 2: View of cornfields which are typical of some sections of the preferred powerline route (Photograph © by Author 2012).



Plate 3: View of the mid section portion of the receiving area affected by the proposed powerline servitude. This image gives the typical cultural landscape within the project area. (Photograph © by Author 2012).

## 5. METHODOLOGY

The proposed Mbahe-Mhinga powerline development requires clearance and authorisation from government compliance agencies including the heritage authority of SAHRA. Key A/HIA objectives for this project are to:

Fulfil the statutory requirements of the National Heritage Resources Act, Act 25 of 1999.

- To identify and describe, (in terms of their conservation and / or preservation importance) sites of cultural and archaeological importance that may be affected by the proposed powerline project. This study should include where appropriate, identify sites and features of traditional historical, social, scientific, cultural and aesthetic significance within the affected study area; the identification of gravesites.
- Assess the significance of the resources where they are identified.
- Evaluate the impact thereon with respect to the socio-economic opportunities and benefits that would be derived from the proposed development.
- Provide guidelines for protection and management of identified heritage sites and places (including associated intangible heritage resources management that may apply).
- Consult with the affected and other interested parties, where applicable, in regard to the impact on the heritage resources in the project's receiving environment.
- Make recommendations on mitigation measures with the view to reduce specific adverse impacts and enhance specific positive impacts on the heritage resources.
- Take responsibility for communicating with the SAHRA and other authorities in order to obtain the relevant permits and authorization with reference to heritage aspects.

In order to meet the objectives of the A/HIA Phase 1 study, the following tasks were conducted:

1) site file search, 2) limited literature review, 3) consultations with the affected family, 4) completion of a field survey and assessment and 5) analysis of the acquired data and report production. The following tasks were undertaken:

- Preparation of a predictive model for archaeological heritage resources in the study area.
- A review and gap analysis of archaeological, historical and cultural background information, including possible previous heritage consultant reports specific to the affected project area, the context of the study area and previous land use history as well as a site search;
- Field survey of sampled sections of the powerline routes within the study area, in order to test the predictive model regarding that heritage sites are in the area;
- Physical cultural property recording of any identified sites or cultural heritage places;
- Identification of heritage significance; and
- Preparation of A/HIA report with recommendation, planning constraints and opportunities associated with the proposed development.

Large settlements, cornfields fields, grazing lands, vegetated river valleys; access and main road infrastructures, bulk water pipelines, existing transmission and distribution, residential areas and other auxiliary infrastructures dominate the affected project area. This made detailed surficial inspection of the stretch of the proposed powerline route very limited. As such, the survey covered judiciously systematic stratified sampled areas across the affected landscape. However, the entire project area was accessible through a network of district roads and village tracks used to access the settlements. Although limited sections of ground surface were covered with grass and thick bushes, this did not impede surficial feature identification of possible archaeological sites in sampled areas particularly those earmarked for the substation and powerline development (Plates 1 to 11).

Geographic coordinates were obtained with a handheld Garmin GPS global positioning unit. Photographs were taken as part of the documentation process during field study.

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### 5.1. Assumptions and Limitations

No existing archaeological or heritage inventory records were accessed for this particular project area. Furthermore, the author does have previous A/HIA study records for the general project area. A limited literature review was completed to provide the general archaeological and historical context to determine the sensitivity of the cultural landscape. Literature does highlight that most of the northeast Limpopo cultural landscape has a significant density of archaeological and historical sites (also Huffman, 2007).

The field survey did not include any form of subsurface inspection beyond the inspection of burrows, road cut sections, and the sections exposed by erosion or field ploughing. Some assumptions were made as part of the study and therefore some limitations, uncertainties and gaps in information would apply. It should however, be noted that these do not invalidate the findings of this study in any significant way:

- The proposed powerline development will be limited to specific right of way sites and corridors as detailed in the development layout (Figure 2 & 3).
  - The construction team to provide link and access to the powerline development sites and service sites will use the existing access roads and there will be no without any major deviations.
  - Given the heavily degraded nature on most affected project area and the level of high existing developments within the affected landscape, most sections of the project area have low potential to yield significant in situ archaeological or physical cultural properties.
  - No excavations or sampling were undertaken, since a permit from heritage authorities is required to disturb a heritage resource. As such the results herein discussed are based on
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surficially observed indicators. However, these surface observations concentrated on exposed sections such as road cuts and clear farmland.

- No palaeontological survey was conducted.
- This study did not include any ethnographic and oral historical studies nor did it investigate the settlement history of the area.

## **5.2. Consultation**

No detailed independent community consultation was conducted during this phase of the A/HIA study. However, the EIA Public Participation Process invited comments from affected municipalities and other interested parties on any matter related to the proposed development.

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## **6. CULTURE HISTORY BACKGROUND OF THE PROJECT AREA**

The project area is located 12.5km east of Thohoyandou town in the Limpopo Province. Thohoyandou is situated in the south of Vhembe district, on the main road between Louis Trichardt and the Kruger National Park. This is the major agricultural centre of Vhembe, with banana plantations, subtropical fruit, tobacco and maize lands. Thohoyandou is surrounded by small rural townships such as Ngovhela, Vondwe, Phiphidi, Muledane, Shayandima, Makwarela, and Maniini.

Thohoyandou is the main urban settlement in modern day Venda and the capital of the traditional authority in the region. Its name means "head of the elephant" in the Venda language. Thohoyandou is a town located in Ha-Mphaphuli. It was named after the great king of Vhavenda, King Thohoyandou, who ruled the Vhavenda kingdom from the 1690s to the early 1720s. Today Thohoyandou is the second largest town in Venda after Makhado (Louis Trichardt). Thohoyandou was established and built at a large portion of the village of Mbaleni in the late 1970s. It was established by Thovhela Patrick Ramaano Mphephu who was the Prime Minister of the Venda Bantustan. Thohoyandou became the capital of Venda when Venda was declared a 'republic' in 1979, and Thovhele 'Mphephu became the President of the 'Republic of Venda'. Thohoyandou became the centre and economic hub of 'the Republic of Venda. A stadium was built in Thohoyandou to celebrate the 'independence' of Venda, and was known as the Venda Independence Stadium. The name was changed to Thohoyandou Stadium in 1994. Thohoyandou is the administrative centre of the Thulamela Municipality and the Vhembe District Municipality. Today Thohoyandou is one of the fastest growing towns in Limpopo. It is also home to the University of Venda.

From an archaeological perspective, the Vhembe district area, like most of Limpopo region has potential to yield Stone Age period sites (also see Deacon and Deacon, 1997). However, the specific affected project-receiving environment has low potential for Stone Age sites.

The Iron Age of the Limpopo region dates back to the 5<sup>th</sup> Century AD when the Early Iron Age (EIA) proto-Bantu-speaking farming communities began arriving in this region, which was then occupied by hunter-gatherers. These EIA communities are archaeologically referred to as the Kwale branch of the Urewe EIA Tradition (Huffman, 2007: 127-9). The Iron Age communities occupied the foot-hills and valley lands introducing settled life, domesticated livestock, crop production and the use of iron (also see Maggs 1984a; 1984b; Huffman 2007). Alongside the Urewe Tradition was the Kalundu Tradition whose EIA archaeological sites have been recorded along the Limpopo region. Limpopo region is known for the famous golden rhino that was recovered from Iron Age settlement site of Mapungubwe in the Limpopo Shashi Valley, now a UNESCO World Heritage Site. The Limpopo region is also known for the Late Iron Age Great Zimbabwe Culture sites such as Thulamela and Dzata to the northeast, in the modern day Venda region. From about 15 00 AD the region was occupied by new coming groups of Late Iron Age farmers of the Kalundu Tradition (ibid). The region was the centre of immigration and migration of different African groups some of which are ancestors of the contemporary Venda and Tsonga predominant in the region.

Throughout the middle of the 1800s the region witnessed the mfecane migrations and displacements linked to groups such as the Ndebele of Mzilikazi. From the 1840s the Voortrekker began arriving in the flat lands foothills in the regions spreading north east into modern day Limpopo. They spread establishing settlements, which came to be settler towns such as Schoemansdale, Petersburg, and the Louis Trichardt across modern day Limpopo. The Voortrekkers arrived in Limpopo regions in the shadow of the weakened African kingdoms and chiefdoms in the aftermath of the mfecane. This effectively ushered in new era of colonial occupation by succeeding Afrikaans and British colonial administration authorities through the last

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half of the 1800s and into the last 1900s. By 1850s the region witnessed the influx of more settler communities which triggered settler wars between the African chiefdoms and the incoming Afrikaner settlers. Some of these colonial wars and battles lasted into Anglo-Boer wars of 1899-1902. The later effectively led to complete subjugation of African communities to settler administration starting as part of the ZAR of Transvaal. There after the region was subsequently annexed by the British and effectively placed the majority of African communities under the Union of South Africa in 1910, which eventually ended with the establishment of the new South Africa in 1994.

From a contemporary history perspective, the proposed powerline route falls within the Thulamela Local Municipality in Limpopo Province. The study area is highly transformed by both formal and informal rural human habitation typical of most of the Limpopo Province. Numerous access roads, dirt tracks and foot paths cut across the project area. Accidental fires have also resulted in substantial degradation of grasslands. Subsistence farming is a common part of the landscape. (see plates 1 and 12).



Plates 4 and 5: Pictorial view of the Mhinga-Mbahe powerline route (Left) (Pictorial views of the alternative powerline route cutting through communal agriculture fields).



Plates 6 and 7: Existing high voltage powerline running parallel to the alternative Mbahe-Mhinga powerline route (Left) and a brick moulding site on the edge of the preferred powerline route (Right) (Photo by Author, 2012).



Plates 8 and 9: View of remains of an abandoned brick structure near the powerline route (Left) and some of the newly established settlements near the alternative powerline route (Right).



Plates 10 and 11: Pictorial view of a mango orchard near alternative powerline route (Left) and the terminal position of the proposed powerline route at Mhingia Substation site (Right).

## **7. RESULTS OF THE ARCHAEOLOGICAL/HERITAGE ASSESSMENT STUDY**

### **Location Details**

Province: Limpopo

Municipalities: Thulamela Local Municipality.

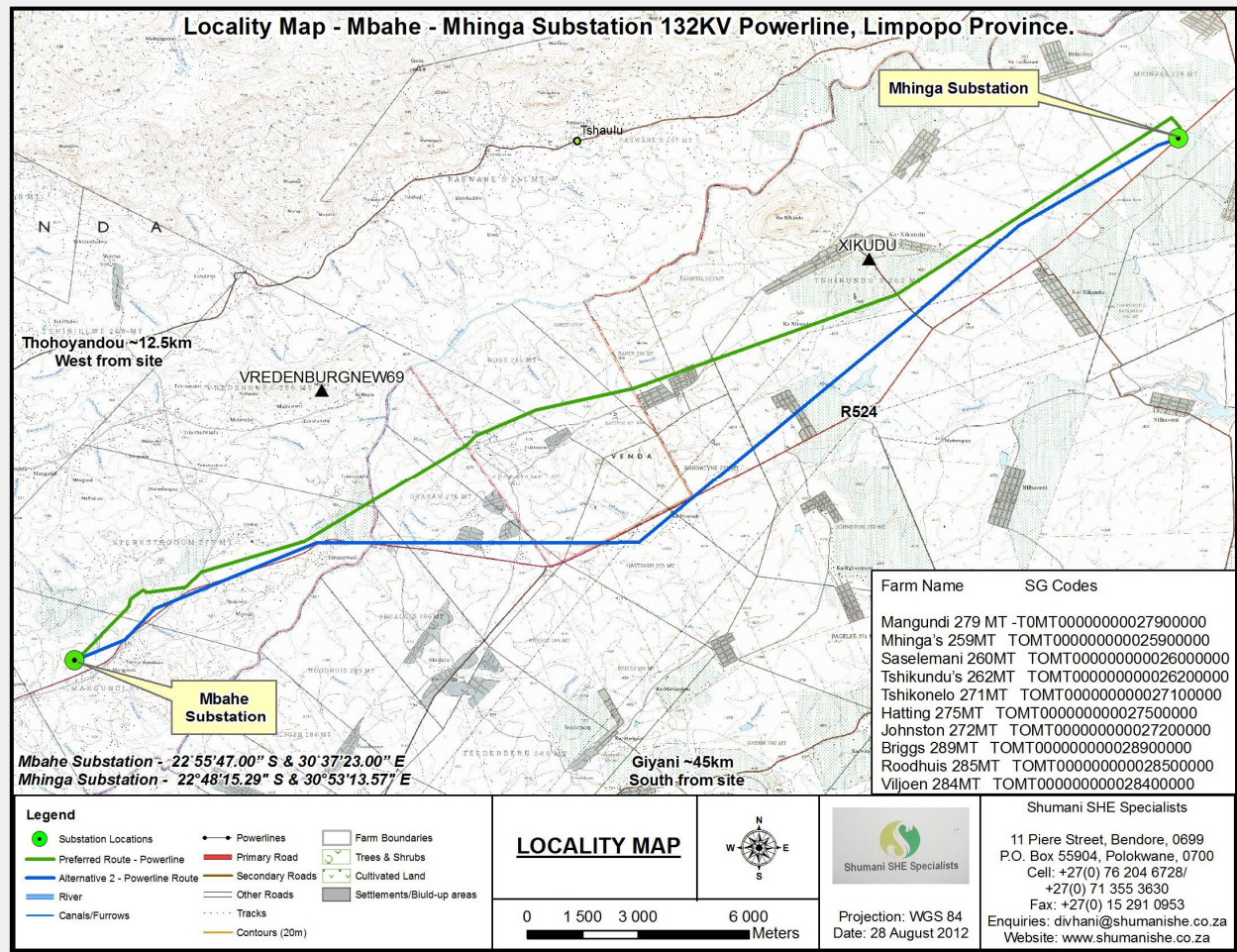
Proposed development: Substations and powerline development.

## **8. GEOGRAPHICAL CO-ORDINATES**

- Proposed Mbahe Substation site: 22° 55 57 .00" S; 30° 37 23 00" E (Also see Figure 2 & 3) (see Plate 1).
- Bend 1 of the Mhinga-Mbahe powerline route : 22° 55 36.7" S; 30° 37 58.8" E.
- Mid section of the alternative powerline route: 22° 55 02 .7" S; 30° 38 40.2" E
- Burial site 1 near eastern edge of powerline route: 22° 54 25 .4" S; 30° 44 11.8" E

Figure 2: 1:50 000 map name: 2229CC (Fig. 2 source; Shumani SHE, 2012).





- Burial site 2 located at Paweni Village also near eastern edge of the powerline route: 22° 52 57 .2" S; 30° 47 22.2" E
- Burial site 3 near eastern alternative powerline route: 22° 52 26 .4" S; 30° 48 18.9" E
- Point where powerline route will run parallel to the existing high voltage powerline: 22° 05 52 .03 8" S; 30° 48 59.7"E.
- ZCC Church near preferred powerline route: 22° 48 15 .29" S; 30° 53 57.0"
- Terminal position of Mhinga-Mbahe powerline: 22° 48 15.29" S; 30° 53 13. 57" E.

## **9. DESCRIPTION OF THE MHINGA AND MBAHE SUBSTATIONS AND POWERLINE ROUTE**

The proposed Mhinga and Mbahe Substation sites and powerline route are located on vacant land along the R524 East Road near Thohoyandou.

- The proposed powerline route have been established through consideration of biophysical, economical, social, technical and cultural aspects. The Basic Assessment process will aim to provide a final site selection of the proposed powerline route based on biophysical, social, economical, cultural and technical considerations.

## **10. ALTERNATIVE POWERLINE ROUTE**

### **10.1. Archaeological and Heritage Site**

The alternative powerline route did not yield any confirmable archaeological sites or material. The affected landscape is heavily degraded from previous and current agricultural land use and from residential property developments (also see Plates 1-12). This limited the chances of encountering significant in situ or well preserved and visible archaeological sites on location. The proposed powerline servitude traverses an approximate length of 35km from T-off from the proposed Mhinga Substation to Mbahe Substation. The servitude is 31m wide providing the right of way for the distribution lines. Most of the proposed powerline preferred corridor would traverse through heavily disturbed landscape. There exist residential, subsistence agricultural fields, timber, grazing land and powerlines, roads and other associated infrastructures across the entire project area. As such the proposed powerline installations will be additional to in situ developments already on project area (Figure 2; also see Plates 1 to 10). The chances of recovering significant archaeological materials in situ in such environment, particularly open settlement sites, were seriously compromised and limited. If such sites existed on this particular project area, they may have been destroyed over the land use history of development and other destructive land use patterns such as deep ploughing, road works, residential and associated infrastructure constructions that already exist on the project area.

Based on the field study results and field observations, it is the considered opinion of the author that the receiving environment for the proposed powerline is medium to potential to yield previously unidentified archaeological sites during subsurface excavations and construction work associated with the proposed distribution powerline development. However, the installation of powerline poles and /or lattice towers has limited ground footprint, which in turn reduces the possibility to inflict a wider spatial impact. The nature of powerline construction also reduces the probability to encounter chance finds during proposed development. This opinion is supported by

the fact that powerline lattice towers or poles are installed on limited spatial area and the affected landscape has long history physical disturbances.

**10.2. Historical and Recent sites**

Although the affected general landscape is associated with broader historical events such as white settler migration, colonial wars and the recent African peopling of the region, no listed specific historical sites are on the proposed development sites. Abandoned historic remains of recent homesteads were recorded on portion of the 35km powerline servitude. This specific contemporary site was not surveyed or documented in any details because of dense vegetation cover (see Plate 5).

**10.3 Burial grounds and graves**

The field survey yielded three burial sites near the preferred and alternative powerline servitude. The burial sites are not fenced but are easily identifiable. Eight graves were recorded on Burial Site 1; one grave was recorded on Burial Site 2; and also one grave was recorded at Burial Site 3 (see Plates Below).

Table 1: SUMMARY OF BURIAL SITES ALONG THE MBAHE-MHINGA POWERLINE ROUTE

Burial site	Tombstone	Cement plaster	Stone piles	Children	Adults	Total
1	6		2	0	8	8
2		1			1	1
3		1		0	1	1

### 10.4. Historical Monuments

There are currently no places within the powerline servitude HIA Area that are listed on the National Heritage List.



Plates 12 and 13: View of a burial site near the alternative Mhinga-Mbahe powerline route (Left) and solitary grave near the preferred powerline route (Right).



Plates 14 and 15: Pictorial view of Burial site 3 near the preferred Mhinga-Mbahe powerline route (L) Eastern section of Burial site 1 in vicinity of the alternative site of interest (Right).

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## **11 PREFERRED POWERLINE ROUTE**

### **11.1 Archaeological and Heritage Site**

The preferred powerline route was assessed alongside the alternative 35km long route. The preferred powerline route did not yield any confirmable archaeological sites or material either. The affected landscaped is similarly degraded from previous and current agricultural land use and from residential property developments. The proposed powerline servitude traverses an approximate length of ±31km from T-off to proposed Mbahe Substation. The servitude that was assessed was 31m wide providing the right of way for the powerline. There also exist residential, subsistence agricultural fields, grazing land and powerlines, roads and other associated infrastructures across the entire project area. The proposed powerline installations will be additional to in situ developments already on project area (Figure 2 - 4; also see Plates 1 to 13). As such the chances of recovering significant archaeological materials in situ, particularly significant open settlement sites, were seriously compromised and limited.

### **11.2. Historical and Recent sites**

Similar to the alternative powerline route, the affected preferred route landscape is associated with historical events such as colonial era white settler migration, colonial wars and the recent African peopling of the region, however, no listed specific historical sites are on the proposed development sites.

### **11.3. Burial grounds and graves**

The field survey yielded two burial sites within the preferred powerline servitude. Although the possibility of encountering previously unidentified burial sites is low on the transmission

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powerline project sites, should such sites be identified during subsurface construction work, they are still protected by applicable legislations and they should be protected (also see Appendixes for more details).

#### **11.4. Historical Monuments**

There is no listed monument on record in the vicinity of the Sites of Interest for the proposed powerline development.

### **12. MHINGA SUBSTATION SITE.**

#### **12.1. Archaeological and Heritage Site**

The Mhinga Substation site did not yield any confirmable archaeological sites or material. The site is situated in a grazing area. The site covers approximately 1ha. The immediate vicinity of the HIA Study site consists of exist residential, subsistence agricultural fields, grazing land mining infrastructure, roads and other associated infrastructures. As such the proposed establishment of Mhinga Substation will be additional to in situ developments already on project area (Figure 2 - 4; also see Plates 1 to 10). Given the extent of HIA area degradation, the chances of recovering significant archaeological materials in situ, particularly open settlement sites, were seriously compromised and limited.

Based on the field study results and field observations, it is the considered opinion of the authors that the affected landscape has low to medium potential to yield previously unidentified archaeological sites during subsurface excavations and construction work associated with the proposed establishment of Mhinga Substation development.

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## 12.2. Historical and Recent sites

Generically speaking, historic sites are associated with colonial era white settlers, colonial wars, industrialization; recent and contemporary African population settlements, contemporary ritual sites dating to the last hundred years. However, recent historic period sites and features associated with the, African communities, settler and commercial farming communities are on record in the general project area environs. Although the affected general landscape is associated with historical events such as white settler migration, colonial wars and the recent African peopling of the region, no listed specific historical sites are on the proposed development sites.

The more common functions of places of cultural historical significance may include:

- Domestic
- Recreation & culture
- Commerce & trade
- Agriculture & subsistence
- Social & Health care
- Religion
- Designed landscape
- Funeral (cemeteries, graves and burial grounds)
- Civil and Structural Engineering
- Education
- Defence /Military

## 12.3. Burial grounds and graves

No burial grounds or grave sites were located on or near the proposed substation development site.

The possibility of encountering human remains during subsurface earth moving works anywhere on the landscape is also an ever present possibility especially where developments take place in previously occupied landscapes. It is common that accidental burial finds are made on construction sites from time to time across the country particularly on historical cultural landscapes similar to the development project area.

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### Significance valuation for Burial Ground, Historic Cemeteries and Individual Graves

Although the possibility of encountering previously unidentified burial sites is low on the Mhinga Substation project site, should such sites be identified during subsurface construction work, they are still protected by applicable legislations and they should be protected (also see Appendixes for more details). The significance of burial grounds and gravesites is closely tied to their age and historical, cultural and social context. Nonetheless, every burial should be considered as of high socio-cultural significance protected by practices, a series of legislations, and ordinances. This applies to the burial sites recorded in vicinity of the proposed powerline servitude.

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## **13 MBAHE SUBSTATION SITE**

### **13.1 Archaeological and Heritage Site**

The Mbahe Substation site did not yield any confirmable archaeological sites or material. The affected landscaped is heavily degraded from previous and current agricultural land use or from residential property developments, for any significant in situ sites to be preserved on location. The proposed substation site also covers approximately 1Ha. The proposed substation site is within a grazing area. There exist residential, subsistence agricultural fields, grazing land and powerlines, roads and other associated infrastructures near the substation site.

### **13.2 Historical and Recent sites**

No listed specific historical sites are on the proposed development sites.

### **13.3 Burial grounds and graves**

The field survey did not identify any burial site near the Mbahe Substation site. Whether they are known or not on record, from a heritage perspective, burial grounds and gravesites are accorded the highest social significance threshold (see Appendix 3). They have both historical and social significance and are considered sacred. Wherever they exist they may not be tempered with or interfered with during any proposed development. It is important to note that the possibility of encountering human remains during subsurface earth moving works anywhere on the landscape is ever present. Although the possibility of encountering previously unidentified burial sites is low on the distribution powerline project route, should such sites be identified during subsurface construction work, they are still protected by applicable legislations and they should be protected (also see Appendixes for more details).

### **13.4 Historical Monuments**

No listed monuments are on record in the vicinity of the HIA Study Area.

## 14 DISCUSSION

Three separate development sites were covered in this study. These include an approximately 31km powerline servitude and the associated alternative site and well as two substation sites and associated alternatives. Although burial sites were recorded within sections of the proposed preferred Mbahe-Mhinga powerline route, these are unlikely to be directly affected by the proposed development since pylon positions can be shifted to avoid the burial sites. The following observations are worthy emphasising in this discussion prior to making final recommendations:

1. The Mhinga-Mbahe powerline route is situated within a heavily degraded area, and have reduced sensitivity for the presence of high significance physical cultural site remains, be they archaeological, historical or burial sites, due to previous agricultural activities, settlement developments and associated infrastructures, earth moving disturbances resulting from developments and other land uses in the project area.
  2. That the survey focused on sample sections that had high potential to yield possible archaeological sites. Due to the length of the powerline route, it was impractical to cover every inch of the project area along the proposed or alternative powerline servitudes. As such, there is the possibility that previously unknown low to medium archaeological sites may exist in the project area whereas the sampled sections fell outside sections with such potential distinct archaeological sites.
  3. Limited ground surface visibility on sections of the powerline project area that were not cleared at the time of the study may have impeded the detection of other physical cultural heritage site remains or archaeological signatures immediately associated with the Mhinga-Mbahe powerline site of interest. This factor is exacerbated by the fact that the
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study was limited to general survey without necessarily conducting any detailed inspection of specific locations where the final individual powerline towers will be installed or such localities that will be affected by the Mhinga-Mbahe powerline establishment.

The absence of confirmable and significant archaeological cultural heritage sites is not evidence in itself that such sites did not exist in the project area. It may be that, given the dense development in most sections of the Mhinga and Mbahe Substation sites and powerline route, if such sites existed before, changing earth-moving activities may have destroyed their surficial evidence. Furthermore, some sections were not accessible due to thick vegetation cover. Significance of the Sites of Interest (proposed Mhinga and Mbahe Substations and Powerline route) is not limited to presence or absence of physical archaeological sites. Abandoned contemporary homestead remains were recorded in the vicinity of Mhinga-Mbahe powerline route. This confirms the fact that the project area has several generations of human settlements. These discoveries testify to the significance of the project area as a cultural landscape of note, which has discernable links to local oral history and folk stories, environmental and ethnobotanical aesthetics, popular memories etc. associated with significance emanating from intangible heritage of the region.

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## 15 CULTURAL HERITAGE SITE ASSESSMENT OF SIGNIFICANCE

The appropriate management of cultural heritage resources is usually determined on the basis of their assessed significance as well as the likely impacts of any proposed developments. Cultural significance is defined in the Burra Charter as meaning aesthetic, historic, scientific or social value for past, present or future generations (Article 1.2). Social, religious, cultural and public significance are currently identified as baseline elements of this assessment, and it is through the combination of these elements that the overall cultural heritage values of the site of interest, associated place or area are resolved. Not all sites are equally significant and not all are worthy of equal consideration and management. The significance of a place is not fixed for all time, and what is considered of significance at the time of assessment may change as similar items are located, more research is undertaken and community values change.

The above observation does not lessen the value of the heritage approach, but enriches both the process and the long-term outcomes for future generations as the nature of what is conserved and why, also changes over time (Pearson and Sullivan 1995:7). This assessment of the Indigenous cultural heritage significance of the Site of Interest as its environments of the study area is based on the views expressed by the Claimant and his community representatives consulted, documentary review and physical integrity.

African indigenous cultural heritage significance is not limited to items, places or landscapes associated with pre-European contact. Indigenous cultural heritage significance is understood to encompass more than ancient archaeological sites and deposits, broad landscapes and environments. It also refers to sacred places and story sites, as well as historic sites, including mission sites, memorials, and contact sites. This can also refer to modern sites with particular resonance to the indigenous community. The site of interest considered in this project falls within this realm of broad significance.

## 16 ASSESSMENT CRITERIA

The Guidelines to the SAHRA Guidelines and the Burra Charter define the following criterion for the assessment of cultural significance:

### Aesthetic Value

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; sense of place, the smells and sounds associated with the place and its use.

### Historic Value

Historic value encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.

### Scientific value

The scientific or research value of a place will depend upon the importance of the data involved, on its rarity, quality or representativeness, and on the degree to which the place may contribute further substantial information. Scientific value is also enshrined in natural

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resources that have significant social value. For example, pockets of forests and bushvelds have high ethnobotany value.

### Social Value

Social value embraces the qualities for which a place has become a focus of spiritual, religious, political, local, national or other cultural sentiment to a majority or minority group. Social value also extend to natural resources such as bushes, trees and herbs that are collected and harvested from nature for herbal and medicinal purposes.

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## 17 STATEMENT OF SIGNIFICANCE

### Aesthetic Value

The aesthetic values of the HIA Study Area (Mhinga-Mbahe powerline route, the Mhinga and Mbahe Substation sites and the overall project area are contained in the valley bushveld environment and landscape typical of this part of the Limpopo Province. The visual and physical relationship between HIA study area and the surrounding historical Cultural Landscape demonstrates the connection of place to the local and oral historical stories of the African communities who populated this region going back into prehistory.

The proposed powerline development will be situated within an environment and associated cultural landscape, which, although developed by existing settlements, remains representative of the original historical environment and cultural landscape of this part of Limpopo area. The local communities consider the project area a cultural landscape linked to their ancestors and history. However, the proposed developments will not alter this aesthetic value in any radical way since it will add to the constantly changing and developing settlements.

### Historic Value

The Indigenous historic values of the Sites of Interest and overall study area are contained in the claim of possible historic homesteads being located on the affected area. The history of generations of the Venda and Tsonga clans is tied to this geographical region. Such history goes back to the pre-colonial period, through the colonial era, the colonial wars and subsequent colonial rule up to modern day Limpopo.

### Scientific value

Past settlements and associated roads, and other auxiliary infrastructure developments and disturbance within the HIA Study Area associated with the proposed powerline and substation



sites has resulted in limited intact significant cultural landscapes with the potential to retain intact large scale or highly significant open archaeological site deposits. However, should intact archaeological sites be recorded within the Mhinga and Mbahe Substation sites and Powerline Route and immediate surrounding areas, they may retain scientific evidence that may add value to the local and regional history.

### Social Value

The project sites fall within a larger and an extensive Limpopo cultural landscape that is integrated with the wider inland northeast Limpopo region. The overall area has social value for the local community, as is the case with any populated landscape. Literature review suggests that social value of the overall project area is also demonstrated through local history which associates the area with the rise of Venda Nation and VhaVenda Kingdoms from the 1700s to recent colonial periods, through the African struggle against settler colonialism in the second half of the 1800s and at the end of the 1800s, the colonial wars of resistance, the century long struggle for democracy that followed colonial subjugation through out the 1900s. Several generations of communities originate from the project area and continue to call it home. As such, they have ancestral ties to the area. The land also provides the canvas upon which daily socio-cultural activities are painted. The remains of historic homesteads recorded in the project area testify to the fact of generational homes and settlements. All these factors put together confirms the social significance of the project area. However, this social significance is unlikely to be negatively impacted by the proposed Mhinga- Mbahe powerline development especially given the fact that the development will add value to the human settlements and activities already taking place.

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Sections of the Mhinga-Mbahe powerline route covered in thick bushes and vegetation retain social value as sources of important herbs and traditional medicines. As such, they must be considered as significant social value sites.

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## **18 RECOMMENDATIONS**

The only significant heritage sites recorded in the HIA study Area are three burial grounds associated with the preferred and alternative powerline routes. These sites are highly significant and may not be disturbed under any circumstances during the proposed developments. As such, should the development be cleared to proceed, the final location of the powerline should be at least 50m from the identified graves.

The study did not find any permanent barrier to the proposed Mhinga and Mbahe Substations and powerline developments. As such, it is recommended to the heritage authority that the development be cleared to proceed subject to specified recommendations made in the following sections. The following recommendations are based on the results of the A/HIA research, cultural heritage background review, site inspection and assessment of significance.

### **a. Management & Policy Recommendations**

#### **Community Advisory**

Should community consultations being held through the project EIA PPP refer to any cultural issues associated with the project area, such matters should be addressed adequately. The proposed Mhinga and Mbahe Substation and Powerline Routes are associated with existing rural communities and a heritage or cultural aspirations they have that may potentially be affected by the development should be acknowledged should they be identified in the course of the proposed development. To date, the PPP consultation process has not identified cultural heritage contestation to the project.

## Recommendation 1

The Project Public Participation Process should ensure that any cultural heritage related matter for this project is given due attention whenever it arises and is communicated PHRA throughout the proposed project development. This form of extended community involvement would pre-empt any potential disruptions that may arise from previously unknown cultural heritage matter that may have escaped the attention of this study.

### **b. Indigenous African Cultural Places**

The identified abandoned contemporary house requires careful planning during the proposed development should the final site traverse through such sites. Furthermore, there are portions of the Mhinga-Mbahe powerline route that are covered by dense vegetation. Such areas retain high social significance associated with ethno-botany, which makes such area potential sources of traditional herbs and medicines.

## Recommendation 2

- Location of Mhinga-Mbahe powerline infrastructure should be restricted to minimum footprint impact especially where such infrastructure fall within bushy area. Such bushy sections have local ethno-botany significance as sources of traditional herbs and medicines. As such disruption and vegetation clearance should be minimal.
  - Preserved bushveld areas should be protected for ethnobotany significance. As such this development should avoid excessive vegetation clearance during the development.
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### **c. Archaeological Graves and Burial & Cultural Heritage Sites**

No intact surface archaeological heritage deposits were recorded within the study area. Therefore no direct conflicts between archaeological sites and the proposed development are anticipated when construction begins.

The three burial sites recorded during the survey are located within close proximity in the receiving environment for Mhinga-Mhahe powerline. These sites may be avoided by shifting the powerline route further north of the current route. Alternatively pylon positions may be shifted in such a manner that allows the three burial sites to be preserved and protected in situ.

#### **Recommendation 3**

An Archaeologist should be retained to conduct an Archaeological Walk-down survey of the Mhinga-Mbahe powerline route once the development has been approved and a final route plan issued. This would be a cautionary measure to ensure that no infrastructure will be positioned on any potential or previously unidentified archaeological sites or material or chance finds.

#### **Recommendation 4**

From a heritage point of view both the preferred route and the alternative route are feasible. However, the proposed preferred Mhinga-Mbahe substations and associated powerline development should be approved to proceed as planned under observation that construction work does not extend beyond the surveyed Mhinga and Mbahe substation site and powerline route. The foot print impact of the proposed Mhinga-Mbahe powerline development and associated substations infrastructure should be kept

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to minimal to limit the possibility of encountering chance finds within servitude and surrounded areas around the substation site.

#### Recommendation 5

- In situations where unpredicted impacts occur (such as accidentally disturbing a previously unknown grave), construction activities should be stopped and the heritage authority notified immediately. In the unlikely event of chance archaeological material or previously unknown human remains being disturbed during subsurface construction, the finds should be left in situ subject to further instruction from the project archaeologist or heritage authorities (refer to Appendixes 1 - 4 for additional details). The overriding objective, where remedial action is warranted, is to minimize disruption in construction scheduling while recovering archaeological and any affected cultural heritage data as stipulated by the PHRA and NHRA regulations.
- A professional archaeologist should be retained to monitor all significant earth moving activities that may be implemented as part of the proposed Mhinga-Mbahe powerline and substations development. The monitoring process would ensure that should any archaeological or human remains be disturbed during subsurface construction work at the Sites of Interest, immediate remedial rescue and salvage work would be actioned without delay.

The recommended heritage monitoring operations will not stop works but will form part of the proposed project's construction EMP in line with best-practice heritage procedures.

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#### **d. Interpretation & Active Management Recommendations**

The African communities have a long and significant connection with project area. Like any other generational society, there are several other cultural activities that take place within the affected settlement areas associated with the proposed Mhing-Mbahe powerline development.

##### **Recommendation 7**

Although the possibility of conflict between the community and the proposed development related to culture heritage is unlikely, PHRA should acknowledge on behalf of the community, that the project area is situated in a culturally significant landscape associated with African local history and cultural activities. PHRA may also acknowledge that such significance is not tied to physical sites or archaeological sites only, but to intangible heritage such as popular memories, oral history, ancestral remembrance, religious rituals, aesthetic appreciations, living experiences and folklores. As such, the community retains the right to have their constitutionally guaranteed cultural heritage rights respected and protected without being limited to existence of physical evidence such as archaeological sites. Should such issues arise in association with this proposed development, adequate attention should be devoted by the proponent, PHRA and community to address them.

##### **Recommendation 8**

Subject to the recommendations herein made, there are no significant cultural heritage resources barriers to the proposed Mhing-Mbahe powerline and substation development in the Limpopo Province. The PHRA may approve the proposed

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development to proceed as planned with special commendations to implement the recommendations here in made.

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## **19 CONCLUDING REMARKS**

The literature review and field research confirmed that the project area is situated within a contemporary cultural landscape dotted with settlements with long local history. Field survey was conducted during which it was established that the affected project area is degraded by existing developments. Although the area is degraded, there is a possibility that the HIA Study Area Site of Interest is part of a wider archaeological and historical site within and significant cultural landscape. Although historical and contemporary cultural sites were recorded, none retained high significance that may be affected by the proposed substations and powerline developments. This report conclude that the proposed Mbahe-Mhinga powerline and associated substation developments may be approved by PHRA to proceed as planned subject to recommendations herein made which include a conditional walk-down survey of the Mhinga-Mbahe powerline servitude and heritage monitoring plan being incorporated into the construction EMP (also see Appendices). The measures are informed by the results of the HIA study and principles of heritage management enshrined in the NHRA, Act 25 of 1999.

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## 21 APPENDIX 1: HUMAN REMAINS AND BURIALS IN DEVELOPMENT CONTEXT

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

1. First, establish the context of the burial:

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

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

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

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

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

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

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

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

3. In the event that a graveyard is to be moved or developed for another purpose, it is incumbent on the local authority to publish a list of the names of all the persons buried in the graveyard if there are gravestones or simply a notification that graves in the relevant graveyard are to be disturbed. Such a list would have to be compiled from the names on the gravestones or from

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parish or other records. The published list would call on the relatives of the deceased to react within a certain period to claim the remains for re-interment. If the relatives do not react to the advertisement, the remains may be re-interred at the discretion of the local authority.

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

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

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

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## DEFINITIONS AND APPLICABLE REGULATIONS

- 1). A "Cemetery" is defined as any land, whether public or private, containing one or more graves.
  - 2). A "grave" includes "(a) any place, whether wholly or partly above or below the level of ground and whether public or private, in which a body is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and (b) any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenant to a grave.
  - 3). No person shall desecrate, destroy or damage any grave in a cemetery, or any coffin or urn without written approval of the Administrator.
  - 4). No person shall exhume, disturb, remove or re-inter anybody in a cemetery, or any coffin or urn without written approval of the Administrator.
  - 5). Application must be made for such approval in writing, together with:
    - a). A statement of where the body is to be re-interred.
    - b). Why it is to be exhumed.
    - c). The methods proposed for exhumation.
    - d). Written permission from local authorities, nearest available relatives and their religious body owning or managing the cemetery, and where all such permission cannot be obtained, the application must give reasons why not.
  - 6). The Administrator has the power to vary any conditions and to impose additional conditions.
  - 7). Anyone found guilty and convicted is liable for a maximum fine of R200 and maximum prison sentence of six months.
5. Human remains from the graves of victims of conflict, or any burial ground or part thereof which contains such graves and any other graves that are deemed to be of cultural significance may not be destroyed, damaged, altered, exhumed or removed from their original positions without a permit from the National Heritage Resources Agency. They are administered by the Graves of Conflict Division at the SAHRA offices in Johannesburg.

"Victims of Conflict" are:

- a). Those who died in this country as a result of any war or conflict but excluding those covered by the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).
  - b). Members of the forces of Great Britain and the former British Empire who died in active service before 4 August 1914.
  - c). Those who, during the Anglo Boer War (1899-1902) were removed from South Africa as prisoners and died outside South Africa, and,
  - d). Those people, as defined in the regulations, who died in the "liberation struggle" both within and outside South Africa.
6. Any burial that is older than 60 years, which is outside a formal cemetery administered by a local authority, is protected in terms of Section 36(3b) of the National Heritage Resources Act. No person shall destroy damage, alter, exhume or remove from its original position, remove from its original site or export from the Republic any such grave without a permit from the SAHRA.

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

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

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

- a). Has made satisfactory arrangements for the exhumation and re- interment of the contents of such a grave at the cost of the applicant.
  - b). Has made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such a grave and,
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c). Has reached an agreement with these communities and individuals regarding the future of such a grave or burial ground.

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## PROCEDURE FOR CONSULTATION

The regulations in the schedule describe the procedure of consultation regarding the burial grounds and graves. These apply to anyone who intends to apply for a permit to destroy damage, alter, remove from its original position or otherwise disturb any grave or burial ground older than 60 years that is situated outside a formal cemetery administered by a local authority. The applicant must make a concerted effort to identify the descendants and family members of the persons buried in and/or any other person or community by tradition concerned with such grave or burial ground by:

- 1). Archival and documentary research regarding the origin of the grave or burial ground;
- 2). Direct consultation with local community organizations and/or members;
- 3). The erection for at least 60 days of a notice at the grave or burial ground, displaying in all the official languages of the province concerned, information about the proposals affecting the site, the telephone number and address at which the applicant can be contacted by any interested person and the date by which contact must be made, which must be at least 7 days after the end of the period of erection of the notice; and
- 4). Advertising in the local press.

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

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

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

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

- a). SAHRA or the provincial heritage resources authority (or delegated representative) must, in co-operation with the Police, inspect the grave and decide whether it is likely to be older than 60 years or otherwise protected in terms of the Act; and whether any further graves exist in the vicinity.
- b). If the grave is likely to be so protected, no activity may be resumed in the immediate vicinity of the grave, without due investigation approved by SAHRA or the provincial heritage resources authority; and
- c). SAHRA or the provincial heritage resources authority may at its discretion modify these provisions in order to expedite the satisfactory resolution of the matter.
- d). Archaeological material, which includes human and hominid remains that are older than 100 years (see definition in section 2 of the Act), is protected by the National Heritage Resources Act (Section 35(4)), which states that no person may, without a permit issued by the responsible heritage resources authority - destroy, damage, excavate, alter or remove from its original site any archaeological or palaeontological material.

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

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## TREAT HUMAN REMAINS WITH RESPECT

- a). Every attempt should be made to conserve graves in situ. Graves should not be moved unless this is the only means of ensuring their conservation.
- b). The removal of any grave or graveyard or the exhumation of any remains should be preceded by an historical and archaeological report and a complete recording of original location, layout, appearance and inscriptions by means of measured drawings and photographs. The report and recording should be placed in a permanent archive.
- c). Where the site is to be re-used, it is essential that all human and other remains be properly exhumed and the site left completely clear.
- d). Exhumations should be done under the supervision of an archaeologist, who would assist with the identification, classification, recording and preservation of the remains.
- e). No buried artifacts should be removed from any protected grave or graveyard without the prior approval of SAHRA. All artifacts should be re-buried with the remains with which they are associated. If this is not possible, proper arrangements should be made for the storage of such relics with the approval of SAHRA.
- f). The remains from each grave should be placed in individual caskets or other suitable containers, permanently marked for identification.
- g). The site, layout and design of the area for re-interment should take into account the history and culture associated with, and the design of, the original grave or graveyard.
- h). Re-burials in mass graves and the use of common vaults are not recommended.
- i). Remains from each grave should be re-buried individually and marked with the original grave markers and surrounds.
- j). Grouping of graves, e.g. in families, should be retained in the new layout.
- k). Material from the original grave or graveyard such as chains, kerbstones, railing and should be re-used at the new site wherever possible.
- l). A plaque recording the origin of the graves should be erected at the site of re-burial.

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

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22 APPENDIX 2: HERITAGE MANAGEMENT PLAN INPUT INTO THE MBAHE MHINGA POWERLINE PROJECT EMP

Objective									
No.	Activity	Mitigation Measures	Duration	Frequency	Responsibility	Accountable	Contacted	Informed	
Pre-Construction Phase									
1	Planning	Ensure all known sites of cultural, archaeological, and historical significance are demarcated on the site layout plan, and marked as no-go areas.	Throughout Project	Weekly Inspection	Contractor [C] CECO	SM	ECO	EA EM PM	
Construction Phase									
1	Emergency Response	Should any archaeological or physical cultural property heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped until heritage authority has cleared the development to continue.	N/A	Throughout	C CECO	SM	ECO	EA EM PM	
		Should any archaeological, cultural property		Throughout	C	SM	ECO	EA	

	heritage resources be exposed during excavation or be found on development site, a registered heritage specialist or PHRA-G official must be called to site for inspection.			CECO			EM PM
	Under no circumstances may any archaeological, historical or any physical cultural property heritage material be destroyed or removed from site;		Throughout	C CECO	SM	ECO	EA EM PM
	Should remains and/or artefacts be discovered on the development site during earthworks, all work will cease in the area affected and the Contractor will immediately inform the Construction Manager who in turn will inform PHRA-G.		When necessary	C CECO	SM	ECO	EA EM PM
	Should any remains be found on site that is potentially human remains, the PHRA-G and South African Police Service should be contacted.		When necessary	C CECO	SM	ECO	EA EM PM
Rehabilitation Phase							



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		Same as construction phase.
Operational Phase		
		Same as construction phase.

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**23 APPENDIX 3: HERITAGE MITIGATION MEASURE TABLE**

SITE REF	HERITAGE ASPECT	POTENTIAL IMPACT	MITIGATION MEASURES	RESPONSIBLE PARTY	PENALTY	METHOD STATEMENT REQUIRED
Chance Archaeological and Burial Sites	General area where the proposed project is situated is a historic landscape, which may yield archaeological, cultural property, remains. There are possibilities of encountering unknown archaeological sites	Possible damage to previously unidentified archaeological and burial sites during construction phase. <ul style="list-style-type: none"> <li>Unanticipated impacts on archaeological sites where</li> </ul>	In situations where unpredicted impacts occur construction activities must be stopped and the heritage authority should be notified immediately. Where remedial action is warranted, minimize disruption in construction scheduling while recovering	<ul style="list-style-type: none"> <li>Contractor /</li> <li>Project Manager</li> <li>Archaeologist</li> <li>Project EO</li> </ul>	Fine and or imprisonment under the PHRA- G Act & NHRA	Monitoring measures should be issued as instruction within the project EMP.  PM/EO/Archaeologists Monitor construction work on sites where such

	<p>during subsurface construction work which may disturb previously unidentified chance finds.</p>	<p>project actions inadvertently uncovered significant archaeological sites.</p> <ul style="list-style-type: none"> <li>• Loss of historic cultural landscape;</li> <li>• Destruction of burial sites and associated graves</li> <li>• Loss of aesthetic value due to</li> </ul>	<p>archaeological data. Where necessary, implement emergency measures to mitigate.</p> <ul style="list-style-type: none"> <li>• Where burial sites are accidentally disturbed during construction, the affected area should be demarcated as no-go zone by use of fencing during construction, and access thereto by the construction team must be denied.</li> <li>• Accidentally discovered</li> </ul>			<p>development projects commences within the farm.</p>
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		<p>construction work</p> <ul style="list-style-type: none"> <li>• Loss of sense of place</li> </ul> <p>Loss of intangible heritage value due to change in land use</p>	<p>burials in development context should be salvaged and rescued to safe sites as may be directed by relevant heritage authority. The heritage officer responsible should secure relevant heritage and health authorities permits for possible relocation of affected graves accidentally encountered during construction work.</p>			
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## 24 APPENDIX 4: LEGAL BACK GROUND AND PRINCIPLES OF HERITAGE RESOURCES MANAGEMENT IN SOUTH AFRICA

Extracts relevant to this report from the National Heritage Resources Act No. 25 of 1999, (Sections 5, 36 and 47):

General principles for heritage resources management

5. (1) All authorities, bodies and persons performing functions and exercising powers in terms of this Act for the management of heritage resources must recognise the following principles:

(a) Heritage resources have lasting value in their own right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival;

(b) every generation has a moral responsibility to act as trustee of the national heritage for succeeding generations and the State has an obligation to manage heritage resources in the interests of all South Africans;

(c) heritage resources have the capacity to promote reconciliation, understanding and respect, and contribute to the development of a unifying South African identity; and

(d) heritage resources management must guard against the use of heritage for sectarian purposes or political gain.

(2) To ensure that heritage resources are effectively managed—

(a) the skills and capacities of persons and communities involved in heritage resources management must be developed; and

(b) provision must be made for the ongoing education and training of existing and new heritage resources management workers.

(3) Laws, procedures and administrative practices must—

(a) be clear and generally available to those affected thereby;

(b) in addition to serving as regulatory measures, also provide guidance and information to those affected thereby; and

(c) give further content to the fundamental rights set out in the Constitution.

(4) Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.

(5) Heritage resources contribute significantly to research, education and tourism and they must be developed and presented for these purposes in a way that ensures dignity and respect for cultural values.

(6) Policy, administrative practice and legislation must promote the integration of heritage resources conservation in urban and rural planning and social and economic development.

(7) The identification, assessment and management of the heritage resources of South Africa must—

(a) take account of all relevant cultural values and indigenous knowledge systems;

(b) take account of material or cultural heritage value and involve the least possible alteration or loss of it;

(c) promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs;

(d) contribute to social and economic development;

(e) safeguard the options of present and future generations; and

(f) be fully researched, documented and recorded.

#### Burial grounds and graves

36. (1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make

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such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.

(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

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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.

(7) (a) SAHRA must, over a period of five years from the commencement of this Act, submit to the Minister for his or her approval lists of graves and burial grounds of persons connected with the liberation struggle and who died in exile or as a result of the action of State security forces or agents provocateur and which, after a process of public consultation, it believes should be included among those protected under this section.

(b) The Minister must publish such lists as he or she approves in the Gazette.

(8) Subject to section 56(2), SAHRA has the power, with respect to the graves of victims of conflict outside the Republic, to perform any function of a provincial heritage resources authority in terms of this section.

(9) SAHRA must assist other State Departments in identifying graves in a foreign country of victims of conflict connected with the liberation struggle and, following negotiations with the next of kin, or relevant authorities, it may re-inter the remains of that person in a prominent place in the capital of the Republic.

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### General policy

47. (1) SAHRA and a provincial heritage resources authority—

(a) must, within three years after the commencement of this Act, adopt statements of general policy for the management of all heritage resources owned or controlled by it or vested in it; and

(b) may from time to time amend such statements so that they are adapted to changing circumstances or in accordance with increased knowledge; and

(c) must review any such statement within 10 years after its adoption.

(2) Each heritage resources authority must adopt for any place which is protected in terms of this Act and is owned or controlled by it or vested in it, a plan for the management of such place in accordance with the best environmental, heritage conservation, scientific and educational principles that can reasonably be applied taking into account the location, size and nature of the place and the resources of the authority concerned, and may from time to time review any such plan.

(3) A conservation management plan may at the discretion of the heritage resources authority concerned and for a period not exceeding 10 years, be operated either solely by the heritage resources authority or in conjunction with an environmental or tourism authority or under contractual arrangements, on such terms and conditions as the heritage resources authority may determine.

(4) Regulations by the heritage resources authority concerned must provide for a process whereby, prior to the adoption or amendment of any statement of general policy or any conservation management plan, the public and interested organisations are notified of the availability of a draft statement or plan for inspection, and comment is invited and considered by the heritage resources authority concerned.

(5) A heritage resources authority may not act in any manner inconsistent with any statement of

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general policy or conservation management plan.

(6) All current statements of general policy and conservation management plans adopted by a heritage resources authority must be available for public inspection on request.

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