

**DRAFT**

**CULTURAL HERITAGE ASSESSMENT OF PROPOSED UPGRADE OF  
DISTRICT ROAD 08002 BETWEEN STOKWE'S BASIN AND LADY  
FRERE,  
EASTERN CAPE PROVINCE, SOUTH AFRICA**

**Assessment and report by**

**eThembeni Cultural Heritage**

**incorporating**

**Rainbow Light Gardens**

**Permaculture Designers**

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**for**

**TERRATEST Inc**

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## Introduction

Terratest Incorporated, a wholly owned subsidiary of the Jeffares and Green Group, has been appointed for the upgrading of District Roads 08002 and 08551 between Stokwe's Basin and Lady Frere in the Eastern Cape Province. The proposed upgrade to a two lane, single carriageway surfaced road will follow the alignment of the existing road closely in most places.

The permanent road works will include mass earthworks, road layer works, bituminous surfacing, drainage works including pipe and box culverts and lined drains, cattle creeps and auxiliary road works. Structures include widening five of the existing river bridges and fitting new concrete balustrades on the existing three. The standard surfaced road width will be 9.2 metres. Three new box culverts will be constructed at river crossings. Temporary works include the construction and final removal of a gravel bypass to accommodate traffic during construction.

Terratest Incorporated appointed eThembeni Cultural Heritage to undertake a cultural heritage assessment of the area affected by the proposed upgrade, in terms of the South African Heritage Resources Management Act, 1999 (Act No 25 of 1999). Section 38 of the Act requires a cultural heritage assessment where the stipulations of subsection 1 pertain:

- (a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
- (b) the construction of a bridge or similar structure exceeding 50 m in length;
- (c) any development or other activity which will change the character of a site –
  - (i) exceeding 5 000 m<sup>2</sup> in extent; or
  - (ii) involving three or more existing erven or subdivisions thereof; or
  - (iii) involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
  - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
- (d) the re-zoning of a site exceeding 10 000m<sup>2</sup> in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.

## Methodology

Two eThembeni staff members surveyed the area on 23 October 2002, both on foot and in a vehicle, using 1:50 000 topographic maps and 1:10 000 aerial photographs. Since a permit from the South African Heritage Resources Agency (SAHRA) is required to disturb archaeological sites in the Eastern Cape Province, we limited our observations to surface cultural remains, without undertaking excavations or sampling of any nature.

## Observations

As stated, the proposed road upgrade follows the current alignment closely. For the most part the road reserve and adjacent areas are highly eroded or otherwise disturbed, particularly in settlement where informal tracks abound. Moreover, proposed quarries and borrow pits are situated adjacent to the road in disturbed areas that essentially are part of the road reserve.

The only visible heritage resource observed in the area of the proposed upgrade of DR08002 was the burial ground already noted by the project managers at a location 24.2 km from Lady Frere, on the left hand side of the road when travelling to Stokwe's Basin (photograph included in the project description submitted to SAHRA). According to guidelines for the assessment of site significance used by eThembeni (see Appendix), this collection of graves constitutes a heritage resource of high significance, since it is associated with a living community and traditional practices.

The National Heritage Resources Management Act, 1999 contains clear guidelines for the management of this site:

### 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 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 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.

- Subsections 3(b) and (c) and subsection 5 pertain if the burial ground is older than 60 years. If the affected individual or community agreed to exhumation and re-interment of the graves, the person undertaking the work would apply to SAHRA for the necessary permit. All work undertaken would be for the cost of the developer.
- If the burial ground is younger than 60 years, no permit from SAHRA is necessary to undertake exhumation and re-interment. Again, all work undertaken would be for the cost of the developer.

## **Summary of findings in terms of the South African Heritage Resources Management Act, 1999 Section 38(3)**

### **(a) the identification and mapping of all heritage resources in the area affected**

The location of the burial ground has been mapped by the project managers (map supplied with the hard copy of this report).

### **(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7**

eThembeni assessed the impact of the proposed road upgrade in terms of the principles for heritage resources management contained in Sections 5 and 6 of the Act, read in conjunction with Section 3(3). These sections stress the intrinsic value and vulnerability of heritage resources and the obligation of the state to manage them carefully to ensure their survival for future generations. Section 5(4) states further that

‘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’.

eThembeni has also developed site significance criteria for use and interpretation only by experienced cultural heritage managers with extensive site evaluation experience (see Appendix). According to these guidelines this collection of graves constitutes a heritage resource of high significance, since it is associated with a living community and traditional practices.

### **(c) an assessment of the impact of development on such heritage resources**

The burial ground is situated within the road reserve and will be altered, damaged or destroyed if the road upgrade follows the proposed new alignment.

### **(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development**

The social and economic benefits far outweigh the possible negative effects on known heritage resources, if the requirements of (e), (f) and (g) below are met. In addition, the project description submitted to SAHRA states that ‘all interested and affected parties scoped during the environmental assessment expressed overwhelming support for the upgrade. No objections were raised as to the proposed realignments or bridge works’.

- (e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources**

Consultation to be undertaken by the project managers as an extension of accepted public participation and scoping processes.

- (f) if heritage resources will be adversely affected by the proposed development, the consideration of alternatives**

Dependent upon negotiations with the affected families, as prescribed in Section 36(5) of the National Heritage Resources Act, 1999 and procurement of the necessary permit from SAHRA.

- (g) plans for mitigation of any adverse effects during and after completion of the proposed development**

As in (f) above.

We recommend that the client submit this report to SAHRA in fulfilment of the requirements of the National Heritage Resources Management Act, 1999. According to Section 38(4) of the Act:

The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development, decide –

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

However, if permission is granted for development to proceed, the client is reminded that the Act requires that a developer cease all work immediately and notify SAHRA should any heritage resources, as defined in the Act, be uncovered during the course of development activities.

**APPENDIX****SIGNIFICANCE AND VALUE OF ARCHAEOLOGICAL SITES****Southern African Iron Age**

	Low	Medium	high
Unique or type site			Yes
Formal protection			Yes
Spatial patterning	?Yes	?Yes	?Yes
Degree of disturbance	75 – 100%	25 – 74%	0 – 24%
Organic remains (list types)	0 – 5 / m <sup>2</sup>	6 – 10 / m <sup>2</sup>	11 + / m <sup>2</sup>
Inorganic remains (list types)	0 – 5 / m <sup>2</sup>	6 – 10 / m <sup>2</sup>	11 + / m <sup>2</sup>
Ancestral graves			Present
Horizontal extent of site	< 100m <sup>2</sup>	101 – 1000m <sup>2</sup>	1000 + m <sup>2</sup>
Depth of deposit	< 20cm	21 – 50cm	51 + cm
Spiritual association			Yes
Oral history association			Yes
➤ Research potential			High
➤ Educational potential			High

Please note that this table is a tool to be used by qualified cultural heritage managers who are also experienced site assessors.