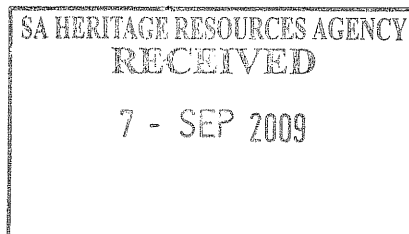


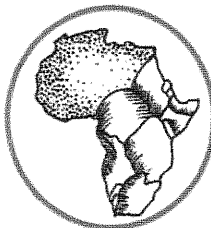
PHASE 1 HERITAGE IMPACT ASSESSMENT

**FOR THE PROPOSED CONSTRUCTION OF A NEW WASTE WATER TREATMENT
AND SEWAGE PIPELINE ON PORTION 32 OF THE FARM MORGENZON 466-IS,
LEKWA LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.**



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EXECUTIVE SUMMARY

Archaeology Africa cc was appointed by *Africon (Pty) Ltd* to undertake a Phase 1 Heritage Impact Assessment in terms of the proposed construction of a new waste water treatment and sewage pipeline feeding into the Morgenzon works. The proposed construction is located on Portion 32 of the farm Morgenzon 466-IS, Lekwa Local Municipality, Mpumalanga Province (refer Annexure A Locality Plan). The developer responsible for the project is the Lekwa Local Municipality. This study forms part of the comprehensive Environmental Scoping and Environmental Impact Assessment undertaken by *Africon (Pty) Ltd*.

Two heritage sites in the form of abandoned homesteads with associated cattle enclosures were identified along the proposed pipeline route. An assessment of the significance of each site was made and mitigation measures proposed (see Section 4). No heritage sites were identified for the two alternative sewage work sites.

It is the opinion of the author of this report that from a heritage point of view and on the condition that the mitigation measures contained in this report are undertaken, the development may continue.

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1. PROJECT BACKGROUND

Archaeology Africa cc was appointed by *Africon (Pty) Ltd* to undertake a Phase 1 Heritage Impact Assessment in terms of the proposed construction of a new waste water treatment and sewage pipeline feeding into the Morgenzon works. The proposed construction is located on Portion 32 of the farm Morgenzon 466-IS, Lekwa Local Municipality, Mpumalanga Province. The developer responsible for the project is the Lekwa Local Municipality. This study forms part of the comprehensive Environmental Scoping and Environmental Impact Assessment undertaken by *Africon (Pty) Ltd*.

2. DESCRIPTION OF STUDY AREA AND PROPOSED DEVELOPMENT

2.1 Study Area

As indicated above the proposed development area consists of Portion 32 of the farm Morgenzon 466-IS. The landscape can be described as undulating, rocky and covered in grass. The Grootdraai Dam is located to the south of the proposed pipeline and is situated on the Osspruit.

Morgenzon (and Sivukile) is located to the east of the study area, the road between Morgenzon and Standerton (R39) to the south and the Bethal-Morgenzon railway line to the north.

2.2 Proposed Development

The project consists of the proposed construction of a waste water treatment and sewage pipeline from an existing pump station just north-west of Sivukile in the east to the existing sewage works in the west. The proposed pipeline is approximately 2km in length. Refer Annexure A Locality Plan and Annexure B Site Distribution Map.

As part of the study two alternative sites for the establishment of sewage works were also assessed.

No alternate pipeline routes to the one discussed above was provided or assessed.



Plate 1 View across the Osspruit of the existing pump station at Sivukile.

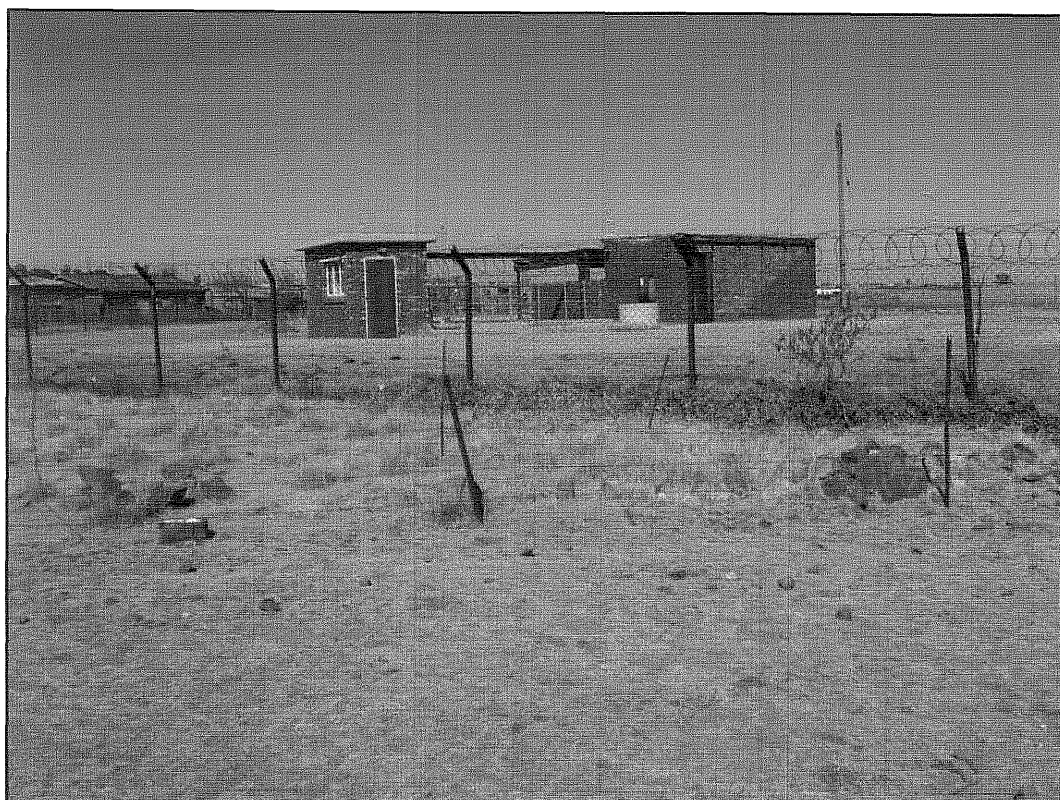


Plate 2 Closer view of the pump station at Sivukile.



Plate 3 An existing pipeline and the Osspruit are visible in the foreground with Sivukile in the back.

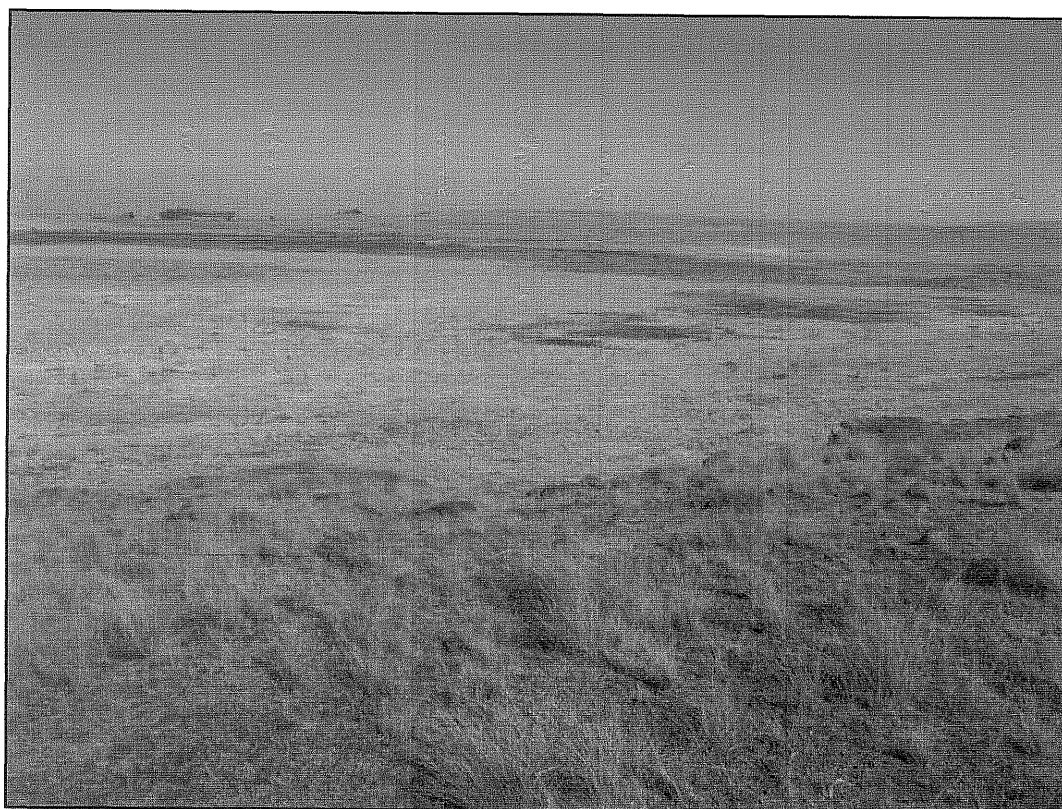


Plate 4 General view of the study area.



Plate 5 General view of the first alternative sewage works site.



Plate 6 General view of second alternative sewage works site.

3. METHODOLOGY

3.1 Desktop Study

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

3.2 Field Surveys

The field survey took place on Wednesday, 13 August 2008. The survey was conducted on foot.

Location data was captured with a Garmin MAP60CS handheld GPS receiver, loaded with a Garmap South Africa Topographic & Recreation v1.00 base map only when accuracy greater than 6m was indicated by the instrument. The location data was manipulated using GIS software. Photographs were taken with a Canon Powershot A550 digital camera.

3.3 Consulting with Local Interested and/or Affected Parties

A public participation process was undertaken by *Africon (Pty) Ltd* which consisted of the following:

- Notices were erected on site and at the offices of the Lekwa Municipality
- Letters were sent to the various adjacent landowners as well as the Municipal Manager, Ward Councillor and Executive Major
- A press advertisement was placed in the *Standerton Advertiser* on 7 March 2008
- Flyers inviting the public to register as interested parties were distributed.

No issues with regards to heritage were raised during the process.

3.4 Aspects regarding Visibility and Constraints

Not subtracting in any way from the comprehensiveness of the fieldwork undertaken, it is necessary to realise that the heritage resources located during the fieldwork do not necessarily represent all the heritage resources located there. This may be due to various

reasons, including the subterranean nature of some archaeological sites and dense vegetation cover. As such, should any heritage features and/or objects not included in the present inventory be located or observed, a heritage specialist must immediately be contacted. Such observed or located heritage features and/or objects may not be disturbed or removed in any way until such time that the heritage specialist has been able to make an assessment as to the significance of the site (or material) in question. This is true for graves and cemeteries as well.

4. FINDINGS

4.1 Desktop Study Findings

4.1.1 Cartographic findings

4.1.1.1 Amersfort Sheet of the Major Jackson Series, December 1900

Figure 1 below depicts an enlarged section of the Amersfort sheet of the Major Jackson Series (National Archives, Maps, 3/610). This series was produced during the South African War (1899-1902) by the Mapping Section of the Field Intelligence Department under the supervision of Major R.M. Jackson. The sheet is dated to December 1900.

No sites are indicated within the proposed development area and direct surroundings (see red dotted line). The only features depicted on the farm as a whole are a homestead (marked in green) and a number of roads. At the time the roads from Standerton (west), Bethal (north), Ermelo (east) and Amersfoort (south) met at a point situated near the south-eastern corner of the farm (see pink arrow).

4.1.1.2 2629DA Topographical Sheet, 1963

Figure 2 below depicts an enlarged section of the First Edition of the 2629DA Topographical Sheet. The map is based on aerial photography undertaken in 1955 while the actual survey took place in 1962. The sheet was drawn in 1963 by the Trigonometrical Survey Office and printed in 1964 by the Government Printer in Pretoria.

One 'hut' is depicted within the proposed pipeline route (see green arrow) while another is shown directly to the north (pink arrow). The remains of these two homesteads were located during the field survey and are discussed in this report as Site 1 (see pink arrow) and Site 2 (see green arrow). A 'hut' is also shown within the second alternative sewage works site (see blue arrow). As the map was based on aerial photography undertaken in 1955 and surveys undertaken in 1962, it seems likely that these features are all older than 60 years.

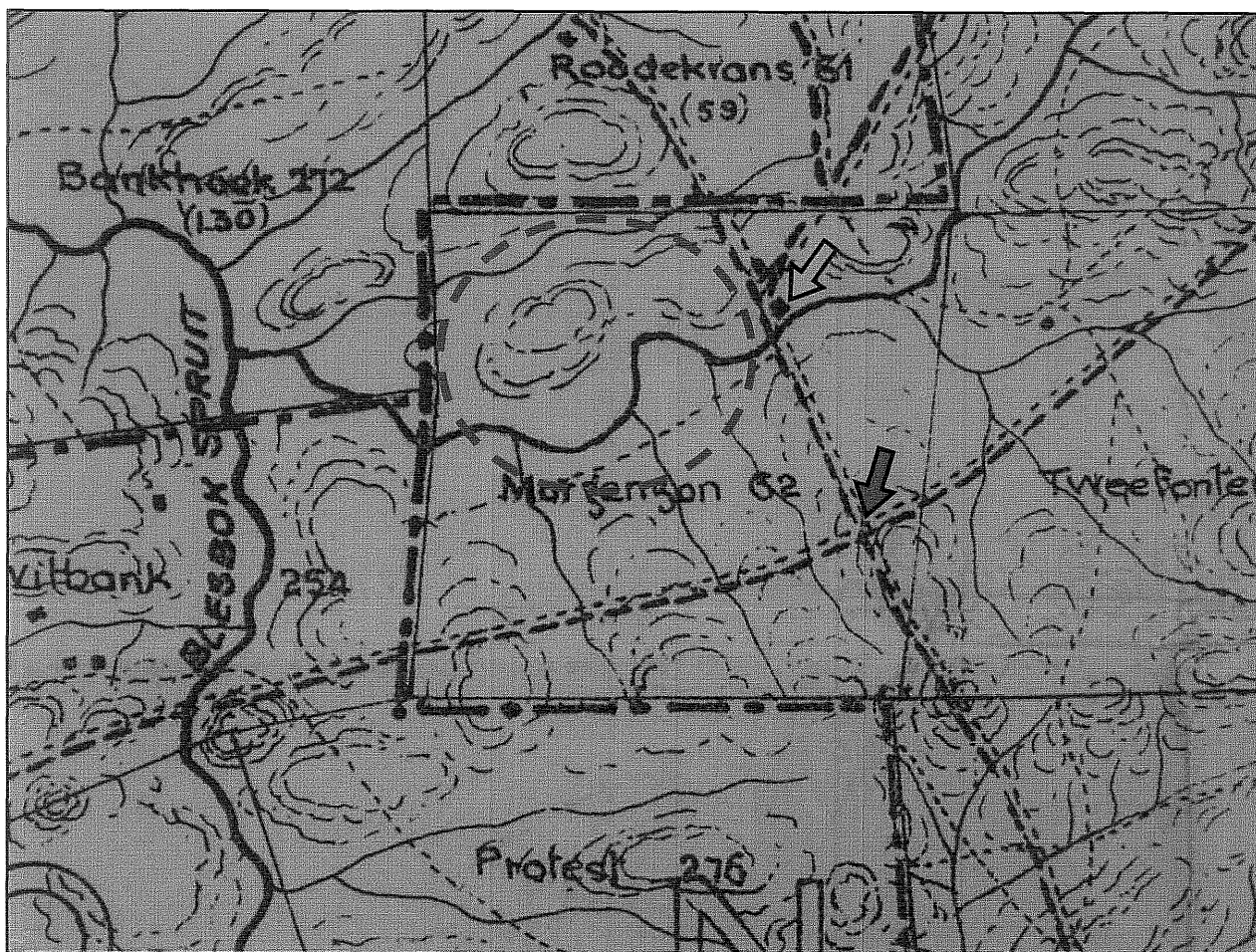


Figure 1 Enlarged section of the Amersfort sheet of the Major Jackson Series. The approximate position of the study area and direct surroundings is marked in red dotted line.

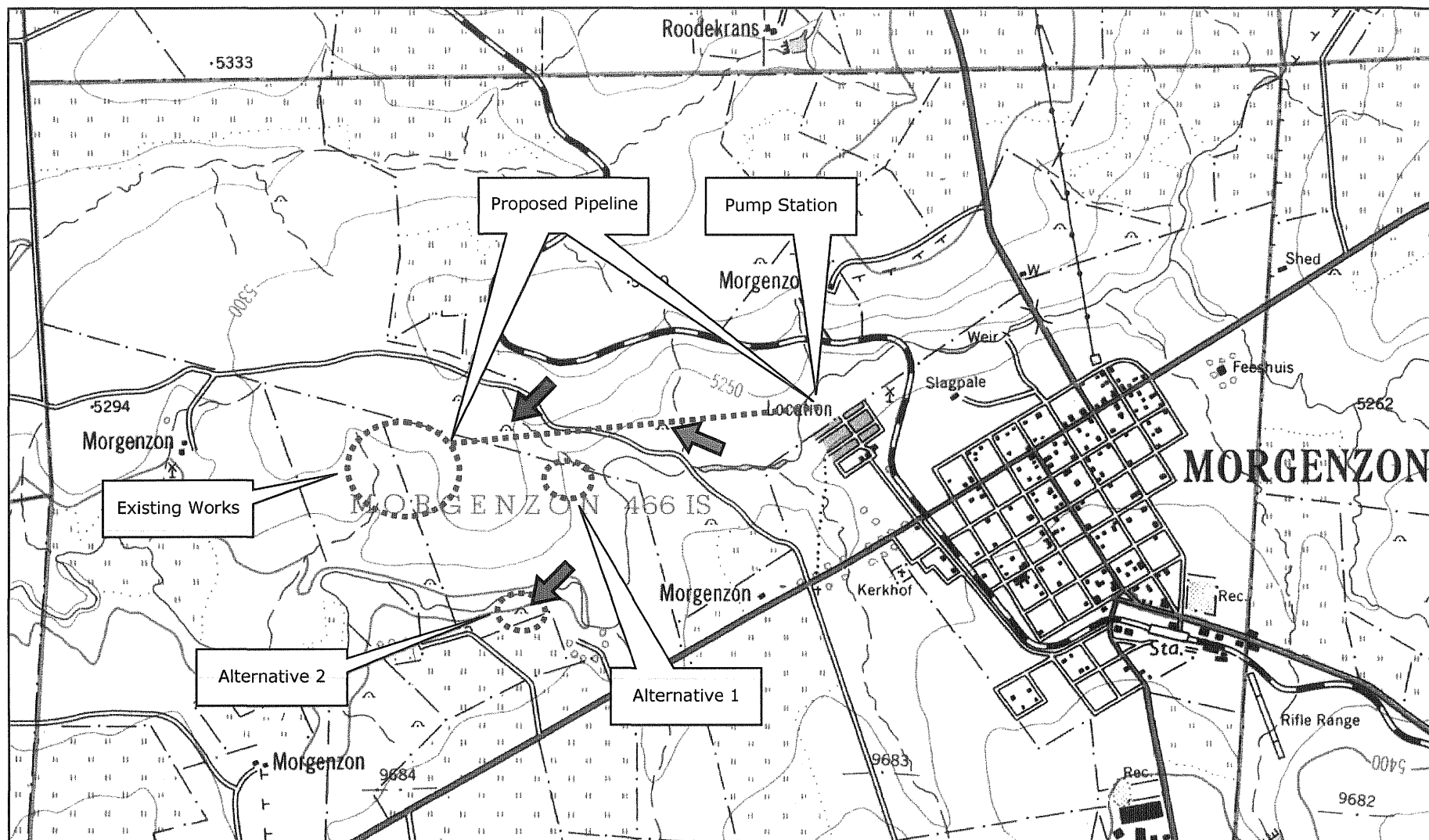


Figure 2 Enlarged section of the First Edition of the 2629DA Topographical Sheet which is based on aerial photography undertaken in 1955.

4.1.2 Early farm ownership history

The farm Morgenzon 466-IS (first numbered 136 and subsequently 63) was first inspected on the 24th of January 1868 by G. J. Joubert. It was awarded by Government on the 5th of February 1869 to its first owner Fredrik Rudolphus Janse van Rensburg.

On the 21st of July 1870 the farm was transferred from Janse van Rensburg to Johannes Louisies Wilhelmus de Jager. The entire farm remained in his possession for the next 35 years. On the 22nd of August 1905 a portion of the farm was transferred from J.L.W. de Jager to Willem Hendrick Boshoff. Shortly thereafter, on the 1st of December 1905, this portion was transferred from the Estate of W.H. Boshoff to Martha Maria Elizabeth Boshoff and Isak Johannes Boshoff.

In 1913 a portion of the farm was certified in the name of Johannes Louisies Wilhelmus de Jager as the Townlands of Morgenzon Township. It was transferred to the Governor General of the Union of South Africa who acted as trustee for a municipal council that was to be established. In 1917 another portion of the farm was transferred from J. L. W. de Jager to the Government of the Union of South Africa as part of Morgenzon and in 1920 a further portion was transferred to the Village Council of Morgenzon.

In 1924 the Village Council of Morgenzon transferred a portion of the Morgenzon Townlands to Government Railways and Harbours.

Between 1925 and 1935 the farm remained in the De Jager family's possession, being passed on from one member of the family to the next.

4.1.3 Morgenzon and Sivukile

From the farm ownership history outlined above it is evident that the town of Morgenzon was established during the first quarter of the 20th century, and likely during 1913.

The earliest reference to Sivukile that could be found is correspondence that was sent from the Prime Minister's Office to the Governor General requesting his approval in terms of Ordinance No. 17 of 1905 and section 147 of the South African Act of 1909 for the assumption of control by the Village Council of Morgenzon over the "Native Location" situated on a portion of the Townlands of Morgenzon. The Governor General's approval was also requested for the institution of a monthly charge of six shillings to be paid by each stand holder. Both requests were approved on the 28th of December 1921.

4.2 Social Consultation Findings

No heritage issues were raised during the public participation process.

4.3 Survey Findings

4.3.1 Site 1

4.3.1.1 Coordinates

S 26,73238

E 29,59676

4.3.1.2 General Site Description

Site 1 comprises the remains of an abandoned homestead and associated cattle enclosure. The homestead consists of a rectangular main building (15m x 5m) which is divided into three rooms of roughly equal size. A small, square structure flanks the main building to the west and is approximately 5m x 5m in extent. A second small square structure is located on the eastern side of the main building and measures approximately 7m x 7m. The cattle enclosure is located approximately 25m south of the main building and is square shaped measuring approximately 20m x 20m.

The dilapidated remains of the structures consist of thick but collapsed stone walls which vary between 0.7m and 1m in thickness. Most of the walls are quite low though some sections of walling approximately 1m in height were observed.

As indicated under Figure 2 this site appears to be depicted on the First Sheet of the 2629DA Topographical Sheet that was surveyed in 1962. This means that the site is at least 46 years old. Although the exact age of the homestead and its associated structures are still unknown, it seems very likely that the structures are older than 60 years.

The site can be interpreted as an abandoned black homestead and may likely have been the accommodation of farm workers. Past experience has shown that in some cases stillborn babies were buried close to the homes of their parents and especially along the sides of the dwellings. These graves were seldom marked with surface dressings. As the site appear to have been abandoned some time ago, no direct information with regards to the presence (or not) of graves here has been found.

4.3.1.3 Current Protection Status

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

Graves and burial grounds fall under various legislative protections, depending on factors such as where the grave is located as well as its age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance No. 7 of 1925), the Human Tissue Act 65 of 1983, the Ordinance on Excavations (Ordinance No. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C for a more detailed outline of the legislation discussed here.

4.3.1.4 Site Significance

Until such time that the presence of a grave(s) here has been confirmed or disproved, the site must be viewed as containing a grave. All graves and burial graves have high level of emotional, religious and in some cases historical significance. As a result the site must be deemed to be of **High Significance** until such time that the existence of a grave here has been established.

Without the presence of a grave(s) the site is of **Low Significance**.

4.3.1.5 Impact of Proposed Development on Site

The GPS coordinate recorded for the site was plotted on the 1:50 000 sheet. When the layout of the proposed pipeline was placed on the same sheet it became evident that the site is located to the north of the proposed pipeline (refer Annexure B Site Distribution Map). However, as the cattle enclosure is located 25m to the south of the homestead it seems likely that at least the southern component of the site will be impacted upon by the proposed pipeline development.

4.3.1.6 Mitigation

As it is presently uncertain what the exact impact of the proposed pipeline on the site would be, the first step in the mitigation comprises a visit to the site in the company of the project land surveyor to establish whether it is located within the development footprint of the proposed pipeline. If the site is located more than 10m away from the pipeline footprint, the following mitigation would be required:

- Compilation of a site management plan with which the preservation of the site during the construction and operational phases can be ensured.

Should it be established that the site (or components thereof) is located within the pipeline development, two options exist. The first of these is for the layout of the pipeline to be altered slightly to allow the pipeline to pass the site without having any direct impact on it. If such a measure would be too costly or impractical, the following mitigation measures will have to be followed.

The National Heritage Resources Act 25 of 1999 states that no structures older than 60 years may be altered or demolished without a permit from the relevant heritage authority. The following mitigation measures are recommended for the structures:

- Measured drawing of a site layout plan.
- Photographic recording.
- Compiling the drawings, photographic recordings and descriptions into a report.
- Submit report to the relevant heritage authority to acquire a destruction permit.

Once the destruction permit is acquired, the following mitigation measures must be undertaken to address the possible presence of graves:

- All located structures must be investigated by way of test excavations. These excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave (or graves) is found, or alternatively that no such evidence is found. If no evidence for graves is found, the site can be destroyed. However, should evidence for a grave be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation component to try and identify the family of the deceased.



Plate 7 View of one of the structures from the homestead.

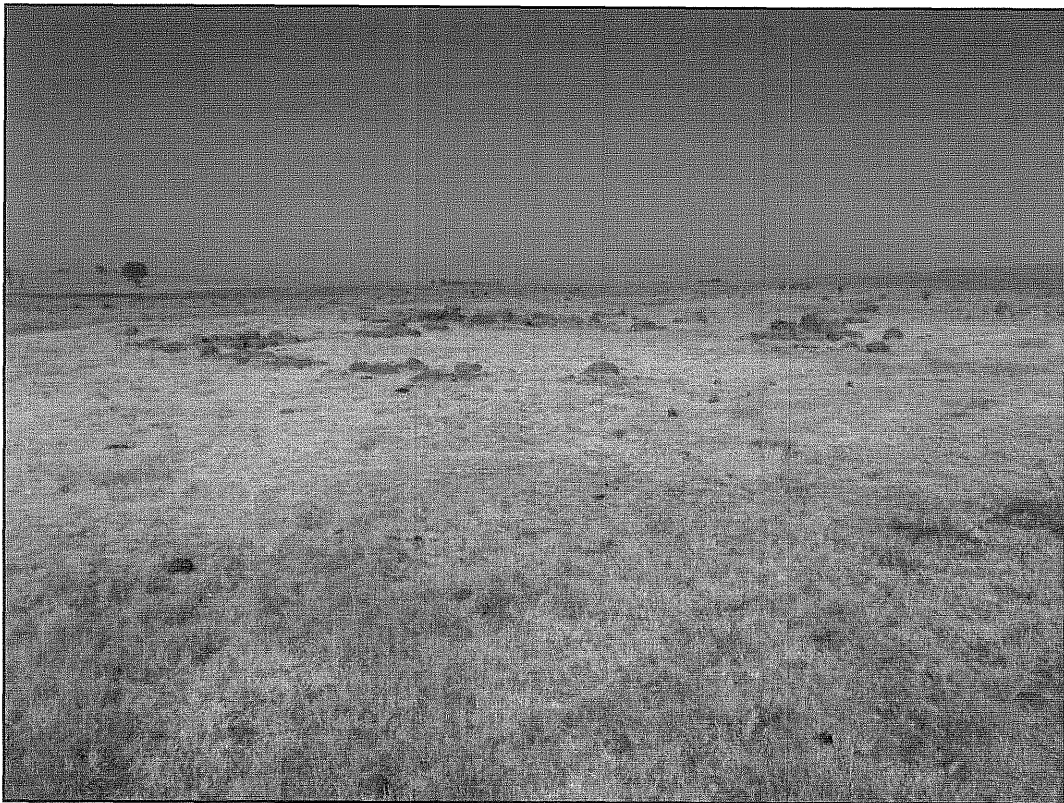


Plate 8 The cattle enclosure from Site 1.

4.3.2 Site 2

4.3.2.1 Coordinates

S 26,73277

E 29,59013

4.3.2.2 General Site Description

Site 2 comprises the remains of an abandoned homestead and its associated cattle enclosure. The homestead is comprised of five separate structures namely three square structures (two of which are 5m x 5m in extent and the third 7m x 7m in extent) and two rectangular structures (both 10m x 5m in extent). The livestock enclosure is situated approximately 10m to the west of the homestead. It is square shaped and measures approximately 20m x 20m.

The dilapidated remains of the structures consist of thick but collapsed stone walls which vary between 0.7m and 1m in thickness. Most of the walls are quite low though some sections of walling approximately 1m in height still remain.

As indicated under Figure 2 this site appears to be depicted on the First Sheet of the 2629DA Topographical Sheet that was surveyed in 1962. This means that the site is at least 46 years old. Although the exact age of the homestead and its associated structures are unknown, it seems very likely that the structures are older than 60 years.

The site can be interpreted as an abandoned black homestead and may likely have been the accommodation of farm workers. Past experience has shown that in some cases stillborn babies were buried close to the homes of their parents and especially along the sides of the dwellings. These graves were seldom marked with surface dressings. As the site appear to have been abandoned some time ago, no direct information with regards to the presence (or not) of graves here has been found.

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

Graves and burial grounds fall under various legislative protections, depending on factors such as where the grave is located as well as its age. Such legislation may include the National Heritage Resources Act 25 of 1999, the Removal of Graves and Dead Bodies Ordinance (Ordinance No. 7 of 1925), the Human Tissue Act 65 of 1983, the Ordinance on Excavations (Ordinance No. 12 of 1980) as well as any local and regional provisions, laws and by-laws that may be in place. Refer Annexure C for a more detailed outline of the legislation discussed here.

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Without the presence of a grave(s) the site is of **Low Significance**.

4.3.2.5 Impact of Proposed Development on Site

The GPS coordinate recorded for the site was plotted on the 1:50 000 sheet. When the layout of the proposed pipeline was placed on the same sheet it became evident that the site is located within the development footprint of the proposed pipeline (refer Annexure B Site Distribution Map).

4.3.2.6 Mitigation

The first step in the mitigation comprises a visit to the site in the company of the project land surveyor to confirm whether it is located within the development footprint of the proposed pipeline. If the site is located more than 10m away from the pipeline footprint, the following mitigation would be required:

- Compilation of a site management plan with which the preservation of the site during the construction and operational phases can be ensured.

Should it be established that the site (or components thereof) is located within the pipeline development, two options exist. The first of these is for the layout of the pipeline to be altered slightly to allow the pipeline to pass the site without having any direct

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Once the destruction permit is acquired, the following mitigation measures must be undertaken to address the possible presence of graves:

- All located structures must be investigated by way of test excavations. These excavations will result in one of two outcomes, namely that evidence (i.e. skeletal material, coffin remains etc.) for the existence of a grave (or graves) is found, or alternatively that no such evidence is found. If no evidence for graves is found, the site can be destroyed. However, should evidence for a grave be found, the excavation pit must be backfilled upon which a standard grave relocation process must take place. Such a process must always be undertaken in full cognisance of the relevant legislation, and must include a detailed social consultation component to try and identify the family of the deceased.

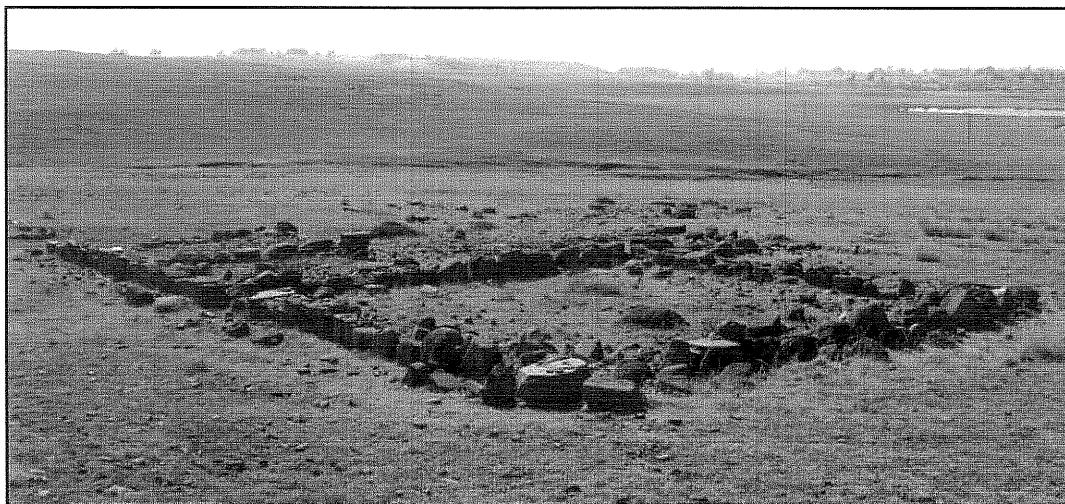


Plate 9 General view of a section of Site 2.

5. HERITAGE REQUIREMENTS IN TERMS OF SECTION 38 (3) OF THE NATIONAL HERITAGE RESOURCES ACT NOT DEALT WITH IN THE PREVIOUS SECTION.

5.1 “The identification and mapping of all heritage resources in the area affected”

This requirement was suitably addressed under Section 4.

5.2 “A(a)n 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 following section was obtained from *Africon (Pty) Ltd*.

The current waste water treatment works for the town of Morgenzon consists of a series of oxidation ponds. The waste water generated from the town drains into the pump station, where it is then pumped into the oxidation ponds for treatment and disposal.

Due to the vandalism and theft of the current infrastructure, the current waste water treatment facility is no longer operable; there is leakage of effluent from the oxidation ponds into the ground water and an increase in the volume of effluent from the town to be treated.

The project aims to upgrade the infrastructure to accommodate the increase in effluent from the town, to prevent the further contamination of ground water and to allow for the disposal of the effluent, once treated, into the Osspruit which is tributary into the Grootdraai Dam.

If a comparison is drawn between the mitigated impact of the proposed development and the benefits to be derived from the project, it is evident that the benefits clearly outweigh the envisaged heritage impacts.

5.3 “T(t)he results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;”

A public participation process for the proposed development has been undertaken. No issues with regards to heritage were raised during this process.

6. CONCLUSIONS AND GENERAL RECOMMENDATIONS

Archaeology Africa cc was appointed by *Africon (Pty) Ltd* to undertake a Phase 1 Heritage Impact Assessment in terms of the proposed construction of a new waste water treatment and sewage pipeline feeding into the Morgenzon works. The proposed construction is located on Portion 32 of the farm Morgenzon 466-IS, Lekwa Local Municipality, Mpumalanga Province. The developer responsible for the project is the Lekwa Local Municipality. This study forms part of the comprehensive Environmental Scoping and Environmental Impact Assessment undertaken by *Africon (Pty) Ltd*.

Two heritage sites in the form of abandoned homesteads with associated cattle enclosures were identified along the proposed pipeline route. An assessment of the significance of each site was made and mitigation measures proposed (see Section 4). No heritage sites were identified for the two alternative sewage work sites.

It is the opinion of the author of this report that from a heritage point of view and on the condition that the mitigation measures contained in this report are undertaken, the development may continue.

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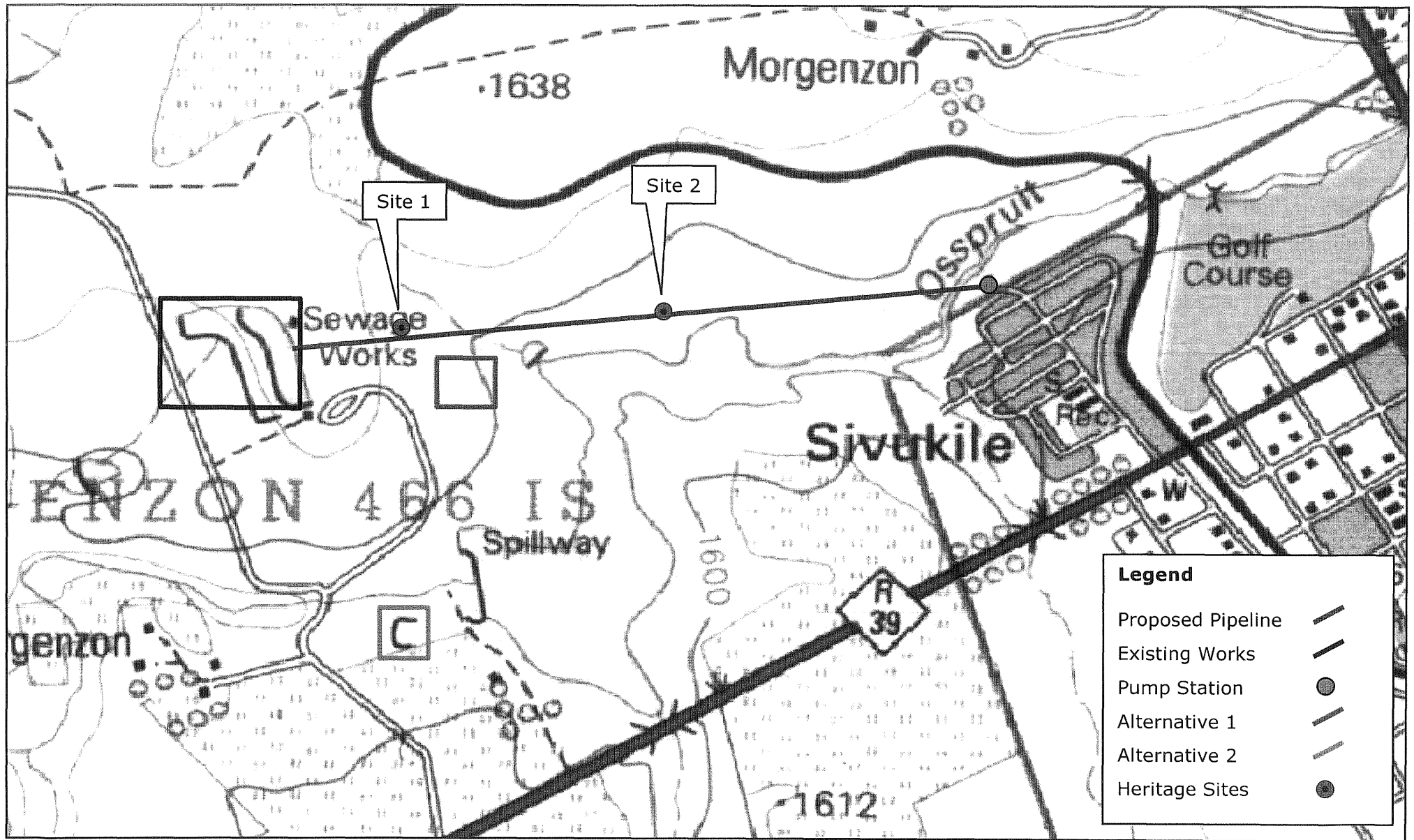
ARCHIVAL MAPS

Maps, 3/610

ANNEXURE A – LOCALITY PLAN

Map supplied by *Africon (Pty) Ltd*

ANNEXURE B – SITE DISTRIBUTION MAP



ANNEXURE C – LEGISLATIVE FRAMEWORK

LEGISLATIVE FRAMEWORK

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

1. National Heritage Resources Act 25 of 1999

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

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

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

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

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

Structures are defined by the Heritage Resources Act as *"...any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated with it."* In section 34 of the Act the general protection for structures is stipulated. It is important to note that only structures older than 60 years are protected. Section 34(1) of the National Heritage Resources Act reads as follows: *"No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority."*

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

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

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

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

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

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

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

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

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

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

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

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

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

"Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority–

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

interment of the contents of such grave or, in the absence of such person or community, make any arrangements as it deems fit.”

2. Other Legislation

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