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**STATUS QUO REPORT
FOR THE PROPOSED CONSTRUCTION OF 2.5ML RESERVOIR IN JEROME VILLAGE
WITHIN COLLINS CHABANE LOCAL MUNICIPALITY OF LIMPOPO PROVINCE.**

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January 2021

Executive Summary

Local Authority: Collins Chabane Local Municipality

Property Name: Jerome

Magisterial Authority: Vhembe District Municipality

Developer: Vhembe District Municipality

Type of Development: Construction of 2.5ml reservoir

Status of the Report: Final Report

Date of field work: January 2021

Date of report: January 2021

Purpose of the Study

The purpose of this study is to investigate the status quo of the identified grave within the area proposed for construction of 2.5ml reservoir next to an old reservoir and north western side of Malamulele town along road R81, Collins Chabane Local Municipality of Vhembe District Municipality, Limpopo Province, SA. The aim of the study within the proposed development area is to assess the significance, the impact of the development on the heritage resources and to provide relevant mitigation measures in order to alleviate impacts to the heritage resources. An assessment of impacts on heritage resources defined in section 3 of the NHRA, heritage assessment is required in terms of section 38 of the NHRA.

South Africa's historical, archaeological and paleontological heritage resources are unique and non-renewable as defined in section 3 of the NHRA. Heritage Resources as defined in section 3 of the NHRA are given "formal" protection in terms of section 27-29 and 31-32 of the NHRA and "general" protection in terms of sections 33,34,35,36 and 37 of the NHRA. Therefore, no damage, destruction or alteration may occur to heritage resources without a permit issued by a relevant heritage authority.

An assessment of impacts on heritage resources of a development is required in terms of section 38(1 and 8) of the NHRA. Where possible, heritage resources should

be preserved *in situ* and conserved for future generations. This can be achieved through a monitoring and management plan that may be stipulated in the conditions issued on a development by an authority as per section 38(4)c of the NHRA. Where it is not possible to retain the heritage resources *in situ*, and the heritage resources are not deemed significant, the loss of information can be reduced by recording and mitigation of the heritage resources through a process of excavation (or sampling) as a condition on the development in terms of section 38(4)d and e, after obtaining a permit from the relevant Heritage Resources Authority (HRA), at the cost of the developer. This allows us to record a part of the history of the place as part of the national inventory. Assessment and mitigation in the early phase of the development may save the developer considerable delays and related costs.

Site name and location: The proposed construction of 2.5ml reservoir next to an old reservoir and north western side of Malamulele town along road R81, Collins Chabane Local Municipality of Vhembe District Municipality, Limpopo Province, SA.

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 which are located during the survey. A survey of the relevant literature was conducted with the aim of reviewing the previous research documents and determining the potential of the area. In this regard, various anthropological, archaeological and historical sources were consulted.

The historical data and cartographic resources represents a critical additional tool for locating and identifying heritage resources and in determining the historical and cultural context of the study area. The internet literature search was conducted and relevant archaeological and historical texts were also consulted. Relevant topographic maps old and new satellite imagery were studied.

Researching the SAHRIS online database (<http://www.sahra.org.za/sahris>), it was determined that very few archaeological studies had been performed in the vicinity of study area. Previous studies listed for the area in the Report Mapping Project included a number of surveys within the wider vicinity which are listed below:

Roodt, H. 1999. Phase 1 Archaeological Impact Assessment Vodacom Mast McKenzie, Giyani Northern Province. An unpublished report by R & R Cultural Resource Consultants on file at SAHRA as 1999-SAHRA-0069.

Van Schalkwyk, J.A. 2001a. Archaeological Investigation of Iron Smelting Site Mut 41, in the Nandoni Dam, Thohoyandou District, Northern Province. An unpublished report by the National Cultural History Museum on file at SAHRA as 2001-SAHRA-0006.

Van Schalkwyk, J.A. 2001b. A Survey of Cultural Resources in Three Areas of Nandoni Dam, Thohoyandou, Northern Province. An unpublished report by the National Cultural History Museum on file at SAHRA as 2001-SAHRA-0040.

Murimbika, M. 2006. Archaeological Impact Assessment Study for the Proposed Construction of Electricity Distribution Powerlines Within, Limpopo Province. An unpublished report by Nzumbululo Heritage Solutions on file at SAHRA as 2006-SAHRA-0443.

Gaigher, S. & Hutten, M. 2007. Heritage Impact Assessment for the Proposed Malamulele Shopping Complex and High School, Malamulele Area, Limpopo Province. An unpublished report by Archaeo-Info on file at SAHRA as 2007-SAHRA-0351.

Munyai, R. & Roodt, F. 2008. Phase 1 Heritage Impact Assessment an Archaeological Investigation of a Proposed Magona Filling Station Within Vhembe District Municipality, Limpopo Province. An unpublished report by Vhufa Hashu Heritage Consultants on file at SAHRA as 2008- SAHRA-0490.

Murimbika, M. 2008. Phase 1 Cultural and Archaeological Heritage Impact Assessment Specialist Study for the Proposed Township Establishment at Malamulele in the Thulamela Local Municipality of Vhembe District, Limpopo Province. An unpublished report by Nzumbululo Heritage Solutions on file at SAHRA as 2008-SAHRA-0501.

Acknowledgements:

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.....
Archaeologist and Heritage Consultant

EXPLANATION OF ABBREVIATIONS USED IN THIS DOCUMENT

AIA	Archaeological Impact Assessment
ASAPA	South African Archaeological Professional Association
CMP	Conservation Management Plan
EIA	Early Iron Age
EMP	Environmental Management Plan
ESA	Early Stone Age
GPS	Geographical Positioning System
HIA	Heritage Impact Assessment
HMP	Heritage Management Plan
ICOMOS	International Council of Monuments and sites
LIA	Late Iron Age
LSA	Late Stone Age
MIA	Middle Iron Age
MSA	Middle Stone Age
NASA	National Archives of South Africa
NHRA	National Heritage Resources Agency
PRHA	Provincial Heritage Resources Authority
SAHRA	South African Heritage Resources Agency
SAHRIS	South African Heritage Resources Information System
VHHC	Vhufa Hashu Heritage Consultants

TABLE OF CONTENTS

CONTENT	PAGE
EXECUTIVE SUMMARY	2
ACKNOWLEDGEMENTS:	5
1. INTRODUCTION	8
2. TERMS OF REFERENCE	8
3. DESCRIPTION OF THE AFFECTED AREA	9
2. RELEVANT LEGISLATION.....	12
2.1. THE NATIONAL HERITAGE RESOURCE ACT (25 OF 1999).....	12
2.2. THE HUMAN TISSUE ACT (65 OF 1983)	15
4. TERMINOLOGY	15
6. METHODOLOGY	17
SOURCE OF INFORMATION.....	17
7. ASSESMENT CRITERIA.....	18
7.4 SITE SIGNIFICANCE.....	19
7.5 IMPACT RATING.....	20
7.6 CERTAINTY.....	21
7.7 DURATION.....	21
7.8 MITIGATION.....	22
8. THE SIGNIFICANCE OF GRAVES AND BURIAL SITES.....	22
<i>Burial grounds and graves</i>	22
<i>Significance valuation Burial Ground, Historic Cemeteries and Graves</i>	23
9. CONCLUSIONS AND RECOMMENDATIONS	24
10. REFERENCE	25
APPENDIX A: PROCESS OF GRAVE EXHUMATION.....	26

1. INTRODUCTION

Mpumalanga Department of Human Settlement commissioned studies for the proposed construction of Jerome 2.5ml reservoir, Collins Chabane Local Municipality. Nemda Company was appointed to handle planning, design and supervision of the proposed project. They appointed Vhufahashu Heritage Consultants to conduct Heritage Impact Assessment and re-internment of possible graves to a nearby cemetery.

The National Heritage Resources Act (NHRA - Act No. 25 of 1999) protects all structures and features older than 60 years (section 34), archaeological sites and material (section 35) graves and burial sites (section 36). In order to comply with the legislations, the Applicant requires information on the heritage resources, and their significance that occur in the demarcated area. This will enable the Applicant to take pro-active measures to limit the adverse effects that the development could have on such heritage resources.

2. TERMS OF REFERENCE

The terms of reference for the study were to conduct heritage impact assessment and re-internment of possible graves located next to the proposed area for the proposed reservoir GPS S22°59'05.66" E30°41'38.35"

- ❖ Identify all objects, sites, occurrences and structures of an archaeological or historical nature (cultural heritage sites) located on proposed development area.
- ❖ Assess the significance of the cultural resources in terms of their archaeological, historical, scientific, social, religious, aesthetic and tourism value;
- ❖ Describe the possible impact of the proposed development on these cultural remains, according to a standard set of conventions;
- ❖ Propose suitable mitigation measures to minimize possible negative impacts on the cultural resources;
- ❖ Review applicable legislative requirements

3. DESCRIPTION OF THE AFFECTED AREA

Size of farm and portions:	
Magisterial District:	Vhembe District Municipality
Current zoning of the development:	Reservoir
1: 50 000 map sheet number:	
Central co-ordinate of the area:	S22°59'05.66" E30°41'38.35"

The proposed Construction of 2.5ml Jerome reservoir is located on Jerome on the north western side of Collins Chabane Local Municipality, Vhembe District of Limpopo Province.

One identified grave is marked by the cairns of stones next to the proposed area for the construction of 2.5ml reservoir. The identified grave is well preserved and in good condition, the construction of a reservoir and pipe lines infrastructure are planed around the grave, see.

The topography of the area is flat and has been severely altered over the past, and if any sites, features or objects of cultural (archaeological and historical) significance did exist here in the past it would have been disturbed or destroyed to a large degree. Visibility during the assessment was good. The field survey was conducted on the 07 January 2021. The survey covered the proposed area. Only one grave belongs to Maluleke family was identified within the proposed site for development. No archaeological sites or material remains were identified within the proposed site.



Figure 1: Locality Map.



Figure 2: 2003 Old Locality

Photographical record of the proposed site



2. RELEVANT LEGISLATION

Two sets of legislation are relevant for the study with regards to the protection of heritage resources. These are the National Heritage Resources Act (Act 25 of 1999) and the National Environmental Management Act (Act 107 of 1998).

2.1. The National Heritage Resource Act (25 of 1999)

This act established the South African Heritage Resource Agency (SAHRA) as the prime custodians of the heritage resources and makes provision for the undertaking of heritage resources impact assessment for various categories of development as determined by section 38. It also provides for the grading of heritage resources (section 7) and the implementation of a three-tier level of responsibility and functions from heritage resources to be undertaken by the State, Provincial and Local authorities, depending on the grade of heritage resources (section 8)

In terms of the National Heritage Resource Act 25, (1999) the following is of relevance:

Historical remains

Section 34 (1) 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.

Archaeological remains

Section 35(3) Any person who discover archaeological or paleontological object or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resource authority or the nearest local authority or museum, which must immediately notify such heritage resources authority.

Section 35(4) No person may, without a permit issued by the responsible heritage resources authority-

- ❖ destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or paleontological site or any meteorite;

- ❖ destroy, damage, excavate, remove from its original position, collect or own any archaeological or paleontological material or object or any meteorite;
- ❖ trade in ,sell for private gain, export or attempt to export from republic any category of archaeological or paleontological material or object or any meteorite; or
- ❖ bring onto or use at an archaeological or paleontological site any excavation equipment or any equipment which assist with the detection or recovery of metal or archaeological material or object or such equipment for the recovery of meteorites.

Section 35(5) When the responsible heritage resource authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or paleontological site is underway, and where no application for a permit has been submitted and no heritage resource management procedures in terms of section 38 has been followed, it may

- ❖ serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order
- ❖ carry out an investigation for the purpose of obtaining information on whether or not an archaeological or paleontological site exists and whether mitigation is necessary;
- ❖ if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph (a) to apply for a permit as required in subsection (4); and
- ❖ recover the cost of such investigation from the owner or occupier of the land on which it is believed an archaeological or paleontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.

Subsection 35(6) the responsible heritage resource authority may, after consultation with the owner of the land on which an archaeological or paleontological site or

meteorite is situated; serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

Burial grounds and graves

Section 36 (3) No person may, without a permit issued by SAHRA or a provincial heritage resources authority:

(i) 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

(ii) bring onto or use at a burial ground or grave any excavation equipment, or any equipment which assists in detection or recovery of metals.

Subsection 36 (6) Subject to the provision of any person who in the course of development or any other activity discover 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 resource authority which must, in co-operation with the South African Police service and in accordance with regulation of the responsible heritage resource authority-

(l) 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

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 arrangement as it deems fit.

Cultural Resource Management

Section 38(1) Subject to the provisions of subsection (7), (8) and (9), any person who intends to undertake a development*...

❖ must at the very earliest stages of initiating such development notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

development means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of the heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including:

- (i) Construction, alteration, demolition, removal or change of use of a place or a structure at a place;
- (ii) Any change to the natural or existing condition or topography of land, and
- (iii) Any removal or destruction of trees, or removal of vegetation or topsoil;

place means a site, area or region, a building or other structure

structure means any building, works, device or other facility made by people and which is fixed to the ground.

2.2. The Human Tissue Act (65 of 1983)

This act protects graves younger than 60 years, these falls under the jurisdiction of the National Department of Health and the Provincial Health Department. Approval for the exhumation and reburial must be obtained from the relevant provincial MEC as well as relevant Local Authorities.

4. TERMINOLOGY

The Heritage impact Assessment (HIA) referred to in the title of this report includes a survey of heritage resources as outlined in the National Heritage resources Act, 1999 (Act No 25 of 1999) Heritage resources, (Cultural resources) include all human-made phenomena and intangible products that are result of the human mind. Natural, technological or industrial features may also be part of heritage resources, as places that have made an outstanding contribution to the cultures, traditions and lifestyle of the people or groups of people of South Africa.

The term 'pre -historical' refers to the time before any historical documents were written or any written language developed in a particular area or region of the world. The historical period and historical remains refer, for the project area, to the first appearance or use of 'modern' Western writing brought South Africa by the first

colonist who settled in the Cape in the early 1652 and brought to the other different part of South Africa in the early 1800.

The term 'relatively recent past' refers to the 20th century. Remains from this period are not necessarily older than sixty years and therefore may not qualify as archaeological or historical remains. Some of these remains, however, may be close to sixty years of age and may in the near future, qualify as heritage resources.

It is not always possible, based on the observation alone, to distinguish clearly between archaeological remains and historical remains or between historical remains and remains from the relatively recent past. Although certain criteria may help to make this distinction possible, these criteria are not always present, or when they are present, they are not always clear enough to interpret with great accuracy. Criteria such as square floors plans (a historical feature) may serve as a guideline. However circular and square floors may occur together on the same site.

The 'term sensitive remains' is sometimes used to distinguish graves and cemeteries as well as ideologically significant features such as holy mountains, initiation sites or other sacred places. Graves in particular are not necessarily heritage resources if they date from the recent past and do not have head stones that are older than sixty years. The distinction between 'formal' and 'informal' graves in most instances also refers to graveyards that were used by colonists and by indigenous people. This distinction may be important as different cultural groups may uphold different traditions and values with regard to their ancestors. These values have to be recognized and honored whenever graveyards are exhumed and relocated.

The term 'Stone Age' refers to the prehistoric past, although Late Stone Age people lived in South Africa well into the historical period. The Stone Age is divided into an Early Stone Age (3Million years to 150 000 thousand years ago) the Middle Stone Age (150 000 years ago to 40 years ago) and the Late Stone Age (40 000 years to 200 years ago).

The term 'Early Iron Age' and Late Iron Age respectively refers to the periods between the first and second millenniums AD.

The 'Late Iron Age' refers to the period between the 17th and the 19th centuries and therefore includes the historical period.

Mining heritage sites refers to old, abandoned mining activities, underground or on the surface, which may date from the pre historical, historical or relatively recent past. The term 'study area' or 'project area' refers to the area where the developers wants to focus its development activities (refer to plan)

Phase I studies refers to survey using various sources of data in order to establish the presence of all possible types of heritage resources in a given area.

Phase II studies includes in-depth cultural heritage studies such as archaeological mapping, excavating and sometimes laboratory work. Phase II work may include documenting of rock art, engravings or historical sites and dwellings; the sampling of archaeological sites or shipwrecks; extended excavation of archaeological sites; the exhumation of bodies and the relocation of grave yards, etc. Phase II work may require the input of specialist and require the co-operation and the approval of SAHRA.

5. HISTORICAL BACKGROUND

6. METHODOLOGY

Source of information

The methodological approach used for the study is aimed at meeting the requirements of the relevant heritage legislation. As such a desktop study was undertaken followed by a survey of the impact areas. Most of the information was obtained through the initial site visit conducted on the 07 January 2021. VHHC heritage specialists conducted the reconnaissance survey and impact assessment by transecting the affected landscape on foot looking for indicators of archaeological and any other cultural materials in the affected areas. In part the field officer also inspected soil profiles for potential archaeological materials that may still be trapped *in situ* in an area disturbed by human activities as well as dense vegetation.

Standard archaeological observation practices were followed; Visual inspection was supplemented by relevant written sources, and oral communications with local communities from the surrounding area. In addition, the site was recorded by hand held GPS Garmin Oregon 65 and plotted on 1:50 000 topographical map. Archaeological/historical material and the general condition of the terrain were photographed with a Garmin Oregon 65 Camera.

Field Survey

The field assessment section of the study was conducted according to generally accepted HIA practices and aimed at locating all possible objects, sites and features of archaeological significance in the area of the proposed development.

7. ASSESMENT CRITERIA

This section describes the evaluation criteria used for determining the significance of archaeological and heritage sites. The significance of archaeological and heritage sites were based on the following criteria:

- The unique nature of a site
- The amount/depth of the archaeological deposit and the range of features (stone walls, activity areas etc.)
- The wider historic, archaeological and geographic context of the site.
- The preservation condition and integrity of the site
- The potential to answer present research questions.

7.1. ARCHAEOLOGICAL

No archaeological materials were found in the study area.

7.2. HISTORICAL

No historical sites/materials found on site.

7.3. GRAVES

One grave was identified on site (GPS S22°59'05.66" E30°41'38.35"). The legislation also protects the interests of communities that have an interest in the grave: they should be consulted before any disturbance takes place. The graves of victims of conflict and those associated with the liberation struggle are to be identified, cared for, protected and memorials erected in their honor.

Graves older than 60 years, but younger than 100 years, fall under Section 36 of Act 25 of 1999 (National Heritage Resources Act) as well as the Human Tissue Act (Act 65 of 1983) and are under the jurisdiction of the South African Heritage Resources

Agency (SAHRA). The procedure for Consultation regarding Burial Grounds and Graves (Section 36(5) of Act 25 of 1999) is applicable to graves older than 60 years that are situated outside a formal cemetery administered by a local authority. Graves in the category located inside a formal cemetery administered by a local authority will also require the same authorization as set out for graves younger than 60 years, over and above SAHRA authorization.

7.4 SITE SIGNIFICANCE

The site significance classification standards as prescribed and endorsed by the South African Heritage Resources Agency (2006) and approved by the Association for Southern African Professional Archaeologists (ASAPA) for the Southern African Development Community (SADC) region, were used as guidelines in determining the site significance for the purpose of this report.

FIELD RATING	GRADE	SIGNIFICANCE	RECOMMENDED MITIGATION
National Significance (NS)	Grade 1	-	Conservation; National Site nomination
Provincial Significance (PS)	Grade 2	-	Conservation; Provincial Site nomination
Local Significance (LS)	Grade 3A	High Significance	Conservation; Mitigation not advised
Local Significance (LS)	Grade 3B	High Significance	Mitigation (Part of site should be retained)
Generally Protected A (GP.A)	Grade 4A	High / Medium Significance	Mitigation before destruction
Generally Protected B (GP.B)	Grade 4B	Medium Significance	Recording before destruction
Generally Protected C (GP.C)	Grade 4C	Low Significance	Destruction

Grading and rating systems of heritage resources

7.5 IMPACT RATING

VERY HIGH

These impacts would be considered by society as constituting a major and usually permanent change to the (natural and/or cultural) environment, and usually result in severe or very severe effects, or beneficial or very beneficial effects.

Example: The loss of a species would be viewed by informed society as being of VERY HIGH significance.

Example: The establishment of a large amount of infrastructure in a rural area, which previously had very few services, would be regarded by the affected parties as resulting in benefits with VERY HIGH significance.

HIGH

These impacts will usually result in long term effects on the social and /or natural environment. Impacts rated as HIGH will need to be considered by society as constituting an important and usually long term change to the (natural and/or social) environment. Society would probably view these impacts in a serious light.

Example: The loss of a diverse vegetation type, which is fairly common elsewhere, would have a significance rating of HIGH over the long term, as the area could be rehabilitated.

Example: The change to soil conditions will impact the natural system, and the impact on affected parties (e.g. farmers) would be HIGH.

MODERATE

These impacts will usually result in medium- to long-term effects on the social and/or natural environment. Impacts rated as MODERATE will need to be considered by the public or the specialist as constituting a fairly unimportant and usually short term change to the (natural and/or social) environment. These impacts are real, but not substantial.

Example: The loss of a sparse, open vegetation type of low diversity may be regarded as MODERATELY significant.

Example: The provision of a clinic in a rural area would result in a benefit of MODERATE significance.

LOW

These impacts will usually result in medium to short term effects on the social and/or natural environment. Impacts rated as LOW will need to be considered by society as constituting a fairly important and usually medium term change to the (natural and/or social) environment. These impacts are not substantial and are likely to have little real effect.

Example: The temporary changes in the water table of a wetland habitat, as these systems are adapted to fluctuating water levels.

Example: The increased earning potential of people employed as a result of a development would only result in benefits of LOW significance to people living some distance away.

NO SIGNIFICANCE

There are no primary or secondary effects at all that are important to scientists or the public.

Example: A change to the geology of a certain formation may be regarded as severe from a geological perspective, but is of NO SIGNIFICANCE in the overall context

7.6 CERTAINTY

DEFINITE : More than 90% sure of a particular fact. Substantial supportive data exist to verify the assessment.

PROBABLE : Over 70% sure of a particular fact, or of the likelihood of an impact occurring.

POSSIBLE : Only over 40% sure of a particular fact, or of the likelihood of an impact occurring.

UNSURE : Less than 40% sure of a particular fact, or of the likelihood of an impact occurring.

7.7 DURATION

SHORT TERM : 0 – 5 years

MEDIUM : 6 – 20 years

LONG TERM : more than 20 years

DEMOLISHED : site will be demolished or is already demolished

7.8 MITIGATION

Management actions and recommended mitigation, which will result in a reduction in the impact on the sites, will be classified as follows:

- **A** – No further action necessary
- **B** – Mapping of the site and controlled sampling required
- **C** – Preserve site, or extensive data collection and mapping required; and
- **D** – Preserve site

8. THE SIGNIFICANCE OF GRAVES AND BURIAL SITES

The significance of burial grounds or graves has been indicated by means of stipulations derived from the National Heritage Resources Act (Act No 25 of 1999)

Heritage Significance	:	GP.A; High/Medium Significance
Impact	:	Negative
Impact Significance	:	High
Certainty	:	Probable
Duration	:	Permanent
Mitigation	:	C

- *Informal graves and Formal grave yards (Cemeteries)*

Informal and formal grave yards (Cemeteries) can be considered to be sensitive remains of high significance and are protected by various laws. Legislation with regard to graves includes the National Heritage Resources Act (no 25 of 1999) this act applies whenever graves are older than sixty years. The act also distinguishes various categories of graves and burial grounds. Other legislation with regards to graves includes those which apply when graves are exhumed and relocated, namely the Ordinance on exhumation (Ordinance no 12 of 1980) and the Human Tissue Act (Act no 65 of 1983 as amended).

Burial grounds and graves

In terms of the Section 36 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) no person may, without a permit issued by the relevant 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 or 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.

Therefore, in addition to the formal protection of culturally significance graves, all graves which are older than 60 years and which are not already located in a cemetery (such as ancestral graves in rural areas), are protected. Communities, which have an interest in the graves, must be consulted before any disturbance can take place. The graves of victims of conflict and those associated with the liberation struggle will have to be included, cared for, protected and memorials erected in their honor where practical. Regarding graves and burial grounds, the NHRA distinguishes between the following:

- Ancestral graves
- Royal graves and graves of traditional leaders
- Graves of victims of conflict
- Graves of individuals designated by the Minister by notice in the Gazette
- Historical graves and cemeteries
- Other human remains, which are not covered in terms of the Human Tissue Act, 1983 (Act No.65 of 1983).

Significance valuation Burial Ground, Historic Cemeteries and Graves

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 significance. Should any grave previously unknown be identified during construction, every effort should be made not to disturb them. Pole position should be shifted to ensure the grave or burial ground is not disturbed.

Previously unidentified burial sites/graves –

Although the possibilities of this occurring are very limited, should burial sites outside the NHRA be accidentally found during the proposed development, they must be reported to the nearest police station to ascertain whether or not a crime has been committed. 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 give 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.

9. CONCLUSIONS AND RECOMMENDATIONS

The phase 1 Archaeological and heritage impact assessment for the proposed construction of 2.5ml reservoir identified one known grave which will be impacted during the construction process. In terms of SAHRA all burial ground and graves are considered to be of national significance and their management resides with SAHRA- for example, SAHRA has a designated Unit called SAHRA BGG Unit specifically established to deal with issues of burial grounds and graves at the national level. The landscape proves to be fairly uniform and lacking other features that might have focused past activities. The objective of the HIA is to limit primary and secondary impacts on archaeological and cultural heritage in the path of the proposed development and infrastructure footprint.

The identified grave is located on the direct path of the proposed reservoir and pipe line development area, and therefore should be relocated to Municipal administered cemetery. It is therefore recommended that SAHRA must issue a grave relocation permit to enable the developer to proceed with planned development.

However, should any chance archaeological or any other physical cultural resources be discovered subsurface during the construction, heritage authorities should be informed.

10. REFERENCE

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APPENDIX A: PROCESS OF GRAVE EXHUMATION

Application of a permit from SAHRA's BGG Unit or PHRA in terms of Section 36 of the National Heritage Resources Act for **graves older than 60 years**.

- **Graves of known identity:** Proof of thorough consultative process:
 - Locate next of kin and obtain letter of consent from next of kin.
 - Obtain a letter of consent or statement of no objection from the local traditional authority.
 - Determine a place for the re-burial of each grave in consultation with next of kin. In addition, also determine the arrangement of reburial, i.e., by the next of kin/community or a funeral undertaker.
 - Submit documentation of the above with the permit application to SAHRA.
 - Inform SAPS of intent to relocate the grave/s and submit a copy of the permit to SAPS.

- **Graves of unknown identity:** Proof of thorough consultative process:
 - Place advertisement in a local and national newspaper with description and location of graves and full contact detail of consultant and developer. A waiting period of 60 days applies.
 - If no reaction to advertisement follows, then apply for permit from SAHRA after the waiting period of 60 days with proof of advertisement and any other consultative process.
 - If in rural area obtain a letter of consent or statement of no objection from local traditional authority must be submitted with permit application.
 - If advertisement leads to a claim from next of kin or from a community who by tradition has an interest, then written consent from relevant party must be obtained.
 - Determine a place for the re-burial of each grave
 - Submit documentation of the above with the permit application to SAHRA.
 - Inform SAPS of intent and process of re-burial and submit a copy of the permit to SAPS.

Graves less than 60 years old in terms of the Human Tissues Act (Act no. 65 of 1983) and the Removal of Graves and Dead Bodies Ordinance No. 7 of 1925

- Locate the next of kin of the buried persons and obtain consent from the next of kin for the relocation of the graves.
- Determine a place for the re-burial of each grave.
- Obtain a letter of consent or statement of no objection from the local traditional authority.
- Submit above documentation to the Department of Health and obtain permission for the relocation of the graves – which process would most probably be regulated by the District Municipality.
- Inform the Local South African Police Service and provide documentation from relevant heritage authority.
- The graves are to be exhumed under the supervision of an archaeologist.