

# TSIMBA



ARCHAEOLOGICAL  
FOOTPRINTS (PTY) LTD

## PHASE 1 CULTURAL HERITAGE IMPACT ASSESSMENT REPORT

### THE PROPOSED UPGRADE OF THE EXISTING HEROES' ACRE MEMORIAL PARK, PIETERMARITZBURG IN MSUNDUZI LOCAL MUNICIPALITY, KWA-ZULU NATAL

#### TSIMBA



ARCHAEOLOGICAL  
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MAY 2023

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***DECLARATION OF INDEPENDENCE: -***

Tsimba Archaeological Footprints (Pty) Ltd is an independent service provider and apart from their fair remuneration for services rendered have no financial interest in the proposed development. We have disclosed any material information that have or may have the potential to influence the objectivity of any report or decisions base thereon; and are very much aware that a false declaration is misleading and constitutes an offense.

I, \_\_\_\_\_ Roy Muroyi \_\_\_\_\_, declare that –

- I act as the independent specialist in this application;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting the specialist report relevant to this application, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- all the particulars furnished by me in this form are true and correct; and
- I realise that a false declaration is an offence in terms of regulation 48 and is punishable in terms of section 24F of the Act.

Signature of the Specialist



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## EXECUTIVE SUMMARY: -

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### **BACKGROUND: -**

Tsimba Archaeological Footprints (Pty) Ltd was appointed by EnviroPro Environmental Consulting (Pty) Ltd to carry out a Phase 1 Heritage Impact Assessment for the proposed upgrading of the existing Heroes' Acre Memorial Park. The site is currently the resting site of anti-Apartheid struggle icons Moses Mabhida and Johnny Makhatini

The aim of the survey was to identify and document archaeological sites, cultural resources, sites associated with oral histories (intangible heritage), graves, cultural landscapes, and any structures of historical significance (tangible heritage) that may be affected within the footprint of the proposed development. The field survey was undertaken in April of 2023 and ground visibility was good during this time.

The appointment of Tsimba Archaeological Footprints (Pty) Ltd is in terms of the National Heritage Resources Act (NHRA), No. 25 of 1999 and the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018) read together with the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). The HIA is completed in accordance to requirements of Section 38 (1) (c) of the NHRA, No. 25 of 1999. This is due to the nature of the proposed development, linear development which involves:

- c) Any development or other activity which will change the character of a site exceeding 5 000 m<sup>2</sup> in extent.

The development may also impact on Cultural Heritage Resources such as graves, structures, archaeological and paleontological resources that are protected in terms of Sections 34, 35, and 36 of the NHRA. The field assessment followed systematic accepted archaeological standards. The aim of the survey was to locate, identify, evaluate and document sites, objects and structures of cultural significance found within the proposed project area.

**Desktop Study Conclusions:**

- ✚ Archaeology data base records the occurrence of three sets of Early and Later Stone Age artefacts at the southern part of Pietermaritzburg. These are considered to be part of colluvial wash along pre-existing drainage lines. The ubiquitous occurrence in the greater Pietermaritzburg area of these “out of primary context” classes of artefacts, render them of low to negligible scientific value.
- ✚ The desktop study indicates that Stone Age Sites of all periods and traditions may occur in the Midlands of KwaZulu-Natal including the greater project area. However, Early Stone Age sites typically occurs close to permanent and prominent sources of water. A small stream transects the project area and there is a vague possibility that Early Stone Age sites may occur in the area.
- ✚ The 1920s and the 1930s are the missing decades in Pietermaritzburg's history. The inter-war years make up that grey area which, for the very reason that it is still within living memory, appears not to need a documented history.

## **CULTURAL RESOURCES MANAGEMENT SUMMARY: -**

The proposed site for upgrade is on National Heritage Significance due to its association of with anti-Apartheid struggle icons Moses Mabhida and Johnstone Makhathini. Moses Mabhida, a legendary figure in the struggle who passed away in Maputo on March 8, 1986, from a heart attack, is interred in this heroes' acre. In addition, Johnstone Makhathini, who passed away on December 3, 1988, is also buried there. He was moved from Lusaka and reburied there on February 27, 2010.

The All in African Conference was organized by Makhathini, who has been an active member of the ANC for a long time. Cemeteries are accessible primary sources that exist in virtually every community. They reflect the culture and heritage of the deceased as well as their values. Archaeologically cemeteries provide specific information that can be collated and analyzed to uncover the life patterns of residents at specific times. This site carried a heavy vibration of the struggle against colonialism in South Africa. The site is also on High Heritage significance as Section 36 of the National Heritage Resources Act (3) states that, no person may, without a permit issued by SAHRA or a provincial heritage resources authority: 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.

**Reasoned Opinion:** - It is the reasoned opinion of the author of this report that this project is acceptable and Amafa Research and Institute should exercise their discretion and offer the project a positive conditional approval based on the recommendations given below.

### **Recommendations:** -

- (i) The graves of John Makhathini and Moses Mabhida may not be disturbed by the proposed upgrade.
- (ii) *Visitors/ relatives of the heroes' buried on site should be given access to the two sites during and after the construction phase*
- (iii) The graves of John Makhathini and Moses Mabhida may not be disturbed by the proposed upgrade.

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## **LIST OF ABBREVIATIONS: -**

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<b>Abbreviation</b>	<b>Description</b>
<b>AIA</b>	Archaeological Impact Assessment
<b>ASAPA</b>	Association of South African Professional Archaeologists
<b>BAR</b>	Basic Assessment Report
<b>CRM</b>	Cultural Resource Management
<b>DEA</b>	Department of Environmental Affairs
<b>EAP</b>	Environmental Assessment Practitioner
<b>EIA</b>	Environmental Impact Assessment
<b>EMPR</b>	Environmental Management Programme
<b>ESA</b>	Early Stone Age
<b>GIS</b>	Geographic Information System
<b>GPS</b>	Global Positioning System
<b>HIA</b>	Heritage Impact Assessment
<b>ICOMOS</b>	International Council on Monuments and Sites
<b>LIA</b>	Late Iron Age
<b>LSA</b>	Late Stone Age
<b>MIA</b>	Middle Iron Age
<b>MPRDA</b>	Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
<b>MSA</b>	Middle Stone Age
<b>NEMA</b>	National Environmental Management Act, 1998 (Act No. 107 of 1998)
<b>NHRA</b>	National Heritage Resources Act, 1999 (Act No. 25 of 1999)
<b>PHRA</b>	Provincial Heritage Resources Act
<b>SAHRA</b>	South African Heritage Resources Agency
<b>SAHRIS</b>	South African Heritage Resources Information System

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## 1. INTRODUCTION: -

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### 1.1 PROJECT BACKGROUND: -

EnviroPro Environmental Consulting (Pty) Ltd, the independent Environmental Assessment Practitioner (EAP), has been appointed by Msunduzi Local Municipality to apply for an environmental authorisation for the proposed upgrading of the existing Heroes' Acre Memorial Park. The site is currently the resting site of anti-Apartheid struggle icons Moses Mabhida and Johnny Makhatini

The Heritage Impact Assessment was conducted as part of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) requirements and it also follows the requirements of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) and the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018). The Environmental Screening Tool was used to assess the applicability of a Heritage Impact Assessment report on proposed development site. The screening tool revealed that a Heritage Impact Assessment was applicable in this area.

The terminology used and the methodology followed with regards to the compilation of the Heritage Impact Assessment (HIA) are explained and the legal framework stated (see **APPENDIX A**). International conventions regarding the protection of cultural resources have also been followed. The ICOMOS Burra Charter (1979) was also largely consulted for international heritage principles and policies applicable to this project.

### 1.2 Risk assessment of the proposed project activities

Cultural heritage resources are valuable assets, and this underlying value can be a threat to conservation. Development at all scales exerts direct pressure on heritage places. The proposed development involves making changes to existing infrastructures. This may affect land, require removal of existing ecosystems or cultural sites, or introduce uses that are incompatible with heritage values. The proposed development may result in total destruction or removal of heritage resources. Pressures also arise where developments have an adverse effect on the heritage setting, or restrict access or use.



*PHASE 1 HERITAGE IMPACT ASSESSMENT*

Heritage Impact Assessment is a statutory requirement in a project of this nature. The National Heritage Resources Act (No 25: 1999) and the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018) applies, the relevant regulations of which are Section 38 (Heritage Impact Assessment process), Section 34 (Buildings and Structures older than 60 years) Section 35 (Archaeological and Palaeontological sites) and Section 36 (Graves and Burial Grounds). The ranking system below uses a four-colour code to highlight sites that are expected before or during the construction phase of the project. The ranking system shows the importance assigned to each of the resources expected for this project site and the degree of importance they should be dealt with;

Ranking		Explanation	Colour Code
1	Very High	<b>Grade I:</b> Sites (Section 7 of NHRA), graves and burial grounds (Section 36 of NHRA). They must be protected. Stakeholder consultations required before graves can be relocated or other mitigation measures considered.	
2	High	<b>Grade II:</b> Sites (Section 7 of NHRA), Iron Age Archaeological Sites	
3	Medium	<b>Grade II:</b> Sites (Section 7 of NHRA), Historic Buildings and substantial archaeological deposits. They require mitigation	
4	Low	<b>Grade III:</b> Sites (Section 7 of NHRA), Other heritage typologies	

**Table 1: Table showing the expected/sensitivities heritage resources before or during the construction phase of the project**

The table below assesses and evaluates some of the risks associated with the proposed projects on cultural heritage resources within the proposed development footprint.

## Risk assessment/ evaluation

EVALUATION CRITERIA	RISK ASSESSMENT
<b>Description of potential impact</b>	Negative impacts range from partial to total destruction of surface and under-surface movable/immovable relics.
<b>Nature of Impact</b>	Negative impacts can both be direct or indirect.
<b>Legal Requirements</b>	Sections 34, 35, 36, 38 of National Heritage Resources Act (No. 25 1999).
<b>Stage/Phase</b>	Construction phase (Excavations)
<b>Nature of Impact</b>	Negative, both direct & indirect impacts.
<b>Extent of Impact</b>	Excavations and ground clearing has potential to damage archaeological resources above and below the surface not seen during the survey.
<b>Duration of Impact</b>	Any accidental destruction of surface or subsurface relics is not reversible, but can be mitigated.

**Table 2: Table showing the risks associated with the proposed development**

### 1.3 ASSUMPTIONS AND LIMITATIONS

- ⊕ We assumed that the public consultation process undertaken as part of the Environmental Impact Assessment is sufficient and adequate and does not require repetition as part of the heritage impact assessment.
- ⊕ The investigation was influenced by the unpredictability of buried archaeological remains (absence of evidence does not mean evidence of absence) and the difficulty in establishing intangible heritage values. It should be remembered that archaeological deposits (including graves and traces of mining heritage) usually occur below the ground level.
- ⊕ Should artefacts or skeletal material be revealed at the site during mining phase, such activities should be halted immediately, and a competent heritage practitioner, SAHRA must be notified in order for an investigation and evaluation of the find(s) to take place (see NHRA (Act No. 25 of 1999) and the KwaZulu-Natal Amafa and Research Institute Act, 2018 (Act No 5 of 2018),



*PHASE 1 HERITAGE IMPACT ASSESSMENT*

Section 36 (6).

- ⊕ Recommendations contained in this document do not exempt the developer from complying with any national, provincial, and municipal legislation or other regulatory requirements, including any protection or management or general provision in terms of the NHRA.
- ⊕ The author assumes no responsibility for compliance with conditions that may be required by SAHRA in terms of this report.





## 2. PROJECT LOCATION-

LOCATION: -

The proposed activities is located at 41 Mbabazane Rd, Manson Hill Pietermaritzburg 3217. The park is situated in Edendale, a township in Msunduzi local municipality. the proposed site for upgrade revealed that the vegetation type in the area is savannah biome, specifically thornbush vegetation. The vegetation type is characterized by a continuous grass cover occasionally interrupted by trees and shrubs.

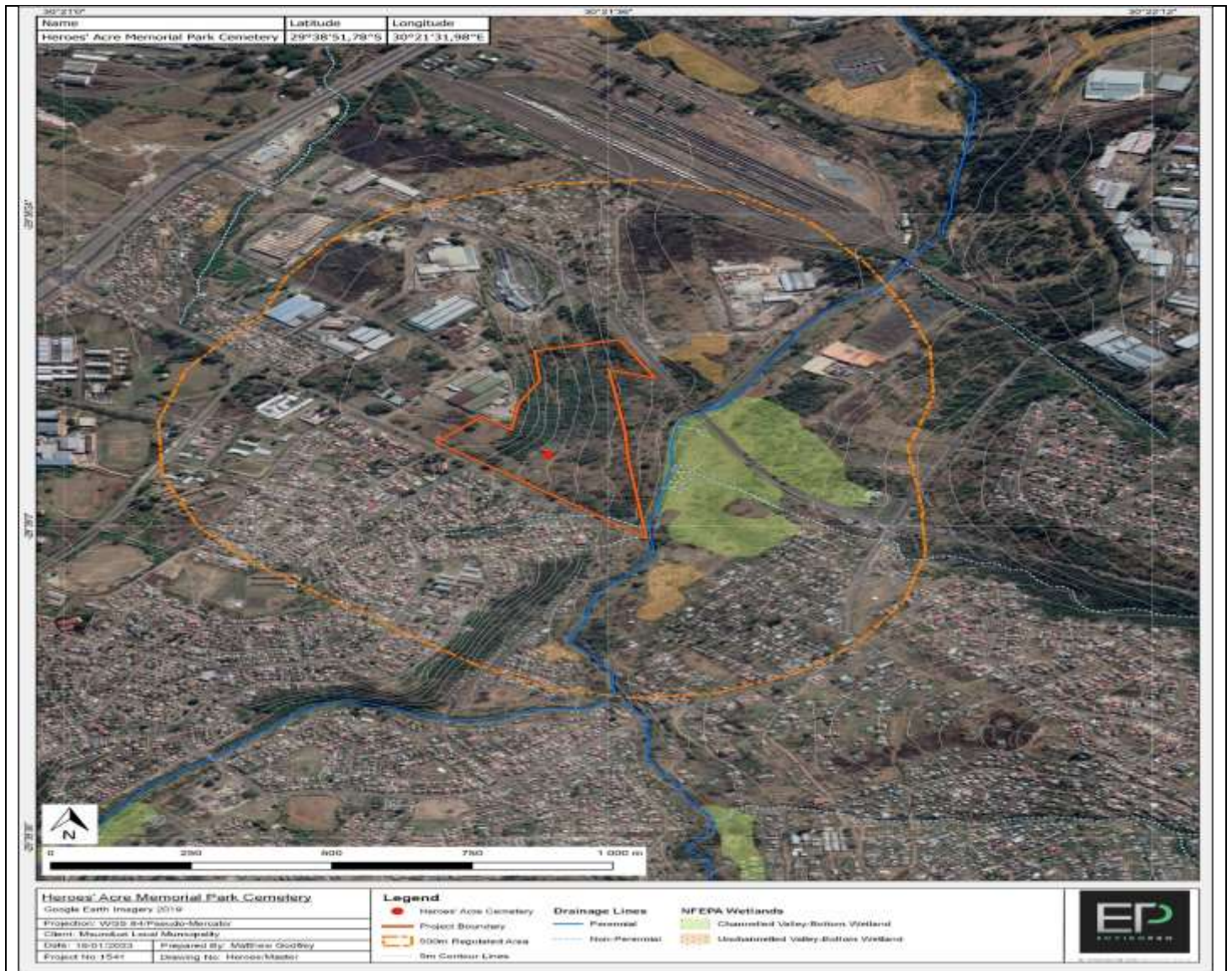


Figure 1: Locality Map

### 3. METHODOLOGY: -

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#### 3.1 LITERATURE REVIEW: -

The background information search of the proposed development area was conducted following the site maps from the client. Sources used in this study included:

- ✚ Published academic papers and HIA studies conducted in and around the region where the proposed infrastructure development will take place;
- ✚ Available archaeological literature covering the broader region and the entire Mpumalanga province area was also consulted;
- ✚ The SAHRIS website and the Amafa Research and Institute Data Base was consulted to obtain background information on previous heritage surveys and assessments in the area; and
- ✚ Map Archives - Historical maps of the proposed area of development and its surrounds were assessed to aid information gathering of the proposed area of development and its surrounds.

#### 3.2 FIELD SURVEY: -

The field survey lasted for two days. It was conducted by an archaeologist from Tsimba Archaeological Footprint through driving and walking. A ground survey, following standard and accepted archaeological procedures, was conducted.

Disturbed and exposed layers of soils such as eroded surfaces were assessed for possible archaeological finds. These surfaces and exposed layers are likely to expose or yield archaeological and other heritage resources that may be buried underneath the soil and be brought to the surface by animal and human activities including animal burrow pits and human excavated ground. The surface was also inspected for possible Stone Age scatters as well as exposed Iron Age implements and other archaeological resources.

The survey followed investigation of the cultural resources onsite using the best possible technologies for archaeological field surveys. The project area was surveyed, and findings were documented through photographs using a Nikon Camera (with a built-in GPS). A Samsung GPS Logger (2018) was used to record the archaeological finds on site.



### 3.3 DATA CONSOLIDATION AND REPORT WRITING: -

Data captured on the development area (during the field survey) by means of a desktop study and physical survey is used as a basis for this HIA. This data is also used to establish assessment for any possible current and future impacts within the development footprint. This includes the following:

- ✚ Assessment of the significance of the cultural resources in terms of their archaeological, built environment and landscape, historical, scientific, social, religious, aesthetic and tourism value (see **Appendix B**);
- ✚ A description of possible impacts of the proposed development, especially during the construction phase, in accordance with the standards and conventions for the management of cultural environments;
- ✚ Proposal of suitable mitigation measures to minimize possible negative impacts on the cultural environment and resources that may result during construction;
- ✚ Review of applicable legislative requirements that is the NEMA (together with the 2014 EIA Regulations), the NHRA of 1999.
- ✚ The consolidation of the data collected using the various sources as described above;
- ✚ Acknowledgement of impacts on heritage resources (such as unearthed graves) predicted to occur during construction;
- ✚ Geological Information Systems mapping of known archaeological sites and maps in the region, and
- ✚ A discussion of the results of this study with conclusions and recommendations based on the available data and study findings.

## 4. LEGISLATIVE FRAMEWORK

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EnviroPro (Pty) Ltd has been appointed to obtain an Environmental Authorization (EA) in terms of the National Environmental Management Act, 1998 (NEMA, Act No. 107 of 1998) which involves the submission of an Environmental Impact Assessment Report.

As part of the process EnviroPro also requested Tsimba Archaeological Footprints to conduct a heritage impact assessment (HIA) (with a Full Paleontological Impact Assessment) as part of the EA process. This HIA study is informed and conducted to fulfil the requirements of the National Heritage Resources Act (No 25 of 1999). The development also triggered the regulations applicable under the National Environmental Management Act 107 of 1998 and other environmental management acts of South Africa.

As such, the full scoping and Environmental Impact Assessment study includes a Heritage Impact Assessment specialist study, recommendations from the HIA report require Heritage Authority review and comments to be incorporated into the final EA or Record of Decision. This particular Development triggered the following Sections of the Heritage Legislation;

Section 38 (1) of the National Heritage Resources Act requires that where relevant, an Impact Assessment is undertaken in case where a listed activity is triggered. Such activities include:

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (b) the construction of a bridge or similar structure exceeding 50 m in length; and
- (c) any development or other activity which will change the character of an area of land, or water -
  - (i) exceeding 5 000 m<sup>2</sup> in extent;
  - (ii) involving three or more existing erven or subdivisions thereof; or
  - (iii) involving three or more erven or divisions 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 10 000 m<sup>2</sup> in extent; or
- (e) any other category of development provided for in regulations by SAHRA or a Provincial Heritage Resources Authority, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.

Section 3 of the National Heritage Resources Act (25 of 1999) lists a wide range of national resources protected under the act as they are deemed to be national estate. When conducting Heritage Impact Assessment (HIA) the following heritage resources have to be identified:

- (a) Places, buildings structures and equipment of cultural significance;
- (b) Places to which oral traditions are attached or which are associated with living heritage;
- (c) Historical settlements and townscapes;
- (d) Landscapes and natural features of cultural significance
- (e) Geological sites of scientific or cultural importance’;
- (f) Archaeological and paleontological sites;
- (g) Graves and burial grounds including-
  - (i) Ancestral graves;
  - (ii) Royal graves and graves of traditional leaders;
  - (iii) Graves of victims of conflict;
  - (iv) Graves of individuals designated by the Minister by notice in the Gazette
  - (v) Historical graves and cemeteries;
  - (vi) Other human remains which are not covered by in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) Sites of significance relating to the history of slavery in South Africa;
  - (i) Moveable objects, including - objects recovered from the soil or waters of South Africa, including archaeological and paleontological objects and material, meteorites and rare geological specimens;
  - (ii) Objects to which oral traditions are attached or which are associated with living heritage
  - (iii) Ethnographic art and objects;
  - (iv) Military objects;
  - (v) Objects of decorative or fine art; and
  - (vi) Objects of scientific or technological interest; and(vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in Section 1 of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)

## **5. ARCHEOLOGICAL AND HISTORICAL BACKGROUND: -**

In Pietermaritzburg history the archeological record can be reconstructed only from the archaeological remains that have been found in and around the city. The story will always be incomplete, for time has destroyed many traces of earlier settlement and others have yet to be found or have been built over. Even within the Pietermaritzburg area the evidence available to us is very patchy. Many of the ancient items recovered and placed in museum collections are chance finds by members of the public. None is from systematic archaeological research. Instead, modern archaeological excavations and reconstructions carried out in other parts of Natal and beyond that provide some historical 'flesh and blood' to the dry 'bones' of the local artefacts.

Most of the archaeological data available about Pietermaritzburg archaeology is from maps where the great majority of finds are located in and around Scottsville. This pattern results from the work of one ardent collector, F.H.M. French, who was working in the Borough Engineer's Department when the township of Scottsville was being laid out. He took much trouble to recover and record the location of stone implements that came to light during the development works. His collection was donated to the Natal Museum on his death in 1940.

The Kunene area just like most of the areas have not been searched nearly so thoroughly, but it is likely that where similar topography and vegetation are present, for example around Ashburton, similar concentrations of Stone Age material may be present. Pietermaritzburg, the urban center, was founded in 1838 but archaeological remains show that people have been living in the city area for a quarter or even half a million years, a period some 2 000 times longer than that of the city itself. But we must give some thought to the possibility that there were people here in the even more distant past.

No such sites are known in the Kunene area, nor is there much chance of their being found. This is because the landscape in general, and in Pietermaritzburg as much as anywhere, reflects rapid geological denudation: rivers are rapidly cutting down into their beds and the predominantly sloping landscape is subject to hillwash. Thus, the landscape we see today is a relatively young one – no more than 100 000 years old. Consequently, the oldest Stone Age artefacts are buried under or incorporated into soils that have been formed since that time. If there were people here a million or more years ago, any remains that they left behind would long ago have eroded away and washed down the Msunduzi

into the Indian Ocean. The very land surface on which they would have walked, according to the estimates of geologists, was some 15 meters above today's ground surface. The earliest surviving traces of human presence in the area belong to the Acheulian Stone Age industry. The hallmark of the Acheulian is the distinctive but poorly understood 'handaxe' – probably a multi-purpose tool – that is characteristic of sites dating to the period 600 000 to 150 000 years ago.

## 5.1 HISTORICAL BACKGROUND OF THE HEROES' ACRE: -

Members of the KwaZulu-Natal Museum have quite thoroughly surveyed the area around Pietermaritzburg, including Howick. The majority of the Early, Middle, and Later Stone Age artifacts can be found in the wider Pietermaritzburg area, according to the evidence that is currently available and documented in the KwaZulu-Natal Museum heritage site inventories.

The KZN Provincial Government launched The Heroes' Acre, Slangspruit, just outside Pietermaritzburg and close to Imbali Township, as a project to recognize heroes of the liberation fight. The establishment of the Pietermaritzburg Heroes' Acre should be seen as reviving the fight against apartheid. Thus, it is crucial that this history be preserved in the minds of many people and for future generations. The first person to be buried at the Heroes' Acre was Moses Mabhida, who passed away on March 8, 1986, in Maputo from a heart attack. President Thabo Mbeki attended his reburial at the location on December 2, 2006, ushering in a new era for the people and liberation heroes of South Africa.

Mabhida was a renowned member of the ANC and Communist Party. He joined the Communist Party's National Executive Committee in 1956 and played a key role in the creation of the South African Congress of Trade Unions (Sactu), serving as that organization's vice-president from 1955 until 1960. Oliver Tambo ordered him to dedicate himself to growing Mkhonto we Sizwe (MK), the ANC's military wing, when he went into exile in 1960. Mabhida received military training before rising through the MK's ranks to become the organization's commissar and Chief Political Instructor for freshmen. In 1978, he was appointed Secretary General of the SACP. He conducted business in Swaziland, Mozambique, and Lesotho in the 1980s.

Indians had previously lived in the Imbali area, but they were driven out in favor of resettling black people. In 1964, the Department of Bantu Affairs took over governance of the region in collaboration with Pietermaritzburg Co-operation. The earliest inhabitants of what became known as Imbali Township were Blacks who were impacted by the Group Areas Act. The ANC and the I.F.P. split the township community over time into two political parties. Political violence, notably in the early 1990s, spread throughout Imbali Township as a result of the friction between the two. Imbali Township was impacted by the "Seven Days War," which resulted in the gruesome massacre of numerous people in Pietermaritzburg.

## 6. DESCRIPTION AND DOCUMENTS OF THE CULTURAL HERITAGE RESOURCES: -

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*In terms of the national estate as defined by the NHRA, no sites of significance were found during the survey as described below.*

The surveyed area for upgrade within the Heroes' Acre Park is characterized by savannah biome vegetation, specifically thornbush vegetation, and is used by local residents as grazing land. The vegetation type is characterized by a continuous grass cover occasionally interrupted by trees and shrubs. There are no old buildings, stone buildings, or unnamed graves within the site proposed to be upgraded, other than the fenced and protected graves of those who have given their lives for freedom and equality. These graves are all marked with tombstones and are clearly labelled.

It was observed during the survey that the residents of Edendale township had created an informal pathway or shortcut just close to the site proposed for upgrade. The shortcut enables the residents to access the main road, Archie Gumede Drive. Two graves were identified within the proposed site for upgrade. These are the graves of anti-Apartheid struggle icons Moses Mabhida and Johnny Makhatini. Section 36 of the National Heritage Resources Act (3) states that, no person may, without a permit issued by SAHRA or a provincial heritage resources authority: destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years

Given below Pictographic presentation of the general landscape: -





**Figure 2: View of the Heroes' Acre entrance**



**Figure 3: View of an access road on site**





**Figure 4: View of some of the heroes' burials**



**Figure 5: Another view of the heroes' burials**



**Figure 6: View of the outside of the heroes' acre.**



**Figure 7: View of a water course stream outside the heroes' acre**





**Figure 8:View of some vegetation cover just outside the site**



**Figure 9:View of the Bridge on Archie Gumede Drive**

## 6.1 BUILT ENVIRONMENT: -

Section 34(1) of National Heritage Resources Act of 1999 protects these structures against any altering.

- ❖ No structures older than 60 years old were identified on site.

## 6.2 ARCHAEOLOGICAL RESOURCES: -

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

- ❖ During the survey, no archaeological sites were recorded.

## 6.3 CULTURAL LANDSCAPES, INTANGIBLE AND LIVING HERITAGE: -

Section 3 (3) of the National Heritage Resources Act, No. 25 of 1999 makes provisions of such places of spiritual significance to individuals.

- ✚ Long term impact on the cultural landscape is considered to be negligible as for this project. Visual impacts to scenic routes and sense of place are also considered to be low due to the nonexistence of any notable scenic route structures within the study area.

## 6.4 BURIAL GROUNDS AND GRAVES: -

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

Two graves were identified within the proposed site for upgrade. These are the graves of anti-Apartheid struggle icons Moses Mabhida and Johnny Makhatini. Section 36 of the National Heritage Resources Act (3) states that, no person may, without a permit issued by SAHRA or a provincial heritage resources authority: 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. If the grave is less than 60 years of age, it is protected against any damage, altering or exhumation by the Human Tissue Act (Act 65 of 1983) and to local regulations. In addition, The World Archaeological Congress (WAC) has set international ethical standards for the treatment of human remains.

## 6.5 PUBLIC MONUMENTS AND MEMORIALS: -

37. Public monuments and memorials must, without the need to publish a notice to this effect be protected in the same manner as places which are entered in a heritage register referred to in section 30.

- ❖ The two graves identified on the site are public monuments in their own right.

## 7. RISK ASSESSMENT OF THE PROPOSED PROJECT AREA: -

**Table 3: Risk Assessment / Evaluation**

EVALUATION CRITERIA	RISK ASSESSMENT
<b>1. Description of Potential Impact</b>	Negative impacts range from partial to total destruction of surface and under-surface movable/immovable relics
<b>2. Nature of Impact</b>	Negative impacts can both be direct or indirect.
<b>3. Legal Requirements</b>	Sections 34, 35, 36, 38 of National Heritage Resources Act (No. 25 1999).
<b>4. Stage/Phase</b>	Construction phase      Operational phase
<b>5. Nature of Impact</b>	Negative, both direct & indirect impacts.
<b>6. Extent of Impact</b>	Excavations, drilling and ground clearing has potential to damage archaeological resources above and below the surface not seen during the survey.
<b>7. Duration of Impact</b>	Any accidental destruction of surface or subsurface relics is not reversible but can be mitigated.

## 8. ASSESSMENT OF SIGNIFICANCE: -

### 8.1 SITE SIGNIFICANCE CLASSIFICATION

Article 26(2) of the Burra Charter emphasizes that written statements of cultural significance for heritage resources should be prepared, justified and accompanied by supporting evidence. Site significance classification standards prescribed by SAHRA (2006), and acknowledged by ASAPA for the SADC Region, were used for the purposes of this report.

**Table 4: Site Significance Classification**

SAHRA'S SITE SIGNIFICANCE MINIMUM STANDARDS			
Filed Rating	Grade	Classification	Recommendation
<b>1. National Significance (NS)</b>	Grade 1		Conservation; National Site nomination
<b>2. Provincial Significance (PS)</b>	Grade 2		Conservation; Provincial Site nomination
<b>3. Local Significance (LS)</b>	Grade 3A	High Significance	Conservation; Mitigation not advised
<b>4. Local Significance (LS)</b>	Grade 3B	High Significance	Mitigation (Part of site should be retained)
<b>5. Generally Protected A (GP.A)</b>		High/ Medium Significance	Mitigation before destruction
<b>6. Generally Protected B (GP.B)</b>		Medium Significance	Recording before destruction
<b>7. Generally Protected C (GP.A)</b>		Low Significance	Destruction

## 8.2 SITE SIGNIFICANCE CALCULATION FORMULA: -

Site significance is calculated by combining the following concepts in the given formula:

$$S = (E+D+M) P$$

*S = Significance weighting*

*E = Extent*

*D = Duration*

*M = Magnitude*

*P = Probability*

## 8.3 SIGNIFICANCE WEIGHTINGS FOR EACH POTENTIAL IMPACT: -

The significance weightings for each potential impact are as presented in and Table 3.

**Table 5: Significance weightings for each potential impact**

ASPECT	DESCRIPTION	WEIGHT
<b>Probability</b>	Improbable	1
	Probable	2
	Highly Probable	4
	Definite	5
<b>Duration</b>	Short term	1
	Medium term	3
	Long term	4
	Permanent	5
<b>Scale</b>	Local	1
	Site	2
	Regional	3
<b>Magnitude/Severity</b>	Low	2
	Medium	6
	High	8



## 8.4 IMPACT SIGNIFICANCE: -

**Table 6: Impact Significance**

Significance		
<p>It provides an indication of the importance of the impact in terms of both tangible and intangible characteristics. (S) is formulated by adding the sum of numbers assigned to Extent (E), Duration (D), and Intensity (I) and multiplying the sum by the Probability. <math>S = (E+D+M) P</math></p>		
<30	Low	<p>Mitigation of impacts is easily achieved where this impact would not have a direct influence on the decision to develop in the area.</p>
30-60	Medium	<p>Mitigation of impact is both feasible and fairly easy. The impact could influence the decision to develop in the area unless it is effectively mitigated.</p>
>60	High	<p>Significant impacts where there is difficult. The impact must have an influence on the decision process to develop in the area.</p>

## 8.5 IMPACT ASSESSMENT: -

**Table 7: Impact Assessment**

Nature: During the construction phase activities resulting in disturbance of surfaces and/or sub-surfaces may destroy, damage, alter, or remove from its original position archaeological material or objects.		
	Without Mitigation	With Mitigation
<b>Extent</b>	Regional (3)	Regional(3)
<b>Duration</b>	Permanent (5)	Permanent (5)
<b>Magnitude</b>	High (8)	High (8)
<b>Probability</b>	Not Probable (2)	Not probable (2)
<b>Significance</b>	Low (32)	Low(32)
<b>Status</b>	Negative	Negative
<b>Reversibility</b>	Not irreversible	Not irreversible
<b>Irreversible loss of resources</b>	No resources were recorded	No resources were recorded
<b>Can impacts be mitigated?</b>	Yes, a chance find procedure should be implemented.	Yes
<p><u>Mitigation: - Mitigation of impact is both feasible and fairly easy. The impact could influence the decision to develop in the area unless it is effectively mitigated.</u></p>		

## 9. CONCLUSIONS

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The proposed site for upgrade is on National Heritage Significance due to its association of with ant-Apartheid struggle icons Moses Mabhida and Johnstone Makhathini. Moses Mabhida, a legendary figure in the struggle who passed away in Maputo on March 8, 1986, from a heart attack, is interred in this hero's acre. In addition, Johnstone Makhathini, who passed away on December 3, 1988, is also buried there. He was moved from Lusaka and reburied there on February 27, 2010. The All in African Conference was organized by Makhathini, who has been an active member of the ANC for a long time.

Cemeteries are accessible primary sources that exist in virtually every community. They reflect the culture and heritage of the deceased as well as their values. Archaeologically cemeteries provide specific information that can be collated and analyzed to uncover the life patterns of residents at specific times. This site carried a heavy vibration of the struggle against colonialism in South Africa. The site is also on High Heritage significance as Section 36 of the National Heritage Resources Act (3) states that, no person may, without a permit issued by SAHRA or a provincial heritage resources authority: 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.

## **10. RECOMMENDATIONS: -**

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**Reasoned Opinion:** - It is the reasoned opinion of the author of this report that this project is acceptable and Amafa Research and Institute should exercise their discretion and offer the project a positive conditional approval based on the recommendations given below.

### **Recommendations:** -

- (i) The graves of John Makhatini and Moses Mabhidha may not be disturbed by the proposed upgrade.
- (ii) Visitors/ relatives of the heroes buried on site should be given access to the two sites during and after the construction phase
- (iii) The graves of John Makhatini and Moses Mabhidha may not be disturbed by the proposed upgrade.

## 11. REFERENCES

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### **LIST OF LEGISLATURES USED: -**

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1. ICOMOS, 1999. The Australia ICOMOS charter for places of cultural significance (the Burra Charter).
2. ICOMOS Charter, Principles for the analysis, conservation and structural restoration of architectural heritage (2003)

## ***APPENDIX A: DEFINITION OF TERMS ADOPTED IN THIS HIA***

### **DEFINITION OF TERMS ADOPTED IN THIS HIA: -**

The terminology adopted in this document is mainly influenced by the NHRA of South Africa (1999) and the Burra Charter (1979).

***Adaptation:*** Changes made to a place so that it can have different but reconcilable uses.

***Artefact:*** Cultural object (made by humans).

***Buffer Zone:*** Means an area surrounding a cultural heritage which has restrictions placed on its use or where collaborative projects and programs are undertaken to afford additional protection to the site.

***Co-management:*** Managing in such a way as to take into account the needs and desires of stakeholders, neighbours and partners, and incorporating these into decision making through, amongst others, the promulgation of a local board.

***Conservation:*** In relation to heritage resources, includes protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance as defined. These processes include, but are not necessarily restricted to preservation, restoration, reconstruction and adaptation.

***Contextual Paradigm:*** A scientific approach which places importance on the total context as catalyst for cultural change and which specifically studies the symbolic role of the individual and immediate historical context.

***Cultural Resource:*** Any place or object of cultural significance

***Cultural Significance:*** Means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance of a place or object for past, present and future generations.

***Feature:*** A coincidental find of movable cultural objects (also see Knudson 1978: 20).

***Grading:*** The South African heritage resource management system is based on a grading system, which provides for assigning the appropriate level of management responsibility to a heritage resource.

**Heritage Resources Management:** The utilization of management techniques to protect and develop cultural resources so that these become long term cultural heritage which are of value to the general public.

**Heritage Resources Management Paradigm:** A scientific approach based on the Contextual paradigm, but placing the emphasis on the cultural importance of archaeological (and historical) sites for the community.

**Heritage Site Management:** The control of the elements that make up the physical and social environment of a site, its physical condition, land use, human visitors, interpretation etc. Management may be aimed at preservation or, if necessary at minimizing damage or destruction or at presentation of the site to the public.

**Historic:** Means significant in history, belonging to the past; of what is important or famous in the past.

**Historical:** Means belonging to the past, or relating to the study of history.

**Maintenance:** Means the continuous protective care of the fabric, contents and setting of a place. It does not involve physical alteration.

**Object:** Artifact (cultural object)

**Paradigm:** Theories, laws, models, analogies, metaphors and the epistemological and methodological values used by researchers to solve a scientific problem.

**Preservation:** Refers to protecting and maintaining the fabric of a place in its existing state and retarding deterioration or change, and may include stabilization where necessary. Preservation is appropriate where the existing state of the fabric itself constitutes evidence of specific cultural significance, or where insufficient evidence is available to allow other conservation processes to be carried out.

**Protection:** With reference to cultural heritage resources this includes the conservation, maintenance, preservation and sustainable utilization of places or objects in order to maintain the cultural significance thereof.

**Place** :means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.

**Reconstruction:** To bring a place or object as close as possible to a specific known state by using old and new materials.

**Rehabilitation:** The repairing and/ or changing of a structure without necessarily taking the historical correctness thereof into account (NMC 1983: 1).

**Restoration:** To bring a place or object back as close as possible to a known state, without using any new materials.

**Site:** A large place with extensive structures and related cultural objects. It can also be a large assemblage of cultural artefacts, found on a single location.

**Sustainable:** Means the use of such resource in a way and at a rate that would not lead to its long-term decline, would not decrease its historical integrity or cultural significance and would ensure its continued use to meet the needs and aspirations of present and future generations of people



## ***APPENDIX B: DEFINITION OF VALUES***

<b>Value</b>	<b>Definition</b>
<b>Historic Value</b>	Important in the community or pattern of history or has an association with the life or work of a person, group or organization of importance in history.
<b>Scientific Value</b>	Potential to yield information that will contribute to an understanding of natural or cultural history or is important in demonstrating a high degree of creative or technical achievement of a particular period
<b>Aesthetic Value</b>	Important in exhibiting particular aesthetic characteristics valued by a community or cultural group.
<b>Social Value</b>	Have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
<b>Rarity</b>	Does it possess uncommon, rare or endangered aspects of natural or cultural heritage
<b>Representivity</b>	Important in demonstrating the principal characteristics of a particular class of natural or cultural places or object or a range of landscapes or environments characteristic of its class or of human activities (including way of life, philosophy, custom, process, land-use function, design or technique) in the environment of the nation, province region or locality.

## APPENDIX C: ENVIRONMENTAL CONTEXT FOR HERITAGE SPECIALIST STUDIES IN SOUTHERN AFRICA

This is a categorized by a temporal layering including a substantial pre-colonial, early contact and early colonial history as distinct from other regions. The following table can be regarded as a useful categorization of these formative layers:

### **Indigenous:**

#### Palaeontological and geological:

- Precambrian (1.2 bya to late Pleistocene 20 000 ya)

#### Archaeological:

- Earlier Stone Age (3 mya to 300 00ya) (ESA)
- Middle Stone Age (c300 000 to 30 000 ya) (MSA)
- Later Stone Age (c 30 000 to 2000 ya) (LSA)
- Late Stone Age Herder period (after 2000 ya) (LSA - Herder period)
- Early contact (c 1500 - 1652)

### **Colonial:**

- Dutch East India Company (1652 - 1795)
- Transition British and Dutch occupation (1796-1814)
- British colony (1814 -1910)
- Union of South Africa (1911-1961)
- Republic of South Africa (1962 – 1996)

### **Democratic:**

- Republic of South Africa (1997 to present)

It is also useful to identify specific themes, which are relevant to the Western Cape context. These include, *inter alia*, the following:

- Role of women
- Liberation struggle
- Victims of conflict
- Slavery
- Religion
- Pandemic health crisis
- Agriculture
- Water

Specific spatial regions also reveal distinct characteristics, which are a function of the interplay between biophysical conditions and historical processes. Such broad regions include the following:

- West Coast
- Boland
- Overberg
- Karoo

A large number and concentration of formally protected Grade 1, 2 and World Heritage Sites, also characterize the Western Cape. Such sites include:

- Robben Island
- Table Mountain National Park

## APPENDIX D: RESOURCE LIKELY TO OCCUR WITHIN THESE CONTEXTS AND LIKELY SOURCES OF HERITAGE IMPACTS/ISSUES

HERITAGE CONTEXT	HERITAGE RESOURCES	SOURCES OF HERITAGE IMPACTS/ISSUES
A. PALAEOONTOLOGICAL LANDSCAPE CONTEXT	Fossil remains. Such resources are typically found in specific geographical areas, e.g. the Karoo and are embedded in ancient rock and limestone/calcrete formations.	<input type="checkbox"/> Road cuttings <input type="checkbox"/> Quarry excavation
B. ARCHAEOLOGICAL LANDSCAPE CONTEXT  NOTE: Archaeology is the study of human material and remains (by definition) and is not restricted in any formal way as being below the ground surface.	Archaeological remains dating to the following periods: <ul style="list-style-type: none"> <li>▪ ESA</li> <li>▪ MSA</li> <li>▪ LSA</li> <li>▪ LSA - Herder</li> <li>▪ Historical</li> <li>▪ Maritime history</li> </ul> Types of sites that could occur include: <ul style="list-style-type: none"> <li>▪ Shell middens</li> <li>▪ Historical dumps               <ul style="list-style-type: none"> <li>▪ Structural remains</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Subsurface excavations including ground leveling, landscaping, foundation preparation.</li> <li>▪ In the case of maritime resources, development including land reclamation, harbor/marina/water front developments, marine mining, engineering and salvaging.</li> </ul>
C. HISTORICAL BUILT URBAN LANDSCAPE CONTEXT	<input type="checkbox"/> Historical townscapes/streetscapes. <input type="checkbox"/> Historical structures; i.e. older than 60 years <input type="checkbox"/> Formal public spaces. <input type="checkbox"/> Formally declared urban conservation areas. <input type="checkbox"/> Places associated with social identity/displacement.	A range of physical and land use changes within this context could result in the following heritage impacts/issues: <ul style="list-style-type: none"> <li><input type="checkbox"/> Loss of historical fabric or layering related to demolition or alteration work.</li> <li><input type="checkbox"/> Loss of urban morphology related to changes in patterns of subdivision and incompatibility of the scale, massing and form of new development.</li> <li><input type="checkbox"/> Loss of social fabric</li> </ul>

		related to processes of gentrification and urban renewal.
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## **APPENDIX E: CHANCE FINDS PROCEDURE**

### **What is a Chance Finds Procedure?**

The purpose of Archaeological Chance Find Procedure (CFP) is to address the possibility of cultural heritage resources and archaeological deposits becoming exposed during ground altering activities within the project area and to provide protocols to follow in the case of a chance archaeological find to ensure that archaeological sites are documented and protected as required. A CFP is a tool for the protection of previously unidentified cultural heritage resources during construction and mining. The main purpose of a CFP is to raise awareness of all mine workers on site regarding the potential for accidental discovery of cultural heritage resources and establish a procedure for the protection of these resources.

Chance finds are defined as potential cultural heritage (or paleontological) objects, features, or sites that are identified outside of or after Heritage Impact studies, normally as a result of construction monitoring. Archaeological sites are protected by The National Heritage Resources Act of 1999. They are non-renewable, very susceptible to disturbance and are finite in number. Archaeological sites are an important resource that is protected for their historical, cultural, scientific and educational value to the general public, local communities.

### **What are the objectives of the CFP?**

The objectives of this “Chance Find Procedure’ are to promote preservation of archaeological data while minimizing disruption of construction scheduling. It is recommended that due to the moderate to high archaeological potential of some areas within the project area, all on site personnel and contractors be informed of the Archaeological Chance Find Procedure and have access to a copy while on site.

### **Where is a CFP applicable?**

Developments that involve excavation, movement, or disturbance of soils have the potential to impact archaeological materials, if present. Activities such as road construction, land clearing, and excavation are all examples of activities that may adversely affect archaeological deposits. Chance finds may be made by any member of the project team who may not necessarily be an archaeologist or even visitors. Appropriate application of a CFP on development projects has led to discovery of cultural heritage resources that were not identified during archaeological and heritage impact assessments. As such, it is considered to be a valuable instrument when properly implemented. For the CFP to be effective, the mine manager must ensure that all personnel on the proposed mine site understand the CFP and the importance of adhering to it if cultural heritage resources are encountered. In addition, training or induction on

cultural heritage resources that might potentially be found on site should be provided. In short, the Chance Find Procedure details the necessary steps to be taken if any culturally significant artefacts are found during mining or construction.

### **What is the CF Procedure?**

The following procedure is to be executed in the event that archaeological material is discovered:

- All construction activity in the vicinity of the accidental find/feature/site must cease immediately to avoid further damage to the site.
- Briefly note the type of archaeological materials you think you've encountered, its location, and if possible, the depth below surface of the find.
- Report your discovery to your supervisor or if they are unavailable, report to the project Environmental Control Officer (ECO) who will provide further instructions.
- If the supervisor is not available, notify the ECO immediately. The ECO will then report the find to the Manager who will promptly notify the project archaeologist and SAHRA.
- Delineate the discovered find/ feature/ site and provide a 25m buffer zone from all sides of the find.
- An archaeologist should give recommendations on the cause of action to be taken.

## APPENDIX F: AUTHOR'S RESUME

# ROY MUROYI

## ARCHAEOLOGY & HERITAGE SPECIALIST



### AREAS OF SPECIALITY

- Iron Age archaeology
- Colonial archaeology
- Industrial Archaeology
- Grave relocations
- Human Skeletal remains analysis

### WORK EXPERIENCE (NINE YEARS)

- **Tsimba Archaeological Footprints (Pty) Ltd | Current Director**
  - Heritage Impact Assessment compilation
  - Archaeological excavations
  - Human Skeletal analysis
  - Compliance with National Heritage & Environmental law
  - Geological Information systems work
- **G& A Heritage Consultants | 2018 | Field Technician**
- **Cape Archaeological Survey|2017|Field Technician**
- **Vhubvo ArchaHeritageConsultantsArchaeologist|2017**
- **NGT Holdings |Archaeologist |2016**
- **Time Line Consulting Botswana |Field Technician**
- **National Museums & Monuments of Botswana Salvage Archaeology| 2013**

### CAREER OVERVIEW

*I am a flexible, creative, hard-working and professionally minded archaeologist with realistic methods, who always aims to produce only the best results. I have been involved in grave relocation projects, experience in compiling Heritage Impact Assessments, and Conservation Management Plans Eco- Tourism Impact Assessments . I have also gained experience in Community Engagement for major developmental projects.*

### ACADEMIC ACHIEVEMENTS

**Masters Heritage Studies -  
University of Witwatersrand**

**Masters Critical Diversity Studies  
- University of Witwatersrand**

**BA.Hon. Archaeology, Cultural  
Heritage and Museum Studies-  
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