

APPENDIX 3

TERMS OF REFERENCE FOR THE CULTURAL ASSESSMENT

Terms of Reference and Scope of Services

1. Scope of Services

Includes the:

- ?? Archaeological, palaeontological, anthropological and historical expertise.
- ?? Access to local knowledge
- ?? Ability to conduct fieldwork
- ?? Knowledge of relevant documentation.
- ?? Report drafting.
- ?? Experience with database in Microsoft Access.

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2.1 Cultural mapping exercise:

Goal: To analyse and map all relevant and available cultural information and sites within the gAENP planning domain and catalogue this in Microsoft Access to ensure constant updates towards implementing a cultural resource management strategy for SANParks.

- ?? Identify and appoint sub-consultants to manage subcomponents.
- ?? Identify and review all available information and sites with regards to archeological, palaeontological, anthropological and historical issues within the planning domain.
- ?? Familiarity with the identified biological (vegetation map) and developmental zones for the gAENP.

Products:

- ?? A (hard copy and electronic) report to include the following headings: GPS reference site, Location (description if needed), Conservation Status/ Significance, Management Options, A photographic record of significant sites.
- ?? Catalogue sites in Microsoft Access to ensure updates and provide cross reference with the identified biological, developmental zones and vegetation types.
- ?? Motivation for a full cultural mapping exercise to include all necessary fieldwork and relevant cost estimates.

3. Activity targets

- ?? Constant interim meetings with client with regards to progress and access to sites and information.
- ?? Submission of final report (both in electronic format and 1 hardcopy) + catalogue in Microsoft Access by no later than 15 December 2002

Strategic framework for the conservation of cultural resources in GAENP

Background to the area

The SANParks, in keeping with its corporate Cultural Resources Management Policy (CRM) and desire to comply with South African cultural heritage legislation has selected to produce a Strategic Framework for the Conservation of Cultural Resources in the area of the gAENP. Further, as a precautionary principle, rather than a necessity, an initial desktop cultural resources inventory is in the process of being compiled. Whilst parts of the area in which the GAENP proposal is found are known to contain important rock art, fossils and artifacts none of these resources are threatened by the GAENP proposal. Therefore, whilst World Bank safeguard policy for Cultural Resources, OPN 11.03 and OP 4.11, is triggered by virtue of the presence of cultural property in the area, the beneficial land use impact of the gAENP proposal, South African heritage legislation, SANParks CRM Policy, the gAENP Cultural Resources Framework discussed below, together with the compilation of a cultural resources inventory, result in compliance with OPN 11.03.

In the southeastern portion of the gAENP, the Alexandria Dune Field Area is considered by the South African authorities to have World Heritage Status. Motivations in this regard have been made to UNESCO. It is anticipated some heritage sites found in gAENP will be of National importance while others have regional and local significance. SAHRA (South African Heritage Resources Agency) and/or the local Provincial Heritage Authority will be involved in the determination of significance in consultation with experts.

It is clear that the proposed extent of the gAENP encompasses an area with significant heritage resources. In 1996, a small dinosaur called *Nqwebasaurus thwazi* (Kirky) was discovered near Kirkwood, while the very first dinosaur to be identified in South Africa was discovered on the Bushman's River (on the edge of the Park) in 1845. Archaeologically, the area includes extensive evidence of Khoisan settlement in the past. This is reflected in the shell middens on the Alexandria coast, the rock art of the Zuurberg and the stone cairns found along the Sunday's River.

The proposed area of the gAENP also has many important historic connections. Early traveler's accounts provide information on the old wagon paths and the history of early elephant (and game) hunting. The settlement of the region by Xhosa-speakers and Europeans is reflected in the old farmhouses, mission stations, cemeteries and villages. There are early frontier posts associated with the successive Wars of Dispossession (Frontier Wars) also some activity related to the South African War (Anglo Boer).

World Bank Safeguard Policies – OPN 11.03

The main objective of OPN 4.11 is to ensure that Bank supported projects avoid, minimize and mitigate the risks associated with the possible loss of cultural resources. OPN 11.03 uses the United Nations definition of cultural property" to include sites having archaeological (prehistoric), paleontological, historical, religious, and unique natural values. Cultural property, therefore, encompasses both remains left by previous human inhabitants (for example, middens, shrines, and battlegrounds) and unique natural environmental features such as canyons

Therefore, where such features exist as in the case of the gAENP proposal, OPN 4.11 is triggered and needs to be complied with.

The SANParks Cultural Resources Management (CRM) Policy

The conservation of heritage resources in the gAENP is of importance. It is therefore praiseworthy that SANParks has committed itself to the conservation of heritage resources in its Parks (see Policy Guidelines for Cultural Resource Management in National Parks). In this policy document SANParks accepts responsibility for the effective protection, preservation and sustainable utilisation of cultural resources and explicitly commits itself to their integration into the development planning process as well as park management.

Cultural resources mapping of the GAENP

The Albany Museum has been contracted to undertake a first-phase cultural (archaeological, palaeontological, anthropological and historical) mapping exercise of the gAENP. In addition to the physical description; information on significance, key management issues, potential impact and recommendations for mitigation (if these are adverse) and conservation objectives will be addressed.

The survey has commenced and the heritage resources will be catalogued on Microsoft Access. The database will be constructed in such a way that it can be constantly updated as new sites are discovered. It is envisaged that the database may be integrated within the GIS system for the Park, making it a valuable tool in the management of heritage resources in the Park.

Legal Issues

All heritage resources within the gAENP fall under the **National Heritage Resources Act (1999)**. The Act provides the general principles for governing the management of heritage resources. It provides for an integrated system for the identification, assessment and management of heritage resources; sets norms and standards for the management of heritage resources and empowers civil society to conserve their own heritage resources so that they may be preserved for future generations. The Act will form the basis of the management recommendations flowing out of the specialist study.

The key implications of this legislation for the gAENP area are as follows:

- ~~///~~ The regulation of National Heritage (Monument) sites is generally a Provincial Government function. However, when significant sites are adopted as National Heritage Sites they will fall under the jurisdiction of the national regulatory body SAHRA. Shipwrecks are also deemed the responsibility of SAHRA.
- ~~///~~ SAHRA needs to authorise the sale of pictures of National Heritage Sites.
- ~~///~~ Structures older than 60 years may not be altered or demolished without a permit from SAHRA.
- ~~///~~ All archaeological material and remains of human activity (which are older than 100 years) and palaeontological sites as well as meteorites are protected by the Act.
- ~~///~~ Burial grounds and graves are afforded particular protection and a permit to exhume a grave or demolish a cemetery/grave will not be granted if detailed

efforts are not made to contact and consult communities and individuals who have an interest in the cemetery/grave concerned.

~~///~~ The Act makes provision for the protection of Living Heritage and also defines Heritage Objects. It allows for the restitution of heritage objects to communities, which may claim them.

SANParks is taking the necessary measure to ensure compliance with the Act.

Mitigation measures

The main mitigation measures will include:

- *the adoption of the proposed cultural heritage data base to ensure that small works are built away from sites of cultural heritage importance*
- the updating of the data base as a planning instrument as new data becomes available
- the training of staff on cultural resources identification and management including reporting procedures on new finds.

In the event that an impact cannot be avoided the requirements of SAHRA will be complied with and where needed a mitigation plan will be produced by a reputable specialist.

Recommendations

1. A basic training programme for staff in the identification, management and reporting procedures of heritage resources.
2. To appoint a staff member to update and maintain the cultural resources database as new heritage resources are discovered.
3. To integrate the management of the database and cultural resources as a part of the gAENP environmental management system which is about to be adopted.

Therefore, whilst World Bank safeguard policy for Cultural Resources, OPN 11.03 and OP 4.11, is triggered by virtue of the presence of cultural property in the area, the beneficial land use impact of the gAENP proposal, South African heritage legislation, SANParks CRM Policy, the gAENP Cultural Resources Framework discussed below, together with the compilation of a cultural resources inventory, result in compliance with OPN 11.03.