

GUIDELINES FOR HERITAGE IMPACT ASSESSMENT



Table of Contents

Introduction	4
These Guidelines Give Consultants	4
The Role National Heritage Council of Namibia.....	5
Background	6
What is a Heritage Impact Assessment (HIA)?	10
When is a Heritage Impact Assessment needed?.....	14
Why is a Heritage Impact Assessment needed?	16
Types of Specialist Assessment Studies in an HIA.....	17
Who should carry out a Heritage Impact Assessment?	20
What should be included in the Heritage Impact Assessment?	21
A Statement of Heritage Vulnerability	29
Definition of reversibility and Irreversibility	31
Recommended approach	35

Application for Consent	38
Consent process	40
Duration for processing of applications for Consent	41
Sanctions	41
Application for a permit.....	42
Cited reference	44
Sample of the consent form	46

Introduction

The purpose of this guideline is aimed to assist the applicants, consultants and all other interested parties to understand why, when and who should carry out a Heritage Impact Assessment (HIA) exercise. All heritage Impact Assessments must be carried out following the procedures described in this guideline so that the assessments are consistent and thorough. In addition to this document, these guidelines should be read in conjunction with relevant legislation, the National Heritage Act, (Act No.27 of 2004).

These Guidelines Give Consultants

A benchmark for carrying out heritage impact assessments in the land use development context, to ensure that Heritage Impact Assessments are carried out at a consistent and appropriate level.

Flexibility to exercise professional judgement, based on experience, expertise and research, to work beyond the minimum standards and/or respond to Namibian conditions specific to a particular project area

The Role National Heritage Council of Namibia

As an organ of the Namibian Government and a Registered Interested and Affected Party (RIAP) in the Environmental Impact Assessment process, the National Heritage Council has jurisdiction in respect of the cultural heritage activity to which the application for consent and permits relates, as per the National Heritage Act (No. 27 of 2004). The Act is the legal instrument that provides for the protection of significant heritage resources as defined in Section 1 of the Act.

Critical provisions in the National Heritage Act concerning the impact on heritage resources include:

- (1) Section 46 which prohibits the removal, damage, alteration or excavation of heritage sites or remains (defined in Part 1, Definitions 1);
- (2) Section 48 sets out the procedure for application and granting of permits such as might be required in the event of damage to a protected site occurring as an inevitable result of development;
- (3) Section 51 guides while Section 53 (7) and Section 54 (7) set out the requirements for impact assessment, particularly in conservation areas and near listed buildings. This would

then allow the identification of possible sensitive heritage resources that could be negatively affected by infrastructure developments;

(4) Section 55, Paragraphs 3 and 4 require that any person who discovers an archaeological site or heritage resource should notify the Council. Section 62 outlines the heritage regulations concerning the issuing of any permit or consent under the Act.

Background

Namibia has a rich cultural and natural heritage. Despite various domestic laws put in place and the international treaties and conventions on the protection of these heritage resources that the country has ratified, the country continues to experience challenges in curbing numerous, enormous, threats facing its heritage resources. The most common threats identified in Namibia are:

- Anthropogenic activities related to the uncontrolled infrastructure development contexts in both urban and rural settings. These include commercial development activities (i.e. insensitive buildings e.g. skyscrapers, large shopping malls and encroachment etc);

- New transportation infrastructure (roads, railways, airports harbour and port facilities); utilities or service infrastructures (installation of water, telephone and renewable energy facilities);
- Pollution (marine waters, groundwater, surface, air and solid waste pollutions); physical resource extraction i.e. large and small scale mining (mining and quarrying) and deliberate destruction (i.e. vandalism, graffiti and theft).
- Change in use (of all above)

Environmental pressures also take a toll on heritage resources. Impacts manifest themselves in the forms of climate change and severe weather events (i.e. lightning strikes, flooding, drought and desertification); ecological and geological activities (i.e. erosion, seismic, earthquake, and fire (wildfires). Moreover, local development is often used to justify the destruction of heritage resources.

The Environmental Management Act, No. 27 of 2007 (Govt Notice 29 of 2012) and the Environmental Impact Assessment Regulations (Govt Notice 30 of 2012) define environment as geographical, physical, biological, social, economic and cultural aspects. The list of activities that may not be undertaken without an Environmental Clearance Certificate include:

- Ecological impacts (flora, fauna, geology and hydrology);
- Visual impacts;
- Aviation;
- Social and economic impacts (composition of the local community and employment opportunities);
- Cultural Impacts on (heritage resources – sites and objects of archaeological, palaeontological, built heritage, natural heritage, historical and intangible cultural heritage).

Therefore, Heritage Impact Assessments in Namibia are required in terms of the National Heritage Act (No. 27 of 2004) and under the provisions of the Environmental Management Act No. 27 of 2007. Though the Environmental Impact Assessment Regulations (Govt Notice 30 of 2012), the regulation has listed these activities. Over the years, it has been noted with great concern that the heritage component is often underrepresented in the Environmental Impact Assessment (EIA) reports. In some instances, the produced reports are unsatisfactory as the assessment is either carried out by a non-heritage specialist in which the significance of cultural heritage resources is often poorly identified, defined and or documented or the report is not in line with heritage impact assessment frameworks.

The Heritage Impact Assessment studies are critical parts of the EIA processes in ensuring effective identification; accurate recording, reporting, interpretation and appropriate estimation of the sensitive and significant heritage resources that could be negatively affected by the developments. The assessment needs to address cumulative impacts on the heritage resources, map out and demarcate sensitive areas, provide practical mitigation to avoid or reduce negative impacts, and set out associated long-term monitoring requirements for managing and conserving heritage resources in the project area so that they are appropriately managed, protected and preserved in their original settings.

Against this background, a formal evaluation is required by suitably qualified heritage professionals who identify all heritage resources in the area to be developed and make recommendations or mitigations of the impacts. Therefore, reports resulting from the assessment of impacts to heritage resources, or their mitigation, are part of the management of these resources and it is necessary to ensure that the quality and content of such reports accurately identify and describe the resources before alteration or destruction, reflect the significance of the heritage resources and provide a narrative and record of their possible alteration.

What is a Heritage Impact Assessment (HIA)?

Heritage Impact Assessment forms part of the wider heritage component of Environmental Impact Assessment, required in terms of the National Heritage Act (No. 27 of 2004) and the Environmental Management Act, No. 27 of 2007 and its Regulations of 2012.

Heritage Impact Assessment is a process of identifying, predicting, evaluating and communicating the probable effects of a current or proposed development policy or action on the heritage values (including Outstanding universal value in the case of World Heritage Properties), cultural life, institutions and resources of communities, then integrating the findings and conclusions into the planning and decision-making process, to mitigate adverse impacts and enhance positive outcomes (Wijesuriya and Hong, L. 2012).

The 2011 publication of the International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*, defines Heritage Impact Assessment as a procedure for identifying, analyzing, evaluating and assessing the potential impacts of human-induced threats on heritage resources. Further, it is a document that determines whether any cultural resources are impacted by a specific proposed development or other proposal for change. The process ensures that the significance of heritage resources is taken into account when proposing new developments

or changes to existing heritage resources. An HIA is not limited to archaeological resources, it is encompassing and includes other cultural heritage resources such as historical buildings, shipwrecks, graves and sacred sites. It also includes aspects of intangible cultural heritage that might be linked to physical objects or the physical environment.

A significant heritage resource in terms of the National Heritage Act is defined as;

Heritage 'means' places and objects of heritage significance

Objects 'means' any movable article and includes

- (a) Archaeological objects
- (b) Palaeontological and rare geological objects
- (c) Meteorites
- (d) Ethnographic objects
- (e) Military objects
- (f) Objects of decorative or fine art
- (g) Objects of scientific or technological interest
- (h) Books, records, documents, photographic positive and negatives, film or video material or sound recordings, excluding those that are public records to which the Archives Act No. 12 of 1992) applies.

Place 'means' an area of land with or without improvements and includes

- (a) a building
- (b) a garden
- (c) a tree
- (d) the remains of a ship or part of a ship
- (e) an archaeological site, palaeontological, historic
- (f) a site, property
- (g) land associated with anything specified in paragraphs (a) (e).

Heritage Significances/ Attributes: These are aesthetic, archaeological, architectural, palaeontological, cultural, historical, scientific, spiritual etc.

Outstanding Universal Value(s) (as outlined at the time of inscription, Statement of OUV) Human creativity; Heritage values, Authenticity, Human values; Uniqueness /exceptional; Outstanding example of attributes above; tangibly associated with events or living traditions etc. (World Heritage Convention, 1972).

A Heritage Impact Assessment (HIA) must provide the National Heritage Council with sufficient information to understand the types of heritage resources found in the area proposed for a project, as well as the likely impact of a proposal (proposed activity) on the

integrity of any heritage resources protected in terms of the National Heritage Act. The institution should be able to assess with confidence whether or not such information provides an avenue for an objection to the proposed development or propose conditions and mitigation measures to manage cumulative impacts to heritage resources as a basis for such a proposed development to proceed.



When is a Heritage Impact Assessment needed?

Heritage Impact Assessment are studies carried out to examine the impact that any change or developments have on any physical or intangible integrity (attributes) of a heritage resource.

An HIA is needed when there is proposed developments within /around heritage resources that will impact upon heritage resources utilizing disturbing, removing, damaging, altering, or excavating of heritage sites or remains found in private or public land, in declared areas, conservation areas, world heritage properties and /or undeclared areas as heritage resources are the property of the State as per section 55 and 57 of the Act, except such which is acquired under section 55 (3). Such impact on heritage resources is only permitted by the appropriate authority, the National Heritage Council.

The impacts on heritage resource/s affected must be mitigated to ensure the recovery and recording of information about that site earliest stage of any development project. Certain works and activities that would require a Heritage Impact Assessment include, but is not limited to:

- A proposed change to a historical building (renewal, restoration, repair, alteration) as well as the built heritage environment;

- Physical resource extraction i.e. large and small scale mining (mining, quarrying and other mineral explorations);
- development activities (i.e. constructions and encroachment etc);
- Transportation infrastructure (roads, bridges, railways, airports, harbour and port facilities) or other forms of similar development;
- Utilities or service infrastructure (installation of water, telephone, dams and renewable energy facilities) or other forms of similar development;
- Developmental and economic activities with the intention of disturbing underwater heritage and marine or coastal areas off the west coast of Namibia or
- As per section 54 (6) of the National Heritage Act: A person who intends to undertake within a conservation area:
 - (a) A development that exceeds 10 000 square metres in the extent or the estimated costs of which exceed N\$ 2 million.
 - (b) Construction of a road, wall, powerline, pipeline, canal or any other similar form of similar development or barrier exceeding 300 metres in length or
 - (c) The construction of a bridge or similar structure exceeding 50 metres in length
- Any other development or activity that may change the character of an area of land or water;

HIA should occur at the earliest stage to guide and add value to the proposed development and to identify potential heritage resources that are likely to be impacted and when necessary, propose mitigation measures and in extreme cases a Heritage Management Plan (HMP).

Why is a Heritage Impact Assessment needed?

An HIA is needed to;

1. Identify any heritage resources which might be affected by the proposed development.
2. Evaluate the nature and degree of significance of such resources.
3. Understand the range of impacts arising from the proposed development or change.
4. Provide an objective evaluation of these impacts on the heritage resources.
5. Propose clear guidelines/recommendations for the appropriate management and mitigation measures of these impacts.

Types of Specialist Assessment Studies in an HIA

Since heritage resources vary in their typological classifications, as defined in the National Heritage Act no. 27 of 2004, it is required that various specialist assessment studies in an HIA should include but is not limited to Archaeological Impact Assessment (AIA), Palaeontological Impact Assessment (PIA), Maritime Heritage Impact Assessment (MHIA), Heritage of the Built Environment Impact Assessment (HBEIA), and Historical Impact Assessment (HIA). These are briefly outlined below:

1. Archaeological Impact Assessment (AIA): Assesses (a) a place or an object, and any remains of human habitation or occupation that are 50 or more years old found on or beneath the surface on land or in the sea; (b) a rock art being any form of painting, engraving or other representation on a fixed rock surface or loose rock or stone which is 50 or more years old. Other archaeological heritage remains may include prehistory (lithic), archaeobotanical, archaeozoology, potteries and ceramics, sediments attesting to human habitations etc. These must be incorporated into an HIA, which assess the heritage resources of the proposed development area together and as a whole.
2. Palaeontological Impact Assessment (PIA): is required wherever palaeontological resources including rare geological objects and meteorite sites and objects are

impacted by proposed developments. This is especially necessary where there is a disturbance of rock layers that may contain palaeontological fossils. Only qualified palaeontologists, Geoarchaeologists and/or Sedimentologists can carry out this specialized assessment study, which must be an integral part of the HIA.

3. Maritime Heritage Impact Assessment: (MHIA) In terms of the National Heritage Act, maritime remains situated on the coast or in the territorial waters (i.e. up to 12 nautical miles offshore) or in the contiguous zone (i.e. up to 24 nautical miles offshore) and inland waters (i.e. rivers, lakes pans etc.) of Namibia for 35 years or more are protected underwater heritage resources. If the development is located near or within Namibia's maritime zone, a suitably qualified maritime archaeologist, maritime heritage practitioner and/or a maritime historian must conduct an HIA.
4. Heritage of the Built Environment Impact Assessment (HBEIA) in terms of the National Heritage Act considers all listed buildings as per section 53 and other unregistered historic built monuments across Namibia. Any infrastructure with intention of disturbing or encroaching into a historic building, conservation area, that is over 50 years old or more that is worthy of protection and conservation should be subjected to an HIA. A Specialist

in the field of Built heritage/Architectural Conservation should ideally undertake such assessment.

5. Historical Heritage Impact Assessment (HHIA): concerning National Heritage Act no. 27 Of 2004 considers significant places and objects of historical and anthropological significance including sacred sites (places to which oral traditions are attached or which are associated with living heritage, graves and burials, historic settlements and military sites) utilizing a building; garden or a tree; fine art as well as objects of scientific or technological interest. If the development is located near or within a historic site as above, a historian, anthropologist or heritage practitioner should undertake such assessment.

The results of specialist studies conducted as part of the EIA that affects heritage resources must be included in the HIA i.e. Fauna/Flora, Social Impact Assessment/ Visual Impact Assessment and Aviation Impact Assessment etc.

Who should carry out a Heritage Impact Assessment?

A consultant who wishes to apply to the NHC to carry out an HIA must meet the following minimum requirements:

- A Master's degree (NQF Level 9) or an appropriate Post Graduate Degree (NQF Level 8) with 5-years of appropriate experience (research and fieldwork).
- Qualification in one or more or a combination of Heritage Studies: Archaeology, Maritime Archaeology, Geoarchaeology, Palaeontology, Cultural Anthropology, Built Heritage, Conservation Architecture and History.
- Non-Namibian professionals should obtain a work permit and a research permit from the National Commission for Research, Science and Technology while observing other bylaws.

It is critically important that the expertise and experiences of heritage specialists undertaking the HIAs match the typological classification of the heritage resources to be impacted (i.e. archaeological, maritime archaeology, paleontological, architectural heritage and historical heritage etc.).

What should be included in the Heritage Impact Assessment?

An HIA report must provide sufficient information to enable the assessor to understand the significance and the range of impacts arising from the proposed development.

Therefore, In every specialist report, a good understanding of the heritage resources (site/property, its significances and or OUV (in case of World Heritage Property); its attributes and its contexts (both tangible and intangible heritage) and attributes. The baseline data' against which impacts must be measured including consultation with all relevant parties. The HIA should be based on independent study, site-specific with its significances measured individually and collectively concerning other heritage resources at the local, regional and national level. Therefore, each HIA report answers the following questions:

- Which of the heritage attributes are at risk?
- How do they contribute to the local, national and OUV significances?
- How will change/development impact values?
- What is the overall threat to the values and thus to their significance and or World Heritage status?

- How can these impacts be avoided, reduced, rehabilitated or compensated (mitigation)?

The following information is crucial for the preparation of every Heritage Impact Assessment report.

A. Title Page:

- Title of the report, e.g. Heritage Impact Assessment for (name of development); - Subheading: Property name and portion (where applicable), Local Municipality, Area, Region; - Type of development; Author of the HIA; - Name of Proponent, Developer, Consultant and Date of the HIA.

B. Executive Summary:

- The purpose of the study;
- A brief development project description;
- Brief methodology including desktop study
- Identification and/or outline of consultations with interested and affected parties relating specifically to heritage resources; -
- Findings: Brief description of heritage resources, Significance of the resources and potential impacts and;

- Recommendations and reasoned opinions made by the heritage consultant.

C. Declaration of Independence and CV:

- Heritage consultants must provide a very brief summary of their experience, qualifications, membership affiliations and membership numbers, and accreditation level if relevant (this must be kept very brief, a detailed CV and certified copies of degree certificates and ID must be attached in the Appendix); -
- Heritage consultants must declare (and sign) their independence from the developer.

D. Contents Page:

- A contents page must be preferably cross-referenced and linked for ease of use;
- List of acronyms used in the report and glossary.

E. Introduction and Terms of Reference:

- Introduction to the development project and background information;
- Detailed terms of reference as provided to the heritage consultant from the commissioning body

F. Project Description:

- General project area and the specifics of the development i.e. Size of farm and portions, Magisterial District, location, aerial or geographic map and co-ordinates of the project development;
- Infrastructure and project activities table must include, but not be limited to, the following: detail the proposed activities of the project, size of project components, site clearance, blasting, phases of construction, proposed developments, description of each phase of development, expected impacts for each phase, temporary infrastructure, temporary infrastructures such as lay-down area, temporary roads, construction camps and topographic maps.

G. Legislation Requirement

- a summary of which legislation (including the relevant NHA sections) and other local by-laws triggered by the proposed development, and those identified must be subsequently outlined and quoted;
- If the impacted area is in the vicinity of a World Heritage Property, international heritage legislations, World Heritage Convention, Burra Charter etc. must be quoted.

H. **Methodology:**

- It is recommended that the literature review should contain as many of the following as possible: GIS maps (aerial/topographic, geological etc); archival research; journal articles and related publications; referencing and related heritage resources; registries from the NAHRIS database; the associated comments/ recommendations; other databases such as museum collections and reference to other specialist studies on the subject matter. When a site visit is conducted, preliminary information must be provided, accompanied by primary data i.e. oral testimonies from interviews with the local community and photographs.

I. **Consultation and Stakeholder Engagement:**

- Description of how public consultation and community meetings were conducted, identification of stakeholders, noting number and types of meetings and where they were held, including unabridged copies of the comments received.
- What was the purpose of the stakeholder engagement and what information was being sought during this process;
- Feedback from consulted stakeholders
- It must be noted that only those aspects relevant to heritage must be included here.

J. Detailed Assessments:

Description of how the sites were assessed, date and season of assessment, mapping, (GPS), sampling, laboratory testing, mitigation measures, management recommendations etc.

K. Site Description:

- Naming the conventions used, including author definitions of terminology used, e.g. with regards to sites or scatters;
- How sites were identified and described;
- Identified site boundaries (core and buffer zones) and artefact density;
- Geo-referenced photographic documentation (each site must be shown from a minimum of two angles);
- Mapping of sites must be done.

L. Site Significance Rating:

- The methodology used to assign cultural significance ratings must be following the typology of heritage resources to be impacted. Therefore, every methodology should have the rationale behind the assigned cultural significance rating to an identified

heritage resource and these must be tabulated. The sections that apply to the identified heritage resource must be indicated and the cultural significance of that resource concerning the specific criteria must be indicated and assessed. Table 1 below grades heritage significance for heritage resources in Namibia.

Level of significance	Grading	Description
Exceptional/upper higher	5	<ul style="list-style-type: none"> • Major national heritage resources • A rare and outstanding example • Containing unique evidence of high regional and national significances
Considerably high	4	<ul style="list-style-type: none"> • Very important to the heritage of the region • A high degree of integrity/ authenticity • Multi-component site and objects • High research potential
Moderate	3	<ul style="list-style-type: none"> • Contributes to the heritage of the locality and region • Have some altered or modified elements, not necessarily detracting from the overall significance of the place • Forming part of an identifiable local distribution or group

		<ul style="list-style-type: none"> • Research potential
Low	2	<ul style="list-style-type: none"> • Isolated minor find in undisturbed primary context, with diagnostic materials • Makes some contribution to the heritage of the locality, usually in combination with similar places or objects
Little	1	<ul style="list-style-type: none"> • Makes a little contribution to the heritage resources of the locality • Heritage resources in a disturbed or secondary context, without diagnostic or associated heritage
Zero/ no significance	0	<ul style="list-style-type: none"> • Absence of heritage resources • Highly disturbed or secondary context, without diagnostic or associated heritage

Table 1: Grading of Heritage Significance for Heritage

While a heritage consultant will carry out the initial significance grading, National Heritage Council will review such rating upon inspection and verification of the heritage resources to be impacted by the development to comply with provisions of the national legislation.

Summary of significance:

- Each resource/site identified within the project boundary and the impact zone must be given a significance/field rating.
- This can be presented in the description of each site or a single table format as above.
- The rationale behind each statement of significance must be discussed, including the relative significance of sites concerning surrounding heritage sites;
- Local values, authenticity and integrity of the heritage resource are equally important and must be incorporated;

A Statement of Heritage Vulnerability

In the face of anthropogenic impacts on heritage resources, the vulnerability of each heritage resource must be assessed to ascertain the degree of its vulnerability. The HIA must be independent of historical impact and natural deterioration. The Quaternary Research Services (Kinahan 2012) has developed a useful tool for rating the vulnerability of heritage resources in Namibia.

Scale	Vulnerability Description
0	Not vulnerable
1	No threat posed by current or proposed development activities
2	Low or indirect threat from possible consequences of development (e.g. soil erosion)
3	High likelihood of partial disturbance or destruction due to close proximity of development
4	Direct and certain threat of major disturbance or total destruction.

Table 2: The Vulnerability rating developed by the Quaternary Research Service, (After Kinahan 2012).

Threats and potential threats:

- Describe the nature of proposed change/developments;
- Location of change/developments- within and around heritage site or WH property, buffer zone or the setting of the property;

Definition of reversibility and Irreversibility

The principle of reversibility in cultural heritage is the degree of assurance that a heritage resource's (site or object) original state of the condition remains unchanged. An irreversible action can be defined as a process in which the heritage resource and its surroundings cannot return to their original condition once it is impacted adversely.

The reversibility and irreversibility assessment rating is therefore a model used to measure the potential reversibility of the identified impacts on the sensitive heritage resources, as reflected in Table 3. These measures were equally developed by Quaternary Research Services (Kinahan 2012) and are a useful tool for assessing the reversibility rating of heritage resources in Namibia.

Reversibility Rating Criteria

Reversible	The impact is reversible, within a period of 10 years
Irreversible	The activity will lead to an impact that is permanent

Table 3: Definition of reversibility ratings Irreversible developed by the Quaternary Research Service

Mitigation Measures

- A mitigation plan must be developed for the heritage resources;
- Consideration of the heritage significances and or OUV (World Heritage Properties) attributes should be central;
- Methods to mitigate or offset the effects of development or other change:
 - o avoid, eliminate or minimise adverse impacts on heritage significances and or OUV attributes;
 - o avoid, eliminate or minimise adverse threats to the significances and or WH status.
- Mitigation measures should be specific to the heritage resource, objective and viable;
- The devised mitigation measures should be balanced, with justifiable decisions with the degree of Specialists confidence;
- Should be sustainable in the short and long term.

M. Conclusions, Recommendations and Reasoned opinion

- Site-specific recommendations must be supplied. NHC will always advance that heritage resources are to be conserved in situ within the boundaries of a development area or impact zone.

- A Conservation Management Plan must be recommended for the protection of the sites (this can include possible alternatives in the proposed development that might allow for the protection and conservation of the sites);
- Clear discussion with the client of the legal implications and regulated process with regards to mitigation measures must be held.
- Detailed mitigation measures must be recommended which can include a permit application i.e. detailed mapping, drawing, recording, systematic surface collections, or more extensive archaeological mitigation, collection of oral stories, indigenous knowledge.
- Description and discussion of any no-go areas or buffer zones to be avoided by the proposed development (indicated on a map superimposing identified heritage resources concerning the proposed project infrastructure);
- Description of any monitoring such as a Watching Brief, Chance Finds Procedures, monitoring as part of an MP;
- Reasoned opinion whether the proposed development/activities must be authorized, noting that the final decision regarding heritage resources rests with the National Heritage Council.

N. References:

- All literature references must be listed following a consistent referencing convention; this must include newspapers, website links and archival documents. At least five cited materials are mandatory.

O. Appendices:

- This can include but is not limited to: CV, certified ID and certified copies of appropriate degree certificates as indicated in these guidelines, additional maps and photographs, extended methodologies, and impact assessment table.

Recommended approach

This operational guideline stresses that any developmental infrastructure-related activities most of which are listed in the National Heritage Act No. 27 of 2004 such as:

- the construction of a road, wall, powerline, pipeline, canal or any other similar form of linear development or barrier exceeding 300 metres in length;
- the construction of a bridge or similar structure exceeding 50 metres in length;
- those listed in the Environmental Act of 2007 and its Regulations, 2012 such as commercial fishing activities; coastal and wetland developments (in areas likely to possess shipwrecks/boat/canoes/sunken heritage or any other maritime and underwater cultural heritage including inland waters);
- mining and exploration activities utilising invasive and intrusive methods that might include, but is not limited to, drilling, cutting, trenching and bulk rock samplings and any other similar activities that are likely to have a moderate to high impact on heritage resources;
- it is required that a comprehensive heritage assessment (including field survey and scientific research) is carried out. In essence, a mandatory field survey for the following activities applies countrywide.

The consultant as guided by the current Heritage Act should not employ intrusive or invasive research methodologies that have the potential to alter, change, damage and disarticulate the heritage resources and their context unless a permit is obtained from the National Heritage Council allowing for such specific methodologies (e.g. excavation).

Comprehensive photographs and geographical coordinates should be integrated into the report, as outlined in the recommended report framework. The consultant should take note that:

- For every HIAs report submitted, the National Heritage Council reserves the right to conduct site inspections to verify and determine whether heritage resources were correctly identified, appropriately recorded, reported, interpreted, mapped, their significances and vulnerabilities appropriately estimated.
- Inspect and verify whether devised mitigation measures address cumulative impacts on the heritage resources, map out and demarcate sensitive areas and whether;
- Practical mitigation to avoid or reduce negative impacts, and set out associated long-mitigation measures to protect, conserve and preserve heritage resources across Namibia are in line with the identified heritage resources.

Should suspicion and reservation arise:

- Sanctions may be applied, as per the provisions of the National Heritage Council Act, (27 of 2004) and as Council may determine.

Regarding other project developments (that do not employ intrusive methodologies to the environment) and are likely to have no impact on heritage resources:

- A desktop assessment (review of published information/surveys on the history or value of the site) is sufficient, however, the NHC reserves the right to request for an additional detailed scoping report, inclusive of a field survey, should the need arise.

Application for Consent

Section 8 of the National Heritage Regulations (106 of 2005) states that;

- (1) A person applying in terms of section 53 (7) of the Act, for consent, must complete the relevant portion of the application form set out in Annexure H and submit such application.
 - (a) In the case of a building situated in a local authority area, to the relevant local authority and
 - (b) In case of a building situated outside a local authority area, to the council.
- (2) A person applying for consent referred to in section 55 (8) of the Act must complete the relevant portion of the application set out in Annexure H and submit such application to the NHC for processing.

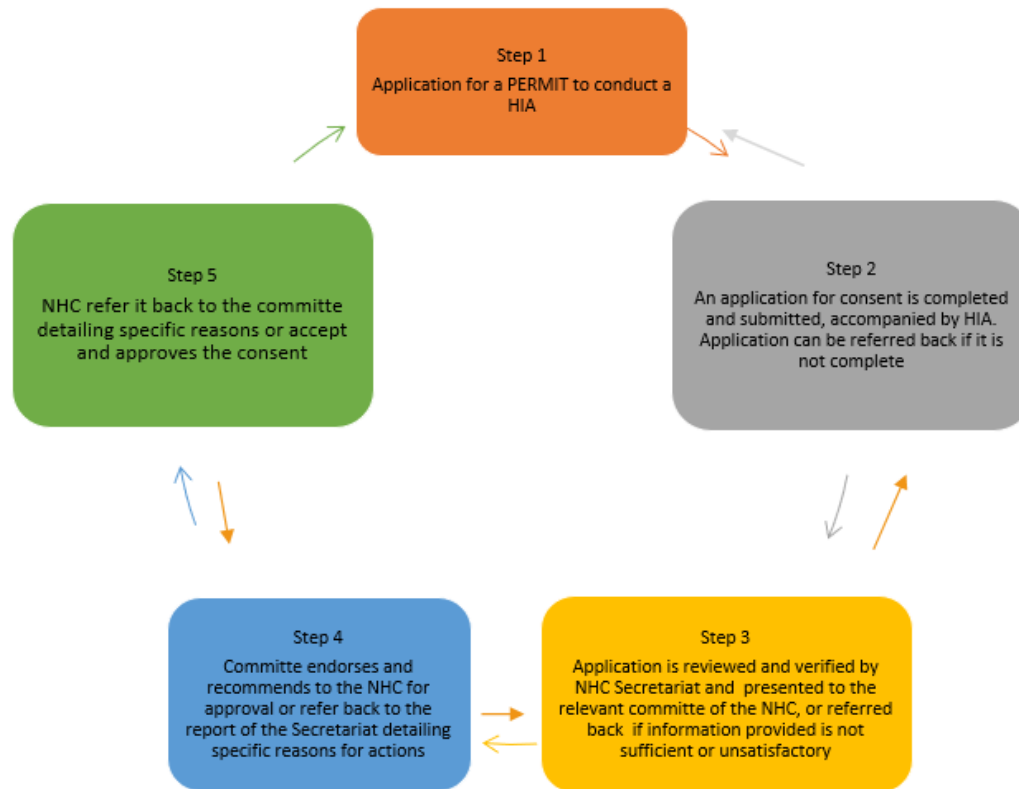
Section 9 outlines that a consent referred to in section 55 (9) of the Act must be in the form set out in annexure I. Annexure I must be signed by the proponent to make the application legally binding.

An application for consent must be accompanied by a Heritage Impact Assessment (HIA). An impact assessment is required in terms of section 51 (3) of the National Heritage Act (Act No 27 of 2004). A maximum of five EPLs//ML/MCs can be combined in one HIA report.

An application for consent must be accompanied by a prescribed fee of N\$ 150.00. The NHC reserves the right to verify information provided in any Heritage Impact Assessment. The cost of such verification shall be borne by the proponent as per section 55 (5) (d) of the National Heritage Act (Act.No.27 of 2004).



Consent process



Duration for processing of applications for Consent

The processing of the application for consent takes 90 days from the date of receipt of the application, with possible extension for a period not exceeding 30 days, with the consent of the applicant, or with the approval of the Minister should the applicant refuse to grant consent.

Sanctions

Failure to abide by these guidelines will result in consultants losing their privilege to practice in Namibia for a period determined by the National Heritage Council. Unethical behaviour such as dishonesty in reporting facts on the ground will result in the application of the sanction above.

Application for a permit

Any Heritage Impact Assessment study to be carried out in Namibia, on both in public and private land (undeclared areas); and concerning protected places or objects (declared national heritage sites and or UNESCO sites) are subjected to a Heritage Permit as set out in Section 48 of the National Heritage Act (27 of 2004) with procedures for application and granting of permits outlined in Section 55 of the National Heritage Act. Therefore; Unless authorized by a permit under section 52, a person must not, without a consent issued under subsection (8) –

- (a) use an archaeological or palaeontological object or meteorite for study, conservation or presentation;
- (b) uncover or expose, or move from its original position, any archaeological or palaeontological object or meteorite;
- (c) carry out an investigation or survey of any land to find any archaeological or palaeontological object or meteorite;
- (d) alter or develop any land on or in which an archaeological or palaeontological site or a meteorite is believed to be located;
- (e) carry out an act likely to endanger an archaeological or palaeontological object or meteorite;

- (f) within the area of a registered archaeological site own any excavation equipment or equipment designed or used for the detection of metals or archaeological or palaeontological objects or meteorites; or
- (g) An application for consent referred to in subsection (7) must - (a) be made to the Council; It is therefore expected that the specialist explains the process to the proponents who should apply for a permit to carry out activities concerning protected objects and places. You can find out more about permit applications in the ***Guidelines for Heritage Permits.***

Cited reference

1. ASAPA minimum standards for archaeological and palaeontological components of impact assessment reports. Accessed on: http://asapa.co.za/wp-content/uploads/2016/06/ASG2-2_SAHRA_APIAs_MIN_STDS_Ph1-2_16May07.pdf
2. Baumann and Winter (2005) Guideline for involving Heritage Specialist in EIA processes. Accessed on: https://www.westerncape.gov.za/Text/2005/4/deadp_heritage_guideline_draft_15april05.pdf
3. ICOMOS, (2011). Guidance on Heritage Impact Assessments for Cultural World Heritage Properties. https://www.iccrom.org/sites/default/files/2018-07/icomos_guidance_on_heritage_impact_assessments_for_cultural_world_heritage_properties.pdf
4. CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, 1972. <https://whc.unesco.org/en/conventiontext/>
5. The Environment Management Act, 2007 <https://www.lac.org.na/laws/annoSTAT/Environmental%20Management%20Act%207%20of%202007.pdf>

6. Environmental Regulations 2012
https://www.met.gov.na/files/downloads/665_Environmental%20Impact%20Assessment%20%20regulations.pdf
7. Kinahan, John. 2012. Archaeological Guidelines for Exploration & Mining in the Namib Desert.
<https://eapan.org/sites/default/files/u1/Archaeological%20Guidelines%20for%20Mining%20in%20the%20Namib.pdf>
8. National Heritage Act, 27 of 2004
<http://www.lac.org.na/laws/annoREG/National%20Heritage%20Act%2027%20of%202004%20-%20Regulations%202005-106.pdf>
9. SAHRA (2006) Guidelines: Minimum Standards: Archaeological and palaeontological components of Impact Assessments Reports CaDW.
<https://sahris.sahra.org.za/sites/default/files/website/articledocs/PIA%20Min%20stds.pdf>
10. Wales Guidelines for Heritage Impact Assessment
11. Wijesuriya, G. and Hong, L. 2012. Introduction to the HIA Framework — Overview of the 1st session of International Training Course on Heritage Impact Assessments.

Sample of the consent form



National Heritage Council of Namibia Technical Department

Cor. Dr. AB Mey and Governor Michael Goetz Street, Windhoek
Private Bag 52343, Aaagangopozu, Windhoek
Tel: (81 1) 29 1 955 - Fax: (81) 248 472 - Email: nhc@nhc.gov.na

APPLICATION FOR CONSENT

[Sections 53(7) and 55(8) of the National Heritage Act, 2004 (Act No.27 of 2004)]

CONDITIONS AND INSTRUCTIONS

1. The receipt issued serves as a reference when making enquiries.
2. Works and activities applied for under section C, of this application, is subject to an environmental impact assessment at the applicant's expense.

3. Instructions for completion:

Applicants must complete the relevant parts of this application.

A. APPLICANT'S DETAIL

1. Name and address of applicant

2. Full name and designation of the person in charge of undertaking the works or activities:

3. Full name and personal details of researcher, contractor or person in charge of the proposed works or activities:

4. Academic qualifications, skills, occupation and competencies of the person in charge mentioned under A2 above.

1

5. Previous permits issued in Namibia:

6. Period for which permit is required: From _____

To _____

7. Date by which permit is required:

B: WORKS OR ACTIVITIES

15. Geographic location and address (farm, village, settlement, town, region, magisterial district, constituency, Global Positioning System coordinates) of the site, protected place or protected object where works or activities are proposed:

20 Government Gazette 1 September 2006 No. 3480

16. Detailed description of the nature of works or activities for which the permit is applied for: (e.g. excavation, construction, filming etc) (Attach additional and supporting information if the space on the form is insufficient.)

C: UNDERTAKING BY APPLICANT

17. I _____ (the person in charge of undertaking the works or activities) and (where applicable) being head of the _____ institute, hereby undertake to strictly observe the terms and conditions under which the National Heritage Council may issue the permit.

Signature _____ dated _____

I

Consent No. _____

(Consecutive number & year of issue)

2