GUIDELINES TO ARCHAEOLOGICAL PERMITTING POLICY

1 General Considerations for Archaeological Permitting

Legislation\(^1\) regarding the protection of archaeological material requires that permits be acquired from the relevant heritage resources authority for any disturbance or intervention. The purpose of the permit system for archaeology is to keep a record of the excavation and collection of archaeological material, and to ensure that proper scientific standards are maintained.

Application for a permit should be made on the appropriate official form from the appropriate Heritage Resources Authority (HRA)\(^2\). The application will be circulated to members of the Permit Committee and Advisory Panels for expert opinion and if no objections are received, a permit may be issued. For applications relating to national heritage sites a full research proposal (see relevant Guidelines\(^3\)) is expected and this may be reviewed by two specialists and may be circulated to Permit Committee.

The following guidelines to policy have been established:

- If the applicant is applying for a permit from SAHRA, the applicant must consult the SAHRA regulations regarding permitting\(^4\). If the applicant is applying for a permit from a Provincial Heritage Resources Authority (PHRA) the applicant must consult the relevant regulations.
- There must be a legitimate reason for doing the work.
- Permits for archaeological work are issued only to persons who are qualified archaeologists, and/or who have the appropriate fieldwork experience and expertise to do the work and the subsequent analysis. If the applicant is not suitably qualified, it will be necessary for him or her to obtain the services of a qualified person. The applicant is generally required to have an MA degree in Archaeology and appropriate experience. Where students have Honours degrees (i.e. are not yet qualified as Principal Investigators or PIs), their promoters or mentors may act as PI. The Association of Southern African Professional Archaeologists (ASAPA) has set standards for accredited professional workers (www.asapa.org.za).
- The PI, the excavator, or a suitable member of the team, should have appropriate experience in the specific area of specialisation, e.g. have experience on Palaeoanthropological, Earlier, Middle or Later Stone Age, early Herder, early Farmer, Historical or Industrial Archaeological sites.

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\(^1\) National Heritage Resources Act (Act No. 25 of 1999, sections 35 & 32) and the Government Gazette Vol. 240, No. 21297.

\(^2\) “Heritage Resources Authority” (HRA) means SAHRA and/or the Provincial Heritage Resources Authority (PHRA).

\(^3\) Guidelines for Research Proposals for Archaeological and Palaeontological National Heritage Sites.

• Palaeoanthropological sites — and sites where hominin remains might be encountered — are handled as archaeological sites and are permitted as such.

• The application must be accompanied by:
  o a full motivation explaining the reasons for, nature of the work and extent of the work;
  o a copy of at least a 1:50 000 or 1:10 000 or map, on which the site is clearly marked;
  o the geographical co-ordinates of the site;
  o the written agreement (signature) of the head of the institution (Museum Director or Head of the University Department) with which the applicant collaborates, that will store the material; and
  o in the case of national heritage sites a full Research Proposals will be required.5

• Applications must be carefully filled in as the nature of the request helps determine the conditions of the permit.

• The excavator or collector must obtain permission from the landowner to undertake the work. The HRA is not responsible for the actions of the permit holder.

• Recovery methods that ensure that the greatest possible amount of information is recorded must be used.

• The applicant must have a copy of the permit (or permit card) available on site.

• The permit holder must provide for the conservation of all recovered objects, associated data and records.

• The Institution is advised to make arrangements with the excavator or collector regarding the preparation and curation of, and the field records associated with, that material. Thereafter, the material is managed by the institution and not by the permit holder. Once accessioned, it may not be sold or otherwise disposed of, except by approved de-accessioning procedures, as it belongs to the state.

• A record of the site must be lodged with the relevant regional Archaeological Data Recording Centre, if operative, as are those from Northern Cape and KZN.

• The permit holder must submit regular detailed annual progress reports and a final report usually within one year of the lapsing of the permit. These reports are confidential, but may be made available to other researchers three years after the permit has lapsed. There must be tangible evidence that work is being done at a site before other permits are issued.

• Artefacts and other archaeological materials may be exported either permanently or temporarily (see SAHRA policy for Temporary and Permanent Export, below). In the case of temporary export, it is necessary to check that they are returned by the due date.

• Permits for bona fide archaeological research by qualified South African citizens or permanent residents may be subject to a fee.

• SAHRA or the relevant Heritage Resources Authority may revoke a permit if the conditions are not met.

2 Additional Considerations for Excavation and Collection Permits

Excavation permits are generally issued for Research or for Mitigation. In special cases ‘Site Testing’ or temporary exploratory permits may be issued to assess the depth and

5 See SAHRA Guidelines for Research Proposals
potential of a site. In any case, excavation is destructive and the highest possible standards of recovery and recording must be applied.

2.1 Research Permits

- Research permits are issued to qualified archaeologists. They are issued, by preference to one person, the person who is to do the work. Where necessary for funding applications, permits may be issued to “Applicant 1, who is working in association with Applicant 2”. Applicant 1 is responsible for ensuring that the best possible standards of excavation and reporting are adhered to (2.4 below). If a student is not yet a Principle Investigator (for example a Masters student) the promoter should act as the Principle Investigator and both names may appear on the permit.

- Researchers are advised to supply the HRA with the written consent of the landowner indicating that the landowner has understood the nature and duration of the project.

- It is the responsibility of archaeological excavators to fill in all trenches and stabilize the site to the satisfaction of SAHRA and/or to fence the site if necessary for the safety of persons and animals. Stabilisation should minimally include lining in situ deposit with geo-textile. Sandbagging of sections with army bags containing 2% cement and sewn into large sausages of geo-textile has proved durable.

2.2 Permits for Mitigation

- Permits for mitigation are given where sites are threatened by development. Where possible, arrangements should be made to conserve and protect sites of significance rather than allowing their destruction by development. Where this is not possible, mitigation must be arranged. Even ephemeral sites may have historic significance and should be sampled and recorded. Even if sites are not to be destroyed immediately they are likely to be exposed to attrition and damage and an adequate and representative sample of the contents must be taken. The developer should apply for a permit for destruction if the remainder of a site is to be destroyed.

- Appropriate samples must be taken for archaeological dating.

- Mitigation permits are generally issued to accredited, qualified archaeologists with experience in contract work (Cultural Resource Management). They are issued, by preference to one person, the person who is to do the work. The Association of Southern African Professional Archaeologists (ASAPA) has a list of accredited professional workers, Cultural Resource Managers (www.asapa.org.za).

- The best possible standards of collection or excavation and recording apply as usual.

2.3 Permits for “Site Testing”

- Permits for “Site Testing” may be issued for a short period, where required, to test the depth or potential of a site during a Phase 1 Impact Assessment or in research situations. At no time do these permits take the place of full excavation permits. The best possible standards of excavation and recording apply as usual.

3 Considerations for Permits for Destruction

Permits to destroy archaeological sites in the course of earth-moving or development will be issued only after a survey (usually both Phase 1 and Phase 2) has been done by a
qualified archaeologist and sites have been sampled to the satisfaction of the archaeologist and the HRA. Practitioners should remind the developer to apply for this permit.

4 Considerations for Permits for Sampling and Analysis

A specific permit for sampling or analysis (for bona fide research purposes) must be obtained for sampling excavated or collected material for analysis where there is not a current permit on the site. In the case of samples taken from a collection, the permit should be applied for through the curator of the collection and is generally given in the name of the person who is to do the work. The relevant Heritage Resources Authority must be consulted about their requirements.

Where sampling is to be done overseas, an export permit (see below) from SAHRA is required (the necessity for a local permit may or may not be waived by the Provincial Heritage Resources Authority) and the relevant details must be included in the export permit application. See further details under Export Permits (section 7 below).

5 Considerations for Rock Art Permits

Permits are required for the removal of graffiti from sites that have rock art. They are given to persons who have the appropriate experience. Permits for tracing rock art have not been deemed necessary, but this could be re-assessed.

6 Considerations for Permits to Rescue Disturbed Burials

Permits are given for the excavation of disturbed burials or burials threatened by development. In these instances the stipulations of the Act and the Regulations\(^6\) apply, especially the regulations regarding consultation with the family or community and, where appropriate, reburial. In November 2009 the SAHRA Burial Grounds and Graves Unit took responsibility for SAHRA burial permits. Guidelines are available from them.

7 Temporary and Permanent Export of Archaeological Material

7.1 Criteria for Assessment of Applications

In assessing whether or not material may be exported, the Permit Committee is dependent on its members and on the advisory panels (Stone Age, Iron Age, Historical Archaeology, Archaeometry, Maritime Archaeology, etc.) drawn from nominees (nominated but not elected, each time permit committee is set up) and other specialists, to assess permit applications in terms of (a) the scientific value and rarity of the material, (b) the reasons for which the export permits are requested and (c) the arrangements made for the safety and transport of the specimens.

7.2 Permanent Export is permitted only:

- for specimens that are relatively common and of which there are other examples in South African scientific institutions;

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7.1 Recognized scientific institutions abroad may be entitled to material owned or controlled by South African institutions, for research/display purposes and not for sale or exchange; and for material that is to be destroyed during analysis or dating that cannot be done in South Africa, for example for chemical testing or specialized dating techniques. In such cases, more than half of each specimen must be retained in South Africa.

7.3 Temporary Export is permitted only:

- if the material cannot be studied or analysed in South Africa because the necessary technical equipment, comparative collection or expertise is not readily available here;
- if the collection is not rare or of unusual scientific value;
- if the material is sent to a recognized scientific institution; and
- if the applicant undertakes to ensure the return of the material within the time period stipulated by the permit.

7.4 General Policy for Export Permits

- Temporary export permits are usually issued for one year and all export permits are free of charge.
- Export permits are usually issued to the scientific officer in charge of the collections (or the curator of the collection at the scientific institution housing the material) or failing that, to the scientist who wishes the work done. The name and details of the ‘exportee’, i.e. the person to whom the material is exported, the person who is to do the work, or transport the material overseas, also appears on the permit. Written approval (signed application form) must be obtained from the head of the department or scientific institution housing the material in South Africa. Material may be sent only to researchers at recognized scientific institutions abroad. Students should be cited as “in association with” their promoters.
- The cost of sending the material abroad is borne by the South African institution or the person who borrows the material and the cost of returning it is borne by the person to whom the material is sent. Applicants must ensure that the recipient is aware of the fact that he/she is responsible for the cost of returning the specimen(s) in the time stipulated.
- It is expected that archaeological heritage objects will be exported and returned, by the due date, in the hand luggage (if size allows) of the visiting scientist involved in the work. If they are to be sent with another visiting researcher, who can travel at a convenient time, please notify SAHRA who this is, giving their credentials to indicate their understanding of the significance of the package. SAHRA prefers that the postal service is not used. If this is necessary, please notify SAHRA ahead of time. Postal delivery of significant objects will not be acceptable.
- Where scientific samples are sent overseas for analysis the curator or SAHRA may ask for suitable records of the material to be made (written descriptions, photographs, even casts). In general, half the sample should be left in South Africa and residues returned to the repository.
- Before thin sectioning or other invasive analysis of significant original specimens, casts should be made, photographs taken or drawings showing morphology should be made, so that no morphological information is lost. Records should be kept indicating where the sections are made.
- Export permit applications for specimens for chemical analysis must state: How much destruction the analysis will involve? Whether there will be anything to return to the museum afterwards? Whether the overall structure of the specimen will be preserved? If the answers to either of the last two questions are ‘no’, then the application should state just how much material is being sacrificed and how many specimens are there from the site.
- Where a heritage object of extraordinary value is sent overseas for display, the institution borrowing it should (at the expense of that institution) arrange for it to be accompanied (and
fetched) by the curator (or other qualified courier), and a copy of the loan agreement between
the institutions (or, initially, a draft thereof) should be submitted with the permit application,
indicating conditions of and security arrangements for display and storage.

- Safety measures taken for the protection and conservation of the material and (in the case of
temporary export) its return to South Africa must include the following:
  - all material must be clearly marked with the accession number of the scientific
    institution to which it belongs;
  - all packets and boxes containing the material to be exported must include the
    accession number, the name of the site and the name and address of the institution to
    which it belongs;
  - all material must be securely packed to ensure that specimens are not damaged during
    transit; and
  - where specimens require specialized conservation, detailed instructions must
    accompany the material during transport.

- SAHRA must be notified when the material is returned.
- Copies of all publications resulting from the description or analysis of exported materials by
  scientists abroad and locally must be lodged with SAHRA.

8 Standards of Excavation and Recording

- The permit holder is at all times responsible for the excavation and collection and recording
  of the objects recovered, and he/she or his/her authorised representative, whose name shall
  be furnished to the HRA, must be present at all times during the work.
- The permit holder must:
  - supervise all excavation, collection, sieving and sorting, section drawing etc., and
    ensure that the smallest mesh suitable for the particular deposit is used when sieving;
  - excavate or remove not more than 50% of the original in situ deposit or objects,
    unless the site/object is likely to be destroyed by development, or special permission
    has been obtained from the HRA;
  - record the location of archaeological finds using a total station by preference, but at
    least a metric grid tied into GPS co-ordinates. Remaining material, where feasible,
    should be related to areas no larger than a 25 cm square;
  - record the stratigraphy and associated features in detail;
  - draw an accurate measured diagram of the site on which the positions of all
    excavations and significant fossils, artefacts and features are marked;
  - make detailed photographic records of the site and the work as it progresses. Take
    photographs of any significant artefacts, features or other remains recovered in situ;
  - where material is to be collected from open sites, record the position of the material
    finds using a total station by preference, but at least a metric grid tied into GPS co-
    ordinates. Open sites should be excavated to a depth of at least 10 cm for material
    that has been trampled in;
  - keep full field notes with diagrams and descriptions detailing each stage of the work.
    Copies of field notebooks, section drawings, surveying records, maps and photo-
    graphic records must be lodged with the repository. The format for curation and
    boxing must also be arranged with the repository;
  - trace any rock paintings or engravings before removal in terms of a permit issued by
    the HRA, including those superimposed on any other drawing, painting or engraving,
    as well as the positions, colours, dimensions and other features of the drawings,
    paintings or engravings;
  - make a carbon rubbing or cast, in an acceptable material, of an engraving only if it is
    likely to be damaged or destroyed unavoidably;
o make a detailed record of any graffiti before removal from a painted or engraved surface or site;
o treat all human remains with respect;
o remain aware of the non-renewable nature of archaeological sites and material and not remove material from its original position unnecessarily;
o where the public has access to the site, make appropriate efforts to arrange for the protection (e.g., boardwalks) and interpretation (signage or pamphlets) of the site; and-
o leave the site neat and tidy during and after an excavation and fill in the excavation or stabilize the sections, unless the HRA grants written exemption.

9 Standards of Curation

The responsible heritage resources authority must, in terms of the Act, “ensure that archaeological and palaeontological material and meteorites which are excavated or collected in terms of a permit are lodged with a museum or other public institution that has a collection policy acceptable to the heritage resources authority and may in so doing establish such terms and conditions as it sees fit for the conservation of such objects”\(^7\) (NHRA, s.35)\(^8\).

- The permit holder must make an agreement with a recognised museum or university department, which has an established archaeological archive, a curator and a Collections Management Policy that is approved by SAHRA.
- The name of this repository will appear in the permit conditions and the material will become the ‘property’ of the said institution. The HRA must be consulted before any such material is moved to a different repository.
- The material should be stored in a museum or other institution with proven capacity preferably in the same province as the original site, unless an institution in another province already has material from the site and is willing to accept further material until such time as the province of origin acquires the capacity.
- Institutions wishing to store such material:
  o must have a written Collections Management Policy that covers policy and procedures on acquisition, processing of finds, labeling, packaging, boxing, documentation, site recording, conservation, inventory control and so on;
  o must organize the collection in an accessible form that renders the material and data archive available for critical examination;
  o must accession material as soon as possible and must cross-reference it to the site report; and
  o must give the collector or excavator access to the material at all reasonable times.
- At the start of a project, formal agreement must be reached between researcher and collaborating institution as to financial and other requirements and responsibilities, format for curation (including labeling, packaging and boxing) and documentation.
- Any pictorial recording (photography, tracings, etc.) made as part of the survey must be marked and cross-referenced to the site report. The collaborating institution must properly curate pictorial records and, if possible, a full set of such records must be lodged with the provincial recording centre.
- Full copies of the field note books, surveying records, maps (and photographic records) must be lodged with the repository, as soon as the permit expires or at a date arranged with the repository (a moratorium can be placed on access to this material to allow the permit holder

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\(^7\) See SAHRA Guidelines to Ethical and Curatorial Considerations for Accredited Repositories for Archaeological and Palaeontological Material for greater detail.

\(^8\) See SAHRA Guidelines to Ethical and Curatorial Considerations for Accredited Repositories for Archaeological and Palaeontological Material for greater detail.
time to publish his or her results (usually equivalent to the permit period (or at most two permit periods) plus one year).

10 Submission of Reports

Every permit holder must submit to the HRA (and SAHRA) an annual interim or progress report providing at least:

- the name and geographical location of the site(s) (GPS co-ordinates and magisterial districts);
- a map (at least 1:10 000 or 1:50 000) indicating the location of the site(s) and, if a survey is involved, exactly what areas on the map were searched, and by what means this was done;
- a diagram showing where material was collected or excavations were located;
- a description of the work and current results of the analysis;
- the permit number the name of the institution curating the material; and
- a bibliography and copies of reports and publications relating to the site.

Within one year of the expiry of a permit, the permit holder must submit to the HRA (and SAHRA) a systematic final report concerning the excavation or removal, containing the information detailed above, as well as:

- a detailed site plan on which excavated or collected areas are clearly shown;
- accurate scale drawings of any stratigraphy;
- results and analyses (with descriptions or frequency table(s) of the various object(s) excavated or removed);
- a written summary of the work done and the conclusions reached;
- illustrations and photographs wherever possible; and
- a Bibliography with copies of any theses, reports or published articles relating to the site or the collected material.

Researchers are requested to remember that, in terms of the permit conditions, copies of all publications, reports and theses relating to material acquired in terms of the permit, even where this is done by other researchers or students, must be sent to SAHRA for the national heritage library. Archaeologists are expected to publish as soon as possible but at least within five years of the expiry of the permit cycle in which the material was collected.

11 Monitoring Responsibility of the Heritage Resources Authority

The Heritage Resources Authority:

- shall monitor work done in terms of permits issued for excavation, removal, etc.;
- may cancel, refuse to issue a permit or refuse to renew a permit if conditions are not met, or if it has reason to believe that the applicant is not qualified or experienced enough to do the work;
- reserves the right to submit unpublished reports for peer review if it is not satisfied that the information has been adequately reported;
- will refuse further permits if:
  - reports are overdue or inadequate; or
  - analysis of material previously recovered is incomplete or unsatisfactory.