



# KNOW YOUR HERITAGE

NATIONAL HERITAGE  
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CONSERVATION COMMISSION ACT  
(CHAPTER 173 OF THE LAWS  
OF ZAMBIA)

## TO ALL ANTIQUE AND/OR TRADITIONAL ARTS AND CRAFTS DEALERS



Please note that under the Law Cap 173 of the Laws of Zambia, the following objects defined as "relics" or "antiques" should not be collected, or exported without permit from the National Heritage Conservation Commission;

- a) Any anthropological, aesthetic or cultural object made or used in Zambia before 1-January, 1924.
- b) Any object of ethnological interest
- c) Any ethnographical material associated with traditional beliefs such as witchcraft, sorcery, exorcism, rituals or other-rites.
- d) Any object associated with a person or event prominent in Zambian history.

Please help protect Zambia's heritage. Report any infringements of the Law that may come to your attention. Contravention of Cap 173 of the Laws could lead to a fine or imprisonment of up to four (4) years or both. An antique is an item that is collected or desirable because of its age, beauty, rarity, utility, personal emotional connection and/or other unique features.

## TO ALL CONTRACTORS (ROAD BUILDING, CIVIL ENGINEERING ETC)

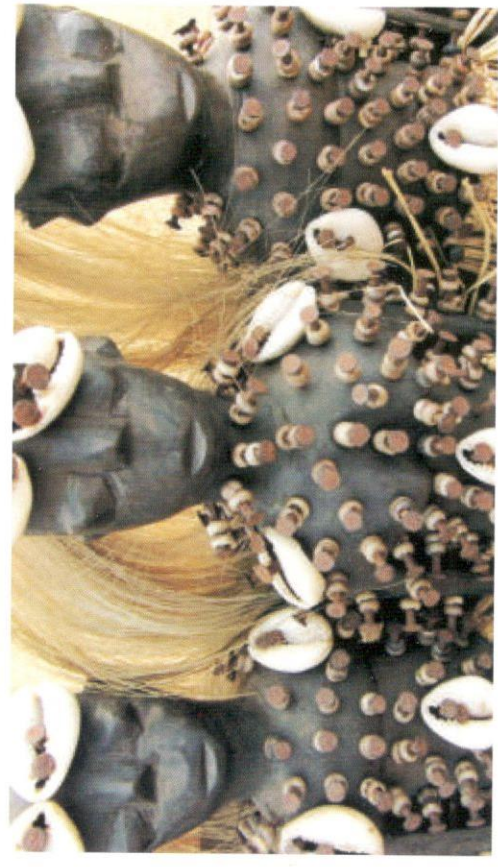


You could be about to destroy part of Zambia's heritage in your construction project. These could be "Ancient Heritage" or "Relics". All contractors, developers and other land users in Zambia have the duty of care to take "all reasonable and practical measures" to ensure their activists do not harm or destroy Zambia's heritage during construction projects.

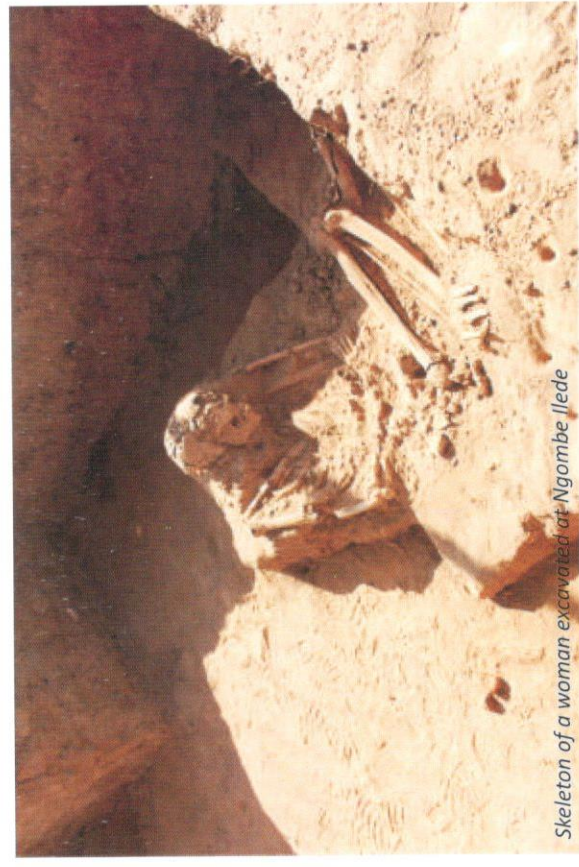
"ANCIENT HERITAGE" means:-

- a) any building, ruin, or remaining portion of a building or ruin;
- b) any pillar or statue;
- c) any settlement, cave or natural rock shelter with traces showing that people once lived there, any house or church-site of any kind, or remains or parts of these, any mound representing the maiden of an ancient settlement, and any other site with concentrations of buildings, such as trading centres, towns, sites and the like, or remains of these;
- d) any sites and remains of workings and any other place of work of any kind, such as a quarry or other mining, iron extraction site, charcoal kiln and any other trace of a craft or industry;

- e) any trace of any kind of cultivation of land, such as pile of stones heaped up when land was cleared, a ditch and any trace of ploughing
- f) any fence or dry stone wall, and any enclosure or arrangement for hunting, fishing or snaring;
- g) any road or other track paved with stones, wood or other materials, or entirely unpaved;
- h) any dam, weir, bridge, fjord, harbour-works, landing place or ancient slip-way or the remains of such
- i) any bar made of sunken vessels;
- j) any landmark for use on land or on water;
- k) any kind of defence such as a fort, entrenchment, fortress and remains of these;



- l) any site for holding council, any cult site or any place where objects were thrown for purposes of magic, any well, spring or other place with which archaeological finds, traditional beliefs, legends or customs are associated;
- m) any stone or solid rock with inscriptions or pictures such as rock carvings, rock paintings, cup marks, ground grooves or any other rock art;
- n) any monolith, cross or other such heritage;
- o) any stone setting, stone paving or the like



*Skeleton of a woman excavated at Ngombe Ilede*

- p) any burial place of any kind, individual or in collected sites, such as burial mound, burial chamber, cremation patch, cairn burial and coffin burial;
- q) any place or thing which is believed to have been erected, constructed or used as the case may be, before 1 January, 1924; whether above ground or underwater.

**“RELIC”** means:-

- a) A fossil of any kind;
- b) Any drawing, painting, petroglyph or carving on stone commonly believed to have been executed in Zambia before 1- January, 1924;
- c) Any object of historical, scientific, anthropological, archaeological, aesthetic or cultural value made or used in Zambia before 1- January, 1924;
- d) Any object ethnological interest;
- e) Any ethnographical material associated with traditional beliefs such as witchcraft, sorcery, exorcisms, rituals or other rites;
- f) Any object associated with a person or any event prominent in Zambian history;
- g) Any product of archaeological excavation (whether regular or clandestine) or of archaeological discoveries;
- h) Any anthropological historical or archaeological contents of any ancient heritage, or
- i) Any other object of historical, scientific, anthropological, archaeological, aesthetic or cultural value declared a relic by the Minister.

These are protected under Cap. 173 of the Laws of Zambia - the National Heritage Conservation Commission Act.

Should you discover or be made aware of whatever appears to be any of these heritage you are required by Law to:-

- a) Report your discovery to the National Heritage Conservation Commission within fourteen days;
- b) Suspend your operations in the immediate vicinity of your discovery until thirty days after the delivery of your report, unless the Commission has authorized their continuance;
- c) Deliver to the Commission as soon as practicable or request the Commission to examine and remove any object which is, or appears to be protected.

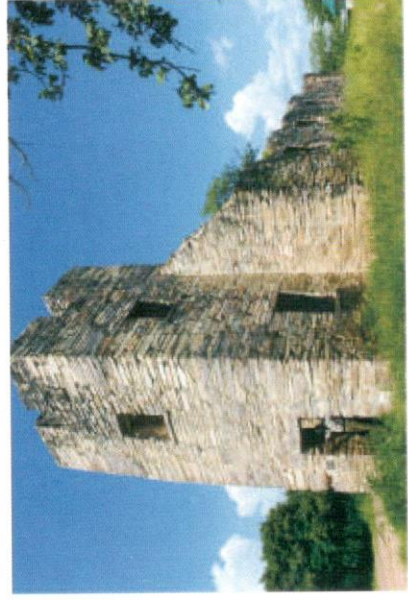
Upon receipt of your report the commission may:-

- i. examine and remove such a relic;
- ii. allow you to continue your activities;-
- iii. order you to suspend your operations not in excess of 30 days to carry out an environmental impact assessment or archaeological survey;

We will appreciate the following records concerning buildings or structures from the contractors/developers;

- \* Clear plans and elevation drawings (if these do not exist, we might want to get them drawn);
- \* Photographs of the interior and exterior (we will take the photographs);
- \* Whatever you know about the history of the building.

## TO ALL OWNERS OF HISTORICAL BUILDINGS (PRE - 1924 OR DECLARED NATIONAL MONUMENTS)



The vast majority of historic buildings and sites are in private ownership and maintained at personal cost. Your property may be historic in one of the two ways: it could be individually historic, or it could be historic by virtue of lying within a historic district or conservation area.

If you own a building erected prior to 1-January, 1924 or one declared national monument, then you need permission from the National Heritage Conversation Commission before you carry out any work which will have an effect of altering, adding to demolishing, destroying, damaging, removing, repairing, flooding or covering up the building. If you are not sure about the records, NHCC can find out the age of the building for you.

Such buildings are protected under Cap 173 of the Laws of Zambia. The Law requires you to notify the National Heritage Conservation Commission of your intention's at least fourteen days before the work is due to start.

Please note that consent is not required for works urgently necessary in the interests of safety provided you advise the Commission as soon as possible that you intend carrying out the works or in case of particular urgency, that you have already carried them out.

### **Can I alter or demolish my historic property?**

It is a criminal offence to carry out works to a listed building without consent - even if you did not know the building was listed. It is important to consult the National Heritage Conservation Commission team before starting any work.

You will need the NHCC's consent to demolish a listed building. Alterations or extensions that affect the character of a building also require consent. Unauthorised works on any historic property could lead to breaking the law, and may be a criminal offence. The need for listed building consent is different from planning permission but the process is very similar.

All internal and external works which affect the character of the building requires listed building consent.

### **How do I apply for listed building consent?**

You must submit an application to the council but this is free of charge. The application forms and notes for guidance can be found at NHCC Headquarters or Regional Offices

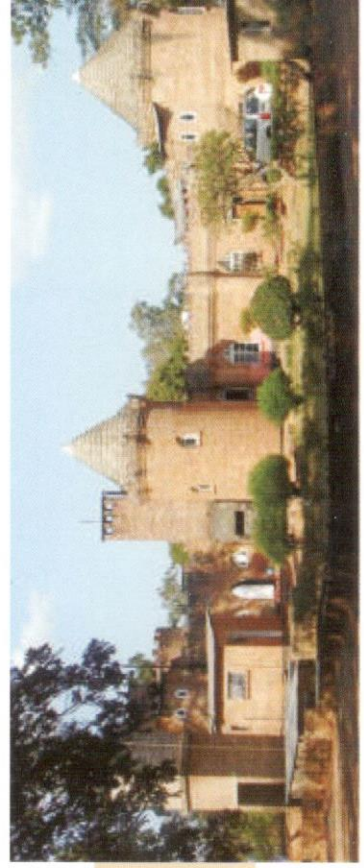
### **More information**

To find out if a building is listed, consult the NHCC's Heritage Register.

Notice also that if you obtain any planning permission for developing you need NHCC consent. You have rights over the building. You may restrict public access to it. You may prosecute unauthorized visitors. The heritage must however be accessible to authorized agents of the National Heritage Conservation Commission at all reasonable times.

Save yourself the possibility of delay or prosecution. We will appreciate the following records concerning buildings or structures;

- Clear plans and elevation drawings (if these do not exist, we might want to get them drawn)
- Photograph's of the interior and exterior (we will take the photographs)
- Whatever you know of the history of the building.



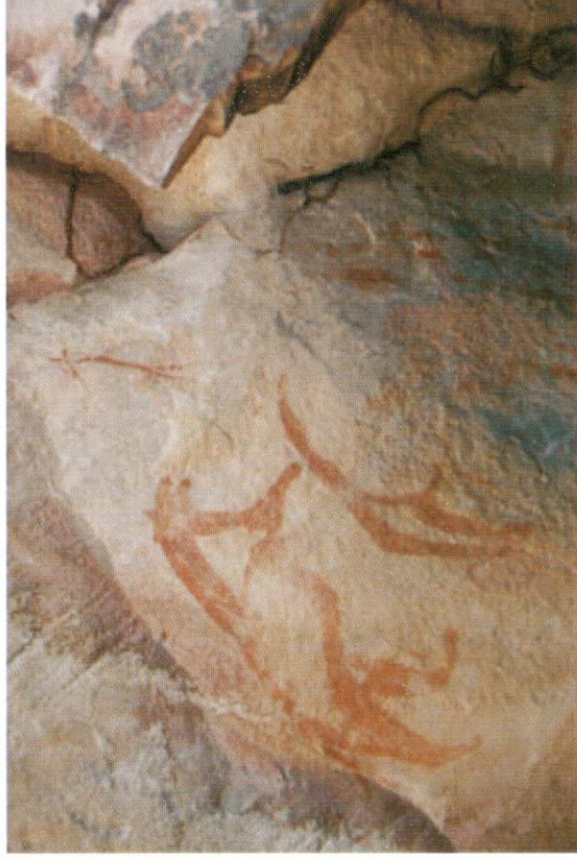
# TO ALL FARMERS (SUBSISTENCE OR COMMERCIAL)

## HISTORIC HERITAGE ON FARMS

Historic and archaeological sites are an important part of Zambia's history and identity. They connect us to the land by telling us who we were, and who we have become. Sites are spread along our riverlines and waterways, across our plains and hill country and through the mountain passes. If you discover a historic heritage object on your farm, take steps to ensure that the information it holds is not lost forever. It is a great addition to the ongoing story of your farm and Zambia. Historic heritage is a wide-ranging term. In short, your farm may contain pre-1924 heritage. These could be "ancient heritage" or "relics"

"Ancient Heritage" means;-

- a) any building ruin , or remaining portion of a building or ruin;
- b) any pillar or statue
- c) any settlement, cave or natural rock shelter with traces showing that people once lived there, any house or church-site of any kind, or remain or parts of these, any mound representing the middle of ancient settlement , and any other site with concentrations of buildings, such as trading centres, town sites and the like, or remains of these;
- d) any site and remains of workings and any other place of work of any kind , such as a quarry or other mining, iron extraction site, charcoal kiln and any other trace of a craft or industry;
- e) any trace of any kind of civilization of land, such as pile of stones heaped up when land was cleared, a ditch and any trace of ploughing;
- f) any fence or dry stone wall, and any enclosure or arrangement for hunting, fishing or snaring;



Top: Abandoned Kiln Bottom: Rock art paintings

- g) any road or track paved with stones wood or other materials, or entirely unpaved;
- h) any dam, weir, bridge, fjord, harbor-works, landing place or ancient slip-way or the remains of such;
- i) any bar made of sunken vessel;
- j) any landmark for use on land or on water;
- k) any kind of defence such as a fort, entrenchment, and remains of these;
- l) any site for holding council, any cult site or any place where objects were thrown for purposes of magic, any well, spring or other place with witch archaeological finds, traditional beliefs, legends or customs are associated;
- m) any stone or solid rock with inscriptions or pictures such as rock paintings, cup marks, ground grooves or any other rock art;
- n) any monolith, cross or other such heritage;
- o) any stone setting, stone paving or the like;
- p) any burial place of any kind, individual or collected sites, such as burial mound, burial cairn, burial and coffin burial;
- q) any place or thing which is believed to have been erected, constructed or used as the case may be, before 1<sup>st</sup> January, 1924, whether above ground or under water;

**"Relic" means:-**

- a) a fossil of any kind;
- b) any drawing, painting, petroglyph or carving on stone commonly believed to have been executed in Zambia before 1<sup>st</sup> January, 1924;
- c) any object of ethnological interest;
- d) any object of historical, scientific, anthropological, archaeological, aesthetic or cultural value made or used in Zambia before 1<sup>st</sup> January, 1924;

- a) any ethnographical material associated with traditional beliefs such as witchcraft, sorcery, exorcism, rituals or other rites; any object associated with a person or an event prominent in Zambian history;
- (g) any product of archaeological excavation (whether regular or clandestine) or of archaeological discoveries;
- (h) any anthropological, historical or archaeological contents or any ancient heritage, or
- (l) Any other object of historical, scientific, anthropological, archaeological, aesthetic or cultural value declared a relic by the minister.

These are protected under NHCC Act, Cap. 173 of the Laws of Zambia.

You are therefore required to report their presence to the National Heritage Conservation Commission. Contravention of this provision may lead to prosecution. Although the heritage is on land held by you or your farm, it belongs to Zambia as part of her heritage for past, present and future generations.

Nevertheless, you are important over the heritage:-

- You may restrict public access to it
- You prosecute unauthorized visitors.

However, you also, have important responsibilities;

- The heritage must be accessible to authorized agents of the National Heritage Conservation Commission at all reasonable times;
- The heritage must not be altered, damaged or destroyed without concert or permit. Consult the National Heritage Conservation Commission if in doubt as to how to avoid any of these illegal acts.



### Current Requirements

Archaeological sites are protected by the Heritage NHCC Act 173, which requires landowners to talk to NHCC before undertaking any work that might affect any sites. Some archaeological sites in Zambia also have additional rules in the regional or district plans relating to what you can do near or on the site. Contact NHCC office in your area to find out more about these rules. If you wish to do any work that may affect an archaeological site you must obtain an authority from NHCC before you begin.

### DO NOT TRY TO EXCAVATE OR REMOVE CONTENTS OF THE BURIAL YOURSELF

#### What to do if you uncover an archaeological site

If you find bones or other archaeological artifacts during excavation and construction, here is what you should do:

**Stop work.** You require to "immediately suspend" the operations upon the discovery of human remains or other archaeological findings and contact National Heritage Conservation Commission. Even if your contract does not address this situation, you should stop work to properly analyse the situation.

Scientific excavation is a delicate and specialized task and requires a permit for it to be carried out.

Human burials also have a human aspect. Descendants of the entire deceased person may be scary to some people.



## FOSSILS

### What is a fossil?

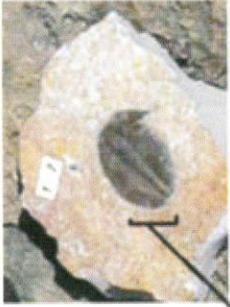
A fossil is the naturally preserved remains or traces of animals or plants that lived in the geologic past.

There are two different modes of preservation include: (i) preservation without alteration and (ii) preservation with alteration. Examples of the modes of preservation without alteration include: freezing, mummification and unaltered shell remains. Examples of modes of preservation with alteration include: per mineralisation which is the result of a chemical precipitating into the pore space; replacement which occurs when there is actual molecular exchange of substances that were once part of an organism with minerals carried in by percolating water solutions; and carbonization which occurs when soft tissues are preserved as films of carbon.

Casts and molds are another type of fossilization where the physical characteristics of organisms are impressed into the sediment prior to the formation of a rock.

Molds are produced when shell material is progressively removed by leaching so as to leave a void in the rock bearing the surficial features of the original shell. Casts are produced when the void between the internal and external mold is filled with mineral matter; a cast becomes a model or replica of the organism.

Trilobite fossils are the remains of invertebrate organisms that were the dominant, bottom-dwelling life form in the oceans (beginning about 570 MA).



Trilobites were abundant in the fossil record of the ancient oceans until about 325 million years ago when they began to decline. They disappeared entirely in the mass extinction that marks the end of the Paleozoic Era.



Fossils of many kinds are found in Zambia. They are all defined as relics (National Heritage Conservation Commission Act, Cap. 173 of the Laws of Zambia) and are protected by law.

Fossils include such things as;

- Bones and teeth encased in rock
- Shells encased in rock · Petrified (or fossilized) wood
- Impressions in rock of the roots, stems, leaves and fruits of ancient plants.
- Impressions in rock of the tracks of ancient animals.



Zambia's fossils include some of the oldest in the world, dating back 3,000 million years, but there are others which are geologically recent - only a thousand years old. Most of our fossils are in very remote places - in sedimentary rocks, such as sandstone, lime stone and mudstone - where erosion has exposed clean rock surfaces. Fossils are not normally found in igneous rocks, rocks, such as basalts or granites.

If you have found a fossil you are required by law to report it to the National Heritage Conservation Commission.

**DO NOT TRY TO EXCAVATE THE FOSSIL YOURSELF** as this job is for specialists and may only be done under a permit.

Fossils may not be collected for any pose without a permit. If you are offered fossils by another person, it is also in your interest to ensure that it was legally collected.

