
History and Practice of Contract Archaeology in Namibia *Zgodovina in praksa pogodbene arheologije v Namibiji*

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Abstract

This article traces how contract archaeology in Namibia emerged and consolidated after 1990 at the intersection of environmental regulation, donor requirements, and large-scale development – especially mining and energy infrastructure. It shows that, for decades, practice was largely self-regulated in the absence of national guidelines, drawing authority from Environmental Impact Assessments and the National Heritage Act. Comparing regional standards (e.g. SAHRA, ASAPA), the paper argues for clear standard operating procedures, professional accreditation, and capacity building to ensure ethical, consistent work that contributes to scholarship and community engagement. It concludes that Namibia now has an opportunity to professionalise the field, leverage ‘grey literature’ for research, and align heritage protection with sustainable development.

Keywords: contract archaeology, Namibia, environmental impact assessment, cultural heritage management, heritage impact assessment

Izvleček

Članek oriše nastanek in utrditev pogodbene arheologije v Namibiji po letu 1990 na presečišču okoljskih predpisov, zahtev donatorjev in obsežnih razvojnih projektov – zlasti v rudarstvu in energetiki. Pokaže, da se je praksa dolgo opirala na samoregulacijo ter na postopke presoje vplivov na okolje in Nacionalni zakon o dediščini, saj nacionalnih smernic ni bilo. V primerjavi z regionalnimi standardi (npr. SAHRA, ASAPA) avtor zagovarja jasne postopke, profesionalno akreditacijo in krepitev zmogljivosti za etično, usklajeno delo, ki prispeva k znanosti in vključevanju skupnosti. Zaključí, da ima Namibija priložnost za profesionalizacijo področja, raziskovalno rabo »sive« literature in boljše usklajevanje varstva dediščine s trajnostnim razvojem.

Gljučne besede: pogodbena arheologija, Namibija, presoja vplivov na okolje, upravljanje kulturne dediščine, presoja vplivov na dediščino

Introduction

Contract archaeology in Namibia emerged as a response to shifts in the local and international legislation regarding environmental impact management. These laws, policies, and regulations made it mandatory for developers to enable pre-development environmental impact assessments to be conducted. According to the Namibian environmental and heritage laws, the developer is responsible for paying for the impact assessments (National Heritage Act 2004, S. 54, ss. 7). As such,

archaeologists have long positioned themselves – and continue to do so – as the providers of specialist archaeological services because environmental impact assessments require specialist reports for cultural heritage as well.

In addition to the heritage and environmental legislation, the development of contract archaeology was promoted by the international funding institutions in the field of development aid that made predevelopment surveys a prerequisite for funding major development projects in the country. The attainment of Namibian

independence placed a huge responsibility on the new government to bring development to the country, especially to parts that were previously disadvantaged by the apartheid policy of Separate Development, which was adopted for Namibia as a result of the Commission of Enquiry into South West Africa Affairs 1962–1963, colloquially known as the ‘Odendaal Plan’.¹ This policy resulted in gross inequalities related to the development of the Bantustans compared to that of the police zone area (Frayne 2000, 54). The adoption of market capitalism by the post-independence government facilitated the growth of a small industry of archaeological service provisions. Private individuals could supply services in response to the demand that was initiated by the requirements of large-scale development projects such as dam construction for power generation and uranium mining during the uranium rush of the 1990s, where specialist reports were required as part of the environmental impact assessment.

Since the mid-1990s, contract archaeology has been one of the most consistently practiced forms of archaeology in Namibia, in part because Namibian society has not substantially cultivated the conditions for valorisation of archaeology as a scholarly practice. The consequence of this is that scholars conduct research in the service of commerce. Under these circumstances, the practice of archaeology is subordinated to a commercial interest whereby it prepares the ground for commercial development.

Contract archaeology was extensively practiced in the mining sector such that it became a very prominent and distinct approach to gaining knowledge in archaeology. The high prevalence of contract archaeology projects has generated a huge body of grey literature that will one day be useful for analysing and understanding the environmental and cultural past of Namibia. Contract archaeology has been comprehensively and consistently practiced to the extent that it can be regarded as the most conspicuous

form of archaeological practice in the country. For instance, more than 200 contracts have been completed by one firm, Quaternary Research Services (QRS) to date (Kinahan 2013, 2). The National Heritage Council of Namibia maintains a database of individuals and companies who are approved and can be contracted to conduct archaeological and heritage impact assessment. This database includes staff from the University of Namibia. Given the prominence of contract archaeology in Namibia and the rapid growth of the industry, as demonstrated by the plethora of individuals and institutions who have entered the commercial archaeology space in the last decade, it is critical to evaluate the history of contract archaeology in Namibia. This paper, therefore, critically examines how contract archaeology is organised, administered and practiced in Namibia.

Methodology

This study employed a qualitative and interpretive approach, drawing upon historical analysis and policy review to examine the evolution of contract archaeology in Namibia. The methodology is structured around three core research strategies: document analysis, policy review, and thematic interpretation.

The first approach involved the systematic analysis of primary and secondary historical documents. These included colonial and post-independence archival materials, government reports, archaeological consultancy reports, and academic publications. The documents were sourced from the National Archives, National Museum of Namibia, National Heritage Council, online repositories, and publicly accessible consultancy reports. Emphasis was placed on identifying key moments that influenced the institutionalisation and professionalisation of contract archaeology, particularly after the attainment of Namibia’s independence in 1990.

This was followed by an in-depth analysis of key Namibian legislation and national

¹ The Commission of Enquiry into South West Africa Affairs 1962–1963, colloquially known as the ‘Odendaal Plan, Government of the Republic of South Africa (1963).

development policies, including the National Heritage Act (2004), environmental regulations, and frameworks guiding Environmental Impact Assessments (EIAs). The review examined how these instruments have influenced the role of archaeology within sustainable development and cultural resource management, with a particular focus on the extent to which they promote the regulation and standardisation of archaeological practice. Additionally, regional policies and legislation – such as those from South Africa and from professional bodies like the Association of Southern African Professional Archaeologists (ASAPA) – were analysed to provide a comparative perspective on the regulatory environment for archaeology in Namibia.

The data collected through document and policy review were analysed thematically to identify recurring patterns, discourses, and gaps in the regulation of contract archaeology. Key themes included the influence of political and economic agendas, the role of consultancy firms, capacity challenges, and the need for standard operating procedures (SOPs) and ethical guidelines. This thematic interpretation enabled the researcher to critically assess how contract archaeology is practiced and understood within Namibia's heritage landscape.

Terminology

Contract archaeology provides professional services such as 'carrying out surveys, excavations and analyses for development projects, usually as part of a larger-scale environmental impact assessment' (Kinahan 2013, 1). According to Kinahan, contract archaeology is the area of archaeology in which more and more archaeologists are working (Kinahan 2013, 1). Archaeologists have opted to practice contract archaeology because there are few posts for archaeologists in museums and heritage agencies. There is no full academic archaeology in Namibian universities, which makes it impossible to employ trained archaeologists in institutions of higher learning. However, archaeology is taught as part of the new Bachelor of Arts in Humanities (specialisa-

tion – Historical Studies) at the University of Namibia. From 1995 until 2022, it was taught as a unit in the history courses as part of the Bachelor of Arts and the Bachelor of Education programmes at the University of Namibia.

There are various terms by which contract archaeology is known throughout the world. In the United Kingdom, it is mainly known as commercial archaeology. In the United States of America, it is called rescue or salvage archaeology. In southern Africa, the term 'contract archaeology' is used more widely. In some cases, these terms are used interchangeably. However, such interchangeable usage does not consider the fundamental differences that can be observed in the practice of such archaeologies. While there are some similarities in the origins of these practices, there are also some critical differences. One key difference is that commercial archaeology is a business run on a profit basis while contract, rescue, or salvage archaeology does not necessarily have to result in financial gain on the part of the contracting archaeologist. The state cannot offer commercial services in archaeology since its role is that of a regulator. Contract, salvage, or rescue archaeology can be practiced by the state without the need for the developer to pay more than the required operational budget. The heritage legislation in Namibia, however, demands that the developer pays the contracting archaeologist, which technically makes the practice profit oriented.

In commercial archaeology, on the other hand, the contracting partner pays a market-related professional fee that is profitable on the part of the archaeologist or consulting firm. Fees for these professional archaeological services are then determined by market forces. Archaeology in these circumstances is considered as heritage that can be commodified and is also perceived as subordinate within a commercial framework.

There is also a difference between contract archaeology and rescue or salvage archaeology. While contract archaeology has a provision for salvaging or rescuing material evidence, this is not its express aim. As it is practiced in

Namibia, contract archaeology is a client-driven, legally binding agreement to carry out a survey, assess impacts, and to advise on mitigation as part of ensuring legal compliance. Rescuing or salvaging is only done where necessary. Therefore, the term 'contract archaeology' is used in this paper to refer to a practice of archaeology whereby there is an agreement between two or more parties to engage in a relationship that perceives archaeological heritage as the common factor that needs to be mitigated in response to the dictates of environmental laws. It is performed for economic gain in the commercial environment of development where one provides specialist heritage impact assessment reports for environmental impact assessments, as required by both the environmental and heritage laws of Namibia.

Some archaeologists argue that there must be a distinction between contract archaeology and cultural resources management (CRM) because generally, the contracts on which archaeologists are engaged rarely involve the management of cultural resources (Kinahan 2013, 1). Such an argument and observation is based on how contract archaeology evolved and how it was practiced in Namibia. Contract archaeology was predicated on the specialist archaeological reports for environmental impact assessments. Specialist archaeological reports were incorporated as components of the environmental impact assessments that did not require the production of management and conservation plans. Specialist reports are more often perceived as appendices that are required for the purposes of applying for consent from the National Heritage Council, in accordance with the requirements for obtaining an environmental clearance certificate. According to the Association of Southern African Professional Archaeologists (ASAPA) guidelines, specialist reports identify sites, assess significance, comment on the possible impact

of the development, and make recommendations for mitigation or conservation (Association of Southern African Professional Archaeologists, n.d.). They usually are not the major components of the environmental impact assessment plans, although they are important components. Contract archaeology in Namibia drew its authority from environmental impact assessments.² However, Ndlovu argues that while some archaeologists perceive some differences in the terms used, there are some still similarities, hence he refers to the practice in a universal term – developer funded archaeology (Ndlovu 2014, 204). It is a practice in cultural resources management as well. Contract archaeology makes its claim and justification from the point of view of heritage protection, in ways that are subordinated to commercial frameworks.

Contract Archaeology in Namibia and Southern Africa

The rise of contract archaeology worldwide was entangled with the emergence of environmental conservation laws, as a response to the general economic boom that followed the great depression and the Second World War. There was a concern that material culture needed to be recorded because of the potential destruction of material evidence as part of post-war development and the rebuilding of war-ravaged urban landscapes. In countries such as the United Kingdom and the United States of America, the decade of the 1960s was one of economic expansion that was manifested by the increase in development projects in the construction sector. Large earth-moving projects were taking place, which disturbed archaeological sites, both those that were buried and surface sites. There arose the need to record the sites before they were disturbed and destroyed. In response to this desire to record material evidence of human history, a new branch of archaeology

2 This is evident in the common structure of advertisements for contract archaeology positions, which typically begin by contextualising the role within the framework of Environmental Impact Assessments (EIA), Environmental and Social Impact Assessments (ESIA), and Environmental Management Plans (EMP). These advertisements explicitly reference the relevant policies, stating, for example, that as part of the ESIA, it is required that a Heritage Impact Assessment (HIA) is conducted. Against this background, a heritage specialist/archaeologist is required to conduct the HIA.

emerged that did not require the formulation of theories and research questions, as was practiced in academic processual archaeology. According to Faulkner, artefacts were viewed as facts which needed to be recorded in situ to preserve an 'accurate' record that could be studied by academic archaeologists in the future (Faulkner 2000, 27).

Contract archaeology is perceived by scholars such as Faulkner as some form of official archaeology that was legitimised and authorised by the state, through what he terms Bureaucratic Professional Tendency (Faulkner 2000, 22). It can be traced back to the time when the ideology of heritage protection was popularised. Faulkner argued that state bureaucracy and legislation were the enablers of contract archaeology. The effect of such state enforcement was that archaeological practice became politically undemocratic. It restricted the 'access to archaeology to an elite of self-accredited practitioners' (Faulkner 2000, 21). As such, it suppressed other archaeologies such as those from communities. The fact that minimum professional standards had to be met for one to practice contract archaeology made it hierarchical. However, the knowledge that was assembled from contract archaeology was also viewed as of a lower standard than academic archaeology despite being viewed as scientific by both archaeologies.

The ideology of heritage protection is rooted in the concept of endangered heritage, which, according to Gnecco and Dias, is a creation of capitalist expansion (Gnecco and Schmidt Dias 2015, 686). The idea of an endangered past was incorporated into heritage management as a way of creating commercial opportunities for cultural resources management practitioners. According to Gnecco and Schmidt Dias, 'Development creates an endangered past that can be profitably studied but that would not have to be studied had it not been endangered by development' (Gnecco and Schmidt Dias 2015, 689). Since a demand was artificially created, a supply needed to be generated too. This led to a need for transforming the archaeology curricula at universities

so that it responded to the requirements of contract archaeology.

The emergence of contract archaeology in South Africa, and by extension in Southern Africa, was symbiotically connected to shrinking university budgets. The first example of formalised contract archaeology was in the form of contracts offices with connections to departments of archaeology at the University of the Witwatersrand and the University of Cape Town (UCT). Both offices were established in anticipation of the promulgation of the Environment Conservation Act (Act 73 of 1989) in South Africa, which required 'impact statements, including those on cultural resources for development' (Deacon 1998, 3). Contract archaeology in South Africa also developed under the circumstances of economic sanctions that were imposed on South Africa with the aim of ending the apartheid system. The sanctions were imposed by the United States of America, European Community nations, and Japan through the comprehensive Anti-Apartheid Act of 1986 (Rodman 1994, 322). The Commonwealth had also agreed to impose the sanctions on South Africa in August 1986 (Commonwealth Secretariat 2017).

The knock-on effect of sanctions on the funding of public life in South Africa was that there was a substantial decrease in government funding for universities and agencies of heritage management, with money directed elsewhere. According to Hilary Deacon, institutions were forced to seek their own financial sources so that they could remain relevant and carry out their mandate. In the field of archaeology, contract archaeology was projected as a viable option (Deacon 1998, 2). Similarly contract archaeology developed as a response to the demands for faculty members to contribute a certain amount of money for the operation of their respective departments at the University of Namibia.

By the time contract archaeology was formalised as a distinct field of archaeological practice in South Africa, it was already being practiced in an ad hoc manner within universities and museums. It can be safely stated that formalised

contract archaeology in South Africa was established from 1989. Nick Shepherd appears to agree with Deacon on the catalyst for the emergence of contract archaeology. For Shepherd, a contextual reading of the history of contract archaeology in South Africa reveals that it developed as a response to the political crisis in South Africa in the late 1980s (Shepherd 2015, 750). South Africa was then experiencing the effects of economic failure, and this exerted pressure on universities. It forced universities to think creatively about how to sustain their disciplines. Archaeology departments had to experiment with contract archaeology. Coincidentally, the Environment Conservation Act was also being drafted, and this gave an impetus to ideas of archaeological practice as mitigation and commerce that manifested themselves in the departments.

While university budgets were shrinking, positions in museums and universities were also saturated, and hence there was a need to open new avenues of employment for university graduates. Contract archaeology created employment possibilities and expanded the labour market. Contract archaeology was constituted as the fundraising arm for university archaeology departments since government funding on research was reduced. Furthermore, contract archaeology was meant to ensure new posts so that graduates being trained at South African universities would be employed.³ It was seen as the hope for the broadening and continuation of archaeology. Thus, the formalisation of contract archaeology was encouraged by the passing of the legislation and the desire to accommodate new graduates and to justify the continued existence of the discipline at universities.

The development of contract archaeology in Namibia followed the same trajectory as that of South Africa. There was a period when the State Museum of Namibia practiced rescue archaeology before it was turned into a field of commercial endeavour. The idea of formalised contract

archaeology in Namibia as a commercial venture was adopted from developments in South Africa, which was then the colonial metropole for Namibia. This happened after South Africa passed the Environmental Management Act in 1989. However, the earliest form of contract archaeology in Namibia only manifested itself in the late 1990s.

Contract archaeology emerged in Namibia as a response to the Environmental Assessment Policy, which was adopted in 1995. This kind of archaeology was mobilised around providing commercial services as a sub-practice of environmental impact assessments that contributed specialist reports. Contract archaeology in this instance focused specifically on the cultural and historical components of the environmental impact assessment reports. The Environmental Assessment Policy enabled contract archaeology through its definition of the term 'environment', which was 'broadly interpreted to include biophysical, social, economic, cultural, historical and political components' (Ministry of Environment and Tourism 1995). This policy was later incorporated into the Environmental Management Act (Act 7 of 2007). In addition to responding to the Environmental Assessment Policy, contract archaeology was stimulated by the strict demands of international development agencies. Funding institutions such as the Development Bank made environmental impact assessments a requirement for financing development projects (Kinahan 2001, 25).

Namibia's independence from South Africa exerted pressure on the new democratic government to prioritise provision of essential services, especially in areas that had been systematically denied development under apartheid. Roads and railway networks were built and extended, and health facilities, schools and dams were constructed by the new government of Namibia. Power stations and power lines were also established. In addition to infrastructural

3 Deacon (1998, 3) contended that: 'It is clear that, with the cut-back in government spending, the creation of new posts will be curtailed. However, there is the prospect that with the introduction of legislation providing for the conservation of the natural environment, a new demand for archaeological services will be made.'

development, the management of the post-independence economy opened the space for large extractive and earth moving industries, mainly in the mining sector. These developments were part of a new dispensation that required the reversal of an inherited, skewed distribution of development. Increased economic activities created the need for protecting and preserving the environment and its associated heritage resources and thereby stimulated the rise of contract archaeology in Namibia. The development discourse created a demand for archaeological services. The field of contract archaeology was called upon as part of such assessments because there were policies and legislation that supported and directed the practice. Three main areas contained in the Environmental Assessment Policy of 1995 in which contract archaeology was conducted were power generation, major dams, and mining.

Before the national policies and legislation were developed and enacted, contract archaeology emerged as a practice that followed the adoption of international best practice.⁴ Companies such as Namibia De Beers partnership (Namdeb), which mined diamonds, implemented pre-development environmental impact assessments that included archaeological surveys. This was in line with the company's environmental policy (Namibia De Beers Partnership 2019). Namdeb contracted their consultant archaeologist to conduct the archaeological surveys in Oranjemund (Chirikure and Sinamayi 2015, 115).

Large-scale projects such as the Kudu Gas Power Station required environmental impact assessments for their powerlines and therefore contract archaeology was called upon. For the Kudu Gas Power Station, Nampower, the parastatal responsible for electricity generation in the country, required an environmental impact assessment (Enviro Dynamics 2005). The fact that these companies implemented international

best practices even in the absence of the law led to the conclusion that contract archaeology was 'carried out primarily as the prerogative of the developer rather than at the behest of the authorities'.⁵ This paper argues, therefore, that contract archaeology in Namibia emerged as an uncontrolled practice. It remained uncontrolled because there were no policies or guidelines in place that were used to manage contract archaeology. It emerged as a self-regulating practice.⁶

Another element in Namibia that fostered the emergence of contract archaeology was that of heritage resources management. Namibian heritage was managed through the application of the South African National Monuments Act (Act 28 of 1969). This was repealed and replaced by the National Heritage Act (2004) fourteen years after independence. Part VI of the new act outlined the special provisions for the protection and management of certain heritage resources. Section 54 of this act referred to environmental impact assessments that should be done as part of the demands of the Environmental Assessment Policy of 1995 and later the Environmental Management Act of 2007. According to the National Heritage Act (2004), heritage impact assessments were to be done as part of the environmental impact assessments. The heritage legislation did not explicitly refer to either archaeological impact assessment or to heritage impact assessments. Instead, it unequivocally named environmental impact assessments. The legal basis of contract archaeology in Namibia was a matter of reference to environmental legislation and policies as contained in the National Heritage Act.

It is noteworthy, however, that the section that referred to environmental impact assessment in the National Heritage Act was implemented in circumstances where there were no guidelines or policies that operationalised

4 Kinahan (2013, 2) pointed out that due to the fact that contract archaeology was 'driven by new global practices and guidelines', he 'was able to work as an independent contractor fully 10 years in advance of the present heritage legislation.'

5 John Kinahan, email to Goodman Gwasira (2019, 20 November).

6 The National Heritage Act (2004) only provided a legal basis for contract archaeology at a later stage; however, guidelines have since been developed and were approved by the National Heritage Council of Namibia in 2021.

the legal instrument. There were no institutional procedures for the administration of contract archaeology in Namibia. However, the guidelines were developed and approved as from August 2021. In contrast, South Africa and Zimbabwe had specific regulations, guidelines and minimum standards that governed archaeological intervention in developmental projects. The South African Heritage Resources Agency (SAHRA), like its Zimbabwean counterpart the National Museums and Monuments of Zimbabwe (NMMZ), adopted and domesticated the standards and guidelines of professional associations such as ASAPA. These were used to regulate the work of contract archaeologists, especially when they carried out archaeological impact assessment.

In the absence of legislation and guidelines that governed the practice of contract archaeology in Namibia, archaeologists tended to be accountable to themselves. There was self-regulation of the practice, which resulted in non-standardisation and an absence of control of the practice. In such circumstances, as Chirikure pointed out, mistakes or potential unethical practices by practitioners could go unnoticed (Chirikure and Sinamayi 2015, 34). Such circumstances resulted from situations whereby, despite some regional standards and guidelines being readily available, they were not enforced universally. The practice of contract archaeology relied on the self-discipline and good will of the practitioners and developers. According to Chirikure, 'There is no common set of ethics binding archaeologists working in Africa, while international standards were rarely used to improve the local system' (Chirikure and Sinamayi 2015, 27). Therefore, some institutions developed their own sets of standards for the practice of contract archaeology, but such standards were not binding at national level.

The absence of control or administration of the guidelines regarding archaeological practice in general and contract archaeology in particular was not unique to Namibia. It was an issue that professional archaeologists were preoccupied

with for decades. The Southern African Association of Archaeologists (SA3), for instance, developed a code of ethics in 1990 (Deacon 1993, 79). However, the guidelines were not universally binding, and their effect was limited to members of the SA3. ASAPA, which was the successor of the SA3, further developed some guidelines. Although the Association of Southern African Professional Archaeologists (ASAPA) established minimum standards for Cultural Resource Management (CRM) practices and its accreditation was recognised across the Southern African Development Community (SADC) region, these standards were not implemented in Namibia before the approval of the guidelines for heritage impact assessment. Nonetheless, the effectiveness of ASAPA's guidelines has been subject to critique, with scholars such as Ndlovu (2014, 203–217) arguing that the organisation failed to enforce compliance by imposing sanctions on archaeologists who violated its code of ethics.

The argument here is that regional and international standards and guidelines for the practice of archaeology were not effective because they were not adopted or enforced through local guidelines or standard operational procedures. Localisation of laws and standards requires adopting and converting them for local usage in ways that take into account the idiosyncrasies of given local conditions. An alternative approach to governing the practice of contract archaeology is the establishment of a professional association. Such an institution can play a critical role in setting professional standards and facilitating continuous professional development. This enables practitioners to remain informed about contemporary advancements and methodologies in contract archaeology and, as Chirikure significantly observed, regulate 'the conduct of their members' (Chirikure 2014, 33).

The National Heritage Act (2004) made reference to developer-funded environmental impact assessment and caused heritage resources to be included in such assessments at the expense of the developer. Since the main area in which

contract archaeology was practiced in Namibia was in heritage impact assessment, contract archaeology was considered to be a strong component of cultural resources management. However, contract archaeology was commercialised by the demand that a developer paid for the impact assessments. Therefore, there was a need for guidelines for the practice and evaluation of archaeological specialist reports so that the reports were standardised.

Developer-funded archaeological assessments stimulated the rise of private consultants offering archaeological services mainly because it would be unethical for government archaeologists to offer consulting services. Archaeologists who were employed at the National Museum of Namibia and the National Heritage Council were responsible for evaluating the specialist reports. However, at the beginning of contract archaeology in Namibia there were no official and published policies, guidelines, or local minimum standards for archaeological impact assessments that guided the evaluation process. This prompted conscientious institutions such as the Chamber of Mines to contract archaeologist John Kinahan to develop guidelines and make them public in the hope that other archaeological consultants would uphold good ethics and standards in the absence of control or monitoring by the National Heritage Council (Kinahan 2012, 3).

Contract archaeology has the potential to develop local capacity; however, this potential has not been thoroughly explored. For instance, contract archaeology did not develop structures for professionalising archaeologists. The geopolitics of archaeology in southern Africa and the structure of knowledge production had not changed significantly since the introduction of the discipline through colonialism. Archaeology still mirrored the hierarchical power relations, which, as Ndlovu-Gatsheni (2012, 48) contended, 'hampers the formulation of possibilities for decolonised, democratic and inclusive development in Africa'. A decolonised archaeology in Namibia required the resourcing of local

institutions to enable them to produce archaeologists for the nation. It demanded a paradigm shift from focusing on the archaeological artefact to an archaeology that interrogated the nexus between societal development and the discipline.

Contract archaeology as practiced by university-based companies, such as the UCT-based Archaeology Contracts Office (later, ACO Associates cc), provided an opportunity for field experience for students. In this case, contract archaeology was part of the development of careers for archaeologists. Private consultants usually do not train archaeologists. Contract archaeology, by its nature of being a short-term project, did not establish structures for training or skills transfer. Nonetheless, as Kinahan (2013, 2) has aptly argued, involving contract archaeologists as research fellows in university departments could result in professional training of graduates.

Whether or not the practice of contract archaeology in Namibia should be administered, regulated and controlled by heritage authorities is a matter of debate. Some contract archaeologists argue that the primary and sole role of the heritage authorities is to regulate the practice. Before the development of the guidelines, the responsibility of the National Heritage Council was limited to enforcing compliance with the heritage law. It issued permits and determined the appropriateness and sufficiency of the measures that were proposed by contractors who were engaged by developers. Contract archaeology was practiced as an agreement between developers and professional archaeologists in compliance with the National Heritage Act. Developers were required to apply for an environmental clearance certificate from the Environmental Commissioner. It was the prerogative of the Environmental Commissioner to refer the heritage component to the National Heritage Council for determination of sufficiency of mitigation measures.

Technically this meant that there was a possibility of the archaeology and heritage component being ignored since this did not constitute

the main focus of the environmental impact assessment. Contract archaeology that was based on archaeological impact assessments thus followed the guidelines and procedures of environmental assessment. The implementation of the mitigation measures depended on the goodwill of the developer and the Environmental Commissioner. The absence of guidelines and procedures for heritage or archaeological impact assessments in the National Heritage Council compounded the challenge of regulating the practice of contract archaeology. The archaeology component of the environmental impact assessment was evaluated by the scientific committee of the National Heritage Council, the majority of whom did not have experience or qualifications in archaeology. Therefore, one major argument that this article makes is that the lack of national guidelines and procedures regarding the practice of heritage impact assessment or archaeological impact assessments resulted in the lack of standardisation and inadequate administration of the practice of contract archaeology at the time when the practice emerged in Namibia.

In South Africa, some guidelines that defined the minimum standards for the archaeological and paleontological components of impact assessment reports were developed and published by SAHRA. The guidelines standardised the work and procedures that were to be followed by contract archaeologists. The guidelines prescribed how archaeological impact assessment reports were to be written. In particular, the guidelines clearly specified the kinds of information and levels of information expected in each section of the reports. Such a standardised approach allowed the heritage authorities to make informed decisions when evaluating the reports and deciding on mitigation.

The SAHRA guidelines were unambiguous in their distinction between test pit permits, mitigation permits, destruction permits or permissions, and interpretation permits (South African Heritage Resources Agency n.d.). These types of permits were clearly stipulated, and the

stage at which each one of them should be applied for was specified. Such clear guidelines were useful in managing the process of conducting archaeological impact assessment in South Africa. The lack of such clear guidelines, in Namibia, at the inception of the practice, inhibited the proper management of contract archaeology. Before 2021, developers did not have guidelines and procedures with which they could make informed decisions about archaeological heritage.

The absence of clear guidelines can, in some cases, lead to confusion among permit applicants regarding the appropriate procedures for obtaining permits under the National Heritage Act (2004). In one instance, a dispute arose in 2011 when a mining company applied for an exemption to conduct predevelopment archaeological surveys under Section 47 of the Act. The National Heritage Council (NHC) rejected the application, asserting that the company should have applied for a research permit under Section 52 instead. The mining company, seeking legal advice, argued that Section 55(8) allowed for consent to conduct such surveys without a permit. Upon consulting their own legal counsel, the NHC confirmed the validity of this interpretation. Consequently, the NHC granted consent under Section 55(9), as the company had demonstrated the involvement of a qualified professional, meeting the legal requirements.

This case demonstrated the need for guidelines. The mining company had applied for an exemption from a permit instead of a research permit. Upon realising that they could not obtain an exemption, the mining company opted to change and apply for a consent. Guidelines for archaeological impact assessments would have contained the types of permits that could be applied for and the stages of work at which such permits should be applied for. The NHC contested the selection of the consultant archaeologist preferred by the mining company. They insisted that the NHC should provide the professional archaeologist ('Letter from the Director of the National Heritage Council' 2011). However, the legal advisor of the NHC pointed

out that the National Heritage Act (2004), S. 59 ss. 9 (a) required that ‘the activity authorised by the consent be supervised by a person with appropriate professional qualifications or experience as specified in the consent’. This did not restrict the selection of the professional archaeologist to the National Heritage Council. The lack of guidelines for contract archaeology led to this situation where the appointment of a consultant archaeologist was contested. In this case, a clear law, as well as policy and guidelines, would have provided explicit and clear instructions for the type of permit the mine required. The existence of such guidelines would have led to an avoidance of seeking legal opinion. The development and adoption of guidelines for heritage impact assessments in 2021 enhanced the management and regulation of contract archaeology by establishing clear standards for transparent evaluation of reports. Additionally, these guidelines serve to regulate the ethical conduct of contract archaeology practices.

Namibia has ratified several international conventions dedicated to the protection and preservation of cultural and natural heritage. Foremost among these is the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, under which two Namibian sites – Twyfelfontein (inscribed in 2007) and the Namib Sand Sea (inscribed in 2013) – have been recognised on the World Heritage List. Additionally, Namibia is a signatory to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, which has led to the inscription of two elements: the Oshithuthi shomagongo (Marula Festival) and the Aboxan Musik lÖb ðÄns tsî lKhasigu / Nam Stap (traditional music of the Nama people). Other conventions ratified include the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage and the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

In the development of Namibia’s updated guidelines for Heritage Impact Assessments

(HIAs), benchmarking was conducted using various international standards. However, a notable opportunity that could have further strengthened the National Heritage Council of Namibia’s HIA guidelines was the explicit integration of international conventions and heritage instruments into the national legal and policy frameworks. While international conventions, guidelines, and policies, such as those from ICOMOS, are referenced in the documentation, their direct incorporation into the guidelines would have enhanced global credibility and accountability. Adopting or adapting international toolkits can contribute to a standardised and transparent methodology for assessing and mitigating impacts on heritage resources.

Crucially, for international conventions to be enforceable at the national level, they must be domesticated through legislative or policy instruments. Without this process, international agreements remain non-binding within national jurisdictions. Domestication ensures that the obligations and principles outlined in international instruments are translated into enforceable mechanisms, thereby enabling government authorities to hold planners, developers, and other stakeholders accountable. Furthermore, international guidelines are informed by global best practices and offer valuable frameworks for stakeholder engagement, documentation, risk assessment, and long-term monitoring in heritage conservation.

Discussion

Contract archaeology in Namibia developed as a response to the introduction of environmental and heritage laws and policies that made environmental impact assessments compulsory in Namibia. Examples of such policies, regulations and laws are Namibia’s Environmental Assessment Policy (1995), Environmental Impact Assessment Regulations 2012, the Environmental Management Act (Act 7 of 2007), and the National Heritage Act (2004). While environmental laws were elaborate and operationalised by means of policies and regulations, the heritage

law in Namibia was not operationalised. Thus, contract archaeology made its claim, validation and authorisation through an interpretation of the definition of 'environment' that was provided in the Environmental Management Act. Contract archaeologists justified their work by citing the Environmental Management Act, which governs Environmental Impact Assessments (EIAs) in Namibia and includes provisions for protecting the anthropogenic environment. They argued that strict compliance with the Act inherently mandates archaeological assessments as part of the EIA process.

Contract archaeology in Namibia was stimulated mainly by the legal requirements for environmental impact assessments. The promulgation of the National Heritage Act (2004) and the Environmental Management Act (Act 7 of 2007) exerted pressure on developers to comply with legal requirements. In the case of the National Heritage Act, it was clearly stated that a suitably qualified person was to be engaged to carry out the impact assessments. This influenced the rise of contract archaeology as it appeared to be a better source of income for archaeologists. Just like it was in South Africa, contract archaeology diversified job opportunities for archaeologists in Namibia where the market was generally small.

The fact that there were no archaeology programmes in the university where one could be employed as an academic archaeologist also influenced the rise of contract archaeology. The only other options for gainful employment were limited to the National Museum of Namibia or in the National Heritage Council.

Contract archaeology also emerged as a practice that focussed on large scale archaeological surveys that were commissioned by multinational mining companies. The uranium rush of the 1990s increased the demand for contract archaeology as a sub-practice in environmental management. The mining companies operated in other countries where heritage impact assessment laws were elaborately and strictly enforced. They adopted these practices and de-

veloped their own regulations that were implemented in Namibia. In this case, archaeological service providers were required to follow international best practice. Therefore, this paper contends that contract archaeology in Namibia also emerged as a response to external stimuli. Adherence to international best practices and the need to maintain consistency in mining operations were catalysts for the evolution and growth of contract archaeology.

The practice of contract archaeology in Namibia was shaped by the history of its evolution. It emerged as an elitist and capitalist practice of cultural resource management and knowledge production. This was done based on the legal requirement for qualified professionals to practice archaeology and the tendency of contract archaeology to respond to market forces. For more than two decades, it remained unregulated and thrived on the good will of the developer and the consultant archaeologist. The consultant archaeologist determined what was of archaeological significance. Where the developer commissioned an archaeological survey, the developer decided whether to implement the recommendations of the reports. The reports were the property of developers who were the contracting agencies (Kinahan 2013, 1). Archaeological service providers were accountable to the contracting agency and not the National Heritage Council since the permits were in the name of the contracting agency.

In Namibia, a few scholar-archaeologists have been able to practice as contract archaeologists and to conduct scholarship based on this research. While it is possible for contract archaeology to involve research and scholarship, it has mainly developed as a domain of mitigation and rescue that occurs in a commercialised environment of development. In the absence of lecturing posts in archaeology at Namibian universities, contract archaeology has emerged as an alternative form of employment for archaeologists. In addition to being a form of employment, contract archaeology has provided some financial resources required for the analysis of arte-

facts and the production of academic publications. But with a lack of direct regulation and governance, other than through environmental laws and policies, contract archaeology has not emerged as a strategic field for professional development and heritage awareness. This would require the resourcing of archaeology more broadly as a field of education and scholarship in Namibian universities and the encouragement of community-based forms of practice that are not dominated by commercial interests.

Conclusion

The history and practice of contract archaeology in Namibia reflect its evolution as a response to the country's economic development, particularly in the post-independence era. The demand for large-scale donor-funded projects adhering to international best practices created a niche for commercialised archaeological services. Over the past three decades, contract archaeology has become a vital sector, not only addressing the legal requirements for environmental and heritage assessments but also contributing significantly to employment creation for archaeology and heritage graduates.

Despite its successes, contract archaeology in Namibia remained largely self-regulated for the first three decades after independence. The increasing number of service providers underscores the urgent need for standardised guidelines and quality assurance processes. Establishing a professional archaeological association and capacitating the National Heritage Council with qualified heritage inspectors to verify reports are crucial steps toward enhancing accountability and professionalism in the field. Such measures will ensure that the practice aligns with both national priorities and international benchmarks.

Contract archaeology also holds tremendous untapped potential. Beyond its compliance-driven approach, it serves as a rich source of archaeological data that can be synthesised into new knowledge about Namibia's past. Contract archaeology reports, if systematically archived and studied, can yield insights that advance ar-

chaeological research and heritage preservation. Furthermore, the practice offers unique opportunities for community engagement. Employing local communities during field surveys not only leverages their intimate knowledge of the landscape but also fosters socio-political awareness and ownership of the archaeological heritage in their vicinity. Documenting community knowledge about archaeological sites can lead to a more inclusive, community-oriented archaeology that prioritises the voices and experiences of those living near heritage sites.

Considering Namibia's growing prominence in sectors such as green hydrogen development, the demand for contract archaeology will only increase. Rapid turnarounds, however, require a workforce equipped with both technical skills and cultural sensitivity. The Heritage Studies programme at the University of Namibia has proactively introduced modules on Heritage Impact Assessment and Project Management to prepare students for the challenges ahead. Continuous professional development and capacity-building initiatives will be essential to maintaining the quality-of-service provision in this fast-paced environment.

Ultimately, contract archaeology in Namibia stands at a crossroads. With appropriate regulation, investment in capacity-building, and a focus on community engagement, it can transcend its compliance-based origins to become a dynamic field that contributes to both archaeological scholarship and the empowerment of local communities. By embracing its potential, contract archaeology can play a pivotal role in preserving Namibia's cultural heritage while fostering a deeper connection between the past and the present.

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Summary

This paper explores the evolution of contract archaeology in Namibia, tracing its emergence as a distinctive discipline within the broader field of archaeology and heritage studies. It examines how the development of contract archaeology was intricately linked to the political and economic landscapes of both pre- and post-independence Namibia. Specifically, the paper argues that the rise of contract archaeology was symbiotically connected to the country's political agenda of economic development, particularly through environmental impact assessments (EIAs). Furthermore, the paper underscores the importance of regulating and standardising the practice of contract archaeology in Namibia. It argues for the establishment of and/or approval of operational guidelines and standard operating procedures (SOPs) to ensure consistency, transparency, and ethical conduct across archaeological projects. These guidelines are crucial not only for safeguarding archaeological resources but also for promoting best practices in cultural heritage management within the framework of sustainable development.

Through a critical review of historical documents and policy analyses, this research contrib-

utes to a deeper understanding of how contract archaeology has evolved in Namibia. The paper offers insights into the challenges and opportunities associated with integrating cultural heritage preservation into broader development agendas.

Povzetek

Prispevek obravnava razvoj pogodbene arheologije v Namibiji ter sledi njenemu nastanku kot samostojne discipline znotraj širšega polja arheologije in raziskovanja dediščine. Preučuje, kako je bil razvoj pogodbene arheologije tesno prepleten s političnim in z gospodarskim okoljem pred- ter posamosvojitvene Namibije. Prispevek posebej zagovarja tezo, da je bil vzpon pogodbene arheologije v simbiotskem razmerju s politično agendo gospodarskega razvoja, zlasti preko presoj vplivov na okolje (EIA). Nadalje prispevek poudarja pomen regulacije in standardizacije prakse pogodbene arheologije v Namibiji. Zavzema se za vzpostavitev in/ali potrditev operativnih smernic ter standardnih operativnih postopkov (angl. *standard operating procedure* – SOP), da bi zagotovili doslednost, preglednost in etično ravnanje pri arheoloških projektih. Te smernice so ključne ne le za varovanje arheoloških virov, temveč tudi za spodbujanje najboljših praks na področju upravljanja kulturne dediščine v okviru trajnostnega razvoja. S kritičnim pregledom zgodovinskih dokumentov in z analizo politik to raziskovanje prispeva k poglobljenemu razumevanju, kako se je pogodbeno arheološko delo v Namibiji razvijalo. Prispevek ponuja vpogled v izzive in priložnosti, povezane z vključevanjem varovanja kulturne dediščine v širše razvojne agende.