

DRAFT POLICY ON CULTURE AND HERITAGE FOR THE BUFFALO CITY MUNICIPALITY

Preamble:-

This policy seeks to promote management of the Buffalo City Municipality estate, and to assist and give courage to all people of all cultures to nurture and conserve their cultural - natural heritage for the present and future generation. The policy helps in defining our cultural identities towards the building of our BCM communities. It has a potential to affirm our diverse cultures; as a result it has an influence in shaping BCM community character.

Our heritage contributes to redressing the imbalances of the past. It redresses the distortion in the portrayal of the history of the BCM. It educates the present and future generations. It promotes reconciliation and nation building. It promotes new and previously neglected research in our rich oral traditions and customs. It promotes research to our previously neglected heritage sites within the BCM jurisdiction.

Stakeholders

1. All political structures
2. Other municipalities (local, district or metropolitans)
3. Provincial and National departments
4. Eastern Cape Tourism Board
5. Local Economic Development & Tourism (BCM)
6. South African Heritage Resource Authority
7. Church leaders
8. Sports organisations
9. EC Provincial Culture & Heritage Department
10. Heritage institutions like Museums, Game and Nature Reserves.
11. House of Traditional Leaders
12. Historical Society
13. NGOs

Definition of Culture Heritage Concepts:

In this policy, unless context requires otherwise:

1. 'alter' means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, by painting, plastering or other decoration or any other means.
2. 'archaeological' means
 - (a) material remains resulting from human activities which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;

- (b) rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10 metres of such representation;
 - c) wrecks, being any vessel air aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic of South Africa, as defined respectively in Section 3,4 and 6 of the Maritime Zones Act, 1994 (Act 15 of 1994), and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation; and
 - d) features, structures or artefacts associated with military history, which are older than 75 years and the sites on which they are found.
3. Conservation:- protection, maintenance, preservation and sustainable use of places or objects so as to safeguard their cultural significance.
 4. Council:- means the Council of South African Resources Agency established in terms of Section???
 5. Cultural Property Agreement:- means an agreement between South Africa and foreign state or an international agreement to which S.A. and a foreign state are both parties, relating to the prevention of illicit international traffic in cultural property.
 6. Cultural Significance:- means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.
 7. Heritage Register: means a list of heritage resources in a province.
 8. Heritage Resource: means any place or object of cultural significance.
 9. Heritage Resource Authority: means the South African Heritage Resource Agency, established in terms of Section 11, or, in so far as this Act is applicable in or in respect of a Province, a Provincial Heritage Resource Authority.
 10. Heritage Site:- means a place declared to be a national heritage site by SAHRA. or a place declared to be a provincial heritage site by a Provincial Heritage Resources Authority.
 11. Local & District Sites???
 12. Improvement- in relation to heritage resources includes the repair, restoration and rehabilitation of a place protected in terms of heritage act.
 13. Living Heritage: means the intangible aspects of inherited culture and may include: -
 - (a) cultural tradition
 - (b) oral history
 - (c) performance
 - (d) rituals
 - (e) popular memory
 - (f) skills and techniques
 - (g) indigenous knowledge systems
 - (h) the holistic approach to nature, society and social relationships.
 14. Object: means any movable property of cultural significance which may be Protected in terms of any provisions of the Heritage Act, including (a) any archaeological (b) palaeontological, (c) geological specimens and (d)

15. Palaeontological means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised or trace.

Guidelines for Management of Heritage Resources

Natural Estates

Those Heritage Resources of S.A. which are of cultural significance or other special value for the present community and for future generations must be considered part of the National Estate and fall within the sphere of operations of Heritage Authorities.

The National Estate may include the following:-

1. places, buildings, structures, and equipment of cultural significance.
2. places to which oral traditions are attached of which are associated with living heritage.
3. historical settlements and townscapes
4. landscapes and natural features of cultural significance.
5. geological sites of scientific or cultural importance.
6. archaeological and palaeontological sites.
7. graves and burial grounds including:
 - (a) ancestral graves
 - (b) Royal graves and graves of traditional leaders
 - (c) Graves of individuals designated by the Minister by notice in the Gazette.
 - (d) Historical graves and cemeteries
 - (e) Sites of significance relating to the history of slavery in S.A.
8. heritage objects: a heritage object is defined as an object or collection of objects, or a type of objects or a list of objects, whether specific or generic, that is part of the national estate and the export of which SAHRA deems it necessary to control, and which may be declared a heritage object, including:
 - (a) objects discovered from the soil or waters of S.A., including archaeological and palaeontological objects, meteorites and rare geological specimens.
 - (b) Objects to which oral traditions are attached and which are associated with living heritage.
 - (c) Ethnographic art and objects; objects to which oral traditions are attached and which are associated with living heritage.
 - (d) Military objects
 - (e) Objects of decorative or Fine Art.
 - (f) Objects of scientific or technological interest
 - (g) Book, records, documents, photographic positives and negatives, graphic films or video material or sound recordings, excluding those that are public records as defined in Section 1 (xiv) of the National Archives of South Africa, 1996 (Act no. Of 1996).

Assessing/Grading Sites < criteria (SAHRA to be contacted)

The Buffalo City in consultation with SAHRA, must by regulation establish a system of grading of places and objects, which form part of the National Estate.

Identification and Management of National Estates by Buffalo City Municipality

The BCM is responsible for the identification and management of Heritage Resources, which are deemed to fall within its competence in terms of the Heritage Act.

- a) SAHRA would be contacted when identifying and managing heritage resources.

BROAD POLICY AREAS FOR HERITAGE MANAGEMENT IN BUFFALO CITY MUNICIPALITY

- * Rural Development
- * Urban upgrading
- * The African Renaissance
- * The restoration of the Dignity of communities and individuals
- * Identity and Nation Building
- * Fighting scourge of HIV/ AIDS

GUIDING PRINCIPLES

Non - racialism: A commitment to the provision of services without regard to race or ethnicity.

Non - sexism: A commitment to gender sensitivity, staffing and programmes.

Multi - Culturalism: Recognition that the South African nation is made of many cultures, all of which deserve equal recognition.

Access: That all persons and communities have a right of equal access to the services provided.

Democratic accountability: A commitment to participation of civil society in governance structures in a democratic and accountable manner.

Redress: The correction of the historical imbalances through development, education, training, and affirmative action.

Equity: the equitable distribution of resources for all sectors of society, throughout the Province.

Multi - Lingualism: Recognition and development of all the official languages of the Municipality, according to the wishes and needs of the communities in which the heritage resources are located.

Freedom of Expression: The right to express ideas in exhibitions and programmes without victimisation of censorship, within the bounds of the constitution and policies of the Government.

Autonomy: The independence, within the bounds of the law and of accountability, of publicly funded institutions from party political and State interference.

Nation Building: A commitment to develop a broadly South African sense of Nationhood, based on mutual respect and tolerance of all the cultures that make up the Nation, to counter the effects of balkanisation.

Municipal Identity: To provide a focal point for the development of a municipal identity, under broad umbrella of South African nationhood, that will counter act the separate of the homelands and old regions that make up the municipality.

Capacity building: To utilise resources in such a manner as to build capacity for institutions and communities to promote development to establish sustainability and to generate resources for viable.

Maintenance of High Professional Standards: Culture and Heritage practitioners should strive for the achievement and maintenance of the Highest Professional Standards.

Transformation: The fundamental restructuring of programmes, policies and structures that once reflected and underpinned the Apartheid society is crucial if they are to fulfil their new role in a Democratic society.

Service: Adherence to the principle that the public service exists as a servant of society in an efficient, effective, responsible and transparent manner.

MDANTSANE – GOMPO COMMUNITY ARTS CENTRES

The administration of the two arts centres is based on a memorandum of agreement signed between the Department of Sports, Recreation, Arts and Culture and the Buffalo City Municipality.

1. The Buffalo City municipality agrees, subject to the availability of financial resources and relative to the provincial subsidy received, to:
 - (a) be the custodian of the community arts centres
 - (b) be the custodian of the immovable property
 - (c) maintain the property and the building
 - (d) establish an arts and culture portfolio in its council
 - (e) subsidise the operational costs of community arts centres.
2. The Department of Sports, Recreation, Arts and Culture agrees to:
 - (a) Provide a subsidy for the centres for operational expenditure annually, save that amount will be determined by the budget.
 - (b) Transfer/ lace one official at each community arts centre and such transferred official, or his/ her replacement, shall work in that centre for a period of five (5) years.
3. The relationship between the transferred officials, the Buffalo City and the provincial Department shall be determined as follows: -
 - (a) The transferred officials shall be paid by the Provincial Department.
 - (b) The transferred officials' job description and reporting relationship shall be determined by the municipality.
 - (c) Applications for leave shall be approved at the discretion of the municipal management and then forwarded to the Provincial Department for processing. All other administrative matters concerning the transferred officials' salaries and benefits shall remain the Provincial Department's responsibility and the

transferred official to deal directly with the Provincial Department in this regard.

- (d) The transferred official shall comply with municipal office hours and may be requested to perform overtime work at the discretion of the municipal management. The Provincial Department shall pay the transferred official for any overtime require by municipal management.
 - (e) The transferred official shall be subject to municipal disciplinary and grievance codes, copies of which are attached.
 - (f) The Provincial shall obtain written confirmation from the officials to be transferred, to the effect that they agree fully with the contents of this memorandum of agreement. The operation of this memorandum of agreement shall be suspended until such time the required written consents have been received by the municipality. In any event should these written consents not be by the municipality within three (3) months of the conclusion of this memorandum of agreement, the memorandum of agreement shall be null and void without any legal force or consequence.
4. Both parties agree to ensure that use of community arts centres will be for:
- (a) training arts and culture practitioners to improve skills in craft
 - (b) training in arts administration and project management
 - (c) training arts administrators to run cultural tourism programmes.
 - (d) Providing in-service training to teachers who are cultural practitioners but remain untrained.
 - (e) Restoring, conservation and development of the rich cultural heritage of the Eastern Cape.
5. Both parties agree that the municipality shall at its sole discretion decide on the use of and admission to the facilities for the above purpose and that the Provincial Department shall not intervene in the management of the facilities.
6. **Breach of Contract: -**
- (a) The obligations imposed by the terms of contract are meant to be performed and if they are not performed at all or performed late or performed in a wrong manner, the party on whom the duty of performance lay would be said to have committed a breach of this agreement.
 - (b) Failure by the Provincial Department timeously to pay the afore mentioned subsidy shall constitute serious breach of contract within fourteen (14) days of receiving written notice to rectify the breach from the municipality. Should the Provincial Department fail to rectify its breach the Municipality shall be entitled to terminate this agreement summarily and without further notice.

7. Remedies for Breach.

Where breach of this agreement has been committed by one of the parties, the other party may issue a written notice to rectify the breach to the defaulting where after the dispute may be referred to an impartial and independent person, entity or court of law for resolution.

The Ann Bryant Art Gallery

The administration of the Gallery by BCM will be informed by the Will written by Elizabeth Ann Bryant. The Bryant family had given and bequeathed the Council of the municipality of the City of East London (BCM) its house known as The Gables to be transformed into an Art Gallery.

- Based on the will, the house will be strictly and conditionally used as a gallery only.
- Thus, the BCM will be the custodian of the Gallery.
- The BCM will maintain the property and the grounds.
- The BCM will as well be custodian of the immovable property.
- The gallery will be used to promote arts related activities only.
- The staff will be employed by the BCM, which means they will be paid by BCM.
- Three officials will be employed, i.e. the Curator, Assistant Curator and the Caretaker.
- The art collection left by the Bryant Family forms part of the bequest and may not be disposed of in any way.
- Hiring of gallery ground for events, e.g., weddings, is the responsibility of I.E.D.
- The Advisory Board is constituted to represent all art institutions in the city and to advise the Curator on the purpose of artworks and exhibitions.
- The BCM will take care of services and rates.

SOURCES OF FUNDING FOR THE BCM ARTS AND CULTURE DEPARTMENT

- The Culture and heritage Department budget for staff, daily running costs, development, surveys, vehicles; travelling, meals and accommodation expenses would be the responsibility of the Buffalo City Municipality.
- The ties with countries like Sweden and Netherlands should be kept, as this would result in securing relevant financial aid for the BCM.
- Eastern Cape Provincial Arts and Culture Council (ECPAC)
- Private Sectors, viz: National Ports Authority, Spoornet etc.
- National Department of Arts and Culture.
- South African Heritage Resources Authority (SAHRA)

CONTRIBUTION TOWARDS NATIONAL DAYS BY BUFFALO CITY MUNICIPALITY'S DEPARTMENT OF ARTS AND CULTURE

It is imperative for the Culture Heritage division to have contributions towards honouring the following National Days:-

A – Human Rights Day -	21 March
B – Freedom Day –	27 April
C – Youth Day –	16 June
D – National Women's Day –	09 August
E – Heritage Day -	24 September
F - Reconciliation Day -	16 December

Pending the availability of funds the cultural and heritage division through arts centres will have to organise performers and exhibitors for these days, accommodate and transport because most of these groups usually come from far and rural areas.

Heritage forms a corner stone for promoting tourism. Our sites are places of interest. It is also imperative for the section to formulate cultural heritage sites within the Buffalo City has been made forwarded to SAHRA, but a further audit in consultation with the communities of all cultures is needed so as to leave no stone unturned.

In drafting culture heritage tourist routes, various government departments (our stakeholders at large) will be contacted.

The following will be considered when drafting our routes:

- A – roads leading to the sites.
- B – map showing routes and sites.
- C – pamphlets and brochures about the site.
- D – refreshments facilities near the sites.
- E – toilet facilities.
- F – fencing.
- G – road signage

GEOGRAPHICAL NAMES

1. The BCM geographical names council will be formed.
2. The purpose is to standardise geographical names, to redress, correct and transform the geographical naming system within BCM.
3. Consultation, pertaining renaming of geographical features is very important