

# **MBOMBELA LOCAL MUNICIPALITY**



## **ARTS, CULTURAL AFFAIRS AND HERITAGE**

### **POLICY**

#### **1. PREAMBLE**

It is indeed a truism that our arts, culture and heritage are unique and precious and help us to define our identity and therefore lies at the heart of our spiritual well-being and has the power to build a nation, South Africa. Similarly, it has the potential to affirm our diverse cultures, and in so doing shape our national character. Our arts, culture and heritage celebrate our achievements and contributes to redressing past inequities. It educates, it deepens our understanding of society and encourages us to appreciate who we are and value our differences as a nation. Culture, arts and heritage promotes new and previously neglected research into our rich traditions and customs.

## **2. DEFINITION OF KEY CONCEPTS**

- a) **Heritage** can be defined as the sum total of wildlife and scenic parks, sites of scientific and historical significance, national monuments, historic buildings, works of art, literature and music, oral traditions and museum collections and their documentation which provides the basis for a shared culture and creativity in the arts
  
- b) **Culture** can be defined as the dynamic totality of distinctive spiritual, material, intellectual and emotional features which characterize a society or social group. It includes the arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions, heritage and beliefs developed over time and subject to change.
  
- c) **Arts** refer to but are not restricted to all forms and traditions of dance, drama, music, music theatre, visual arts, crafts, design, written and oral literature all of which serve as means for individual and collective creativity and expression through performance, execution, presentation, exhibition, transmission and study.

## **3. POLICY OBJECTIVES**

This policy seeks to achieve the following objectives:

- a) To set out policy framework for the management and promotion (as well as protection) of arts, culture and heritage within the municipality.
- b) To give effect to provisions of national legislation as it relates to culture, arts and heritage in relation to the role of local authorities/municipalities.
- c) To ensure alignment with both national and provincial culture, arts and heritage framework.
- d) To lay down general principles in respect of promotion of arts and culture within the municipality as well as for governing heritage resources protection and management throughout the municipality.
- e) To recognize the significance of arts, culture, heritage in dealing with socio-economic challenges such as offering potential employment and wealth creation opportunities. Investment in arts and culture provides a stimulus for activity in the broader economy. Participation in arts and cultural activity frequently involves the use of transport and other public utilities, creates media value, and the need for catering and other support services, among others.
- f) To assist the Municipality in the achievement of the National Department of Arts and Culture's mission, which is to:

"realise the full potential of arts, culture, science and ... in social and economic development, nurture creativity and innovation, and promote the diverse heritage of our nation".

By so doing, the municipality therefore supports:

- The arts, culture and heritage, by valuing diversity and promoting economic activity;
  - The linguistic diversity of our country as a resource in empowering all South Africans, (and more specifically the municipality) fully to participate in their social, political and economic life;
  - The equitable development and preservation of our experiences, heritage and symbols.
- g) To introduce an integrated system for the management of arts, culture and heritage within the jurisdiction of the Mbombela Local Municipality.
- h) To make provision for the establishment of a body/committee at a municipal level to coordinate and promote arts, culture and heritage (and activities in respect thereof) within the municipal level.
- i) To set norms and maintain essential standards in the management of arts, culture and heritage (and relevant institutions) within the municipality.
- j) To create a regulatory environment for export and import of arts, cultural and heritage property at the municipal level, as shall be guided by other relevant national legislation in this regard.
- k) To advance the developmental role of the municipality in respect of arts and culture promotion as well as management and protection of its heritage resources.

- l) To ensure that the municipality plays its role in respect of its responsibility pertaining allocation of budget towards the management, protection and promotion of arts, culture and heritage within the area of its jurisdiction.

#### **4. APPLICATION**

This policy applies to the administration and the whole area of jurisdiction of the Mbombela Local Municipality.

#### **5. MANDATE**

##### **5.1 Socio-Political Context**

The cultural diversity of our people is a major national asset. The Reconstruction and Development Programme support an arts and culture programme which provide access to all and draw on the capacities of young and old in all communities to give creative expression to the diversity of our heritage and the promise of the future.

South Africa is emerging out of a troubled history. The legacy of the apartheid system is still evident in all areas of our lives today. Significant progress has been made in redressing the imbalances of the past, however much more still has to be done. The collision of cultures does not necessarily lead to subjugation and hegemony. It may also lead to subtle cross pollination of ideas, words, customs, art forms, culinary and religious practices.

This dynamic interaction has always played a role in cultural enrichment which has resulted in an extraordinarily fertile and unique South African culture which

binds our nation in linguistic, cultural, culinary, and religious diversity in so many forms.

The advent of formal apartheid, with its overt use of culture as a political strategy, led to further stifling of expression, and indeed, to distortion. Yet cultural expression will always find a way to survive in the heartland. Our art forms, oratory, praise poetry, storytelling, dance and rituals live on in the collective memory. They are waiting in the wings to be reclaimed and proclaimed as part of the heritage of us all.

It is a national tragedy that we speak of a culture of violence, in the community, in the family, against children. If culture is the glue holding the social fabric intact, then it is evident that the centre does not hold. For these reasons, not to invest in the arts, culture and heritage would constitute grave short-sightedness on the part of government and a failure to recognise the healing and recreational potential of arts and culture in a period of national regeneration and restoration.

Like every other sector of our society, arts, culture and heritage have been fundamentally affected by our past. The distribution of public funds in support of these activities, the geographical location of physical infrastructure, the dissemination of skills, the staffing, management and governance of institutions - all reflect significant bias in favour of a highly selective slice of artistic expression.

The culture whose emergence and growth is consistent with the goals of our young democracy would be an inclusive and even eclectic one. This statement is made with full recognition of the wish expressed by arts practitioners that government maintains an "arms length" relationship with the arts. Government respects this view.

Most public money for the arts went directly to particular end-user institutions, such as museums, galleries, theatres and community arts centres that are generally inaccessible to the large majority of people living in these cities, not least because of their distance from where people live. Furthermore, the provision and maintenance of arts infrastructure heavily favoured the urban cities

The current arts and culture dispensation still largely reflects the apartheid era in the distribution of skills, access to public resources, geographical location of arts infrastructure and the governance, management and staffing of publicly-funded arts institutions.

The implications of this are manifold. No government can legislate creativity into effect. At best government can seek to ensure that its resources are used equitably so that impediments to expression are removed, that the social and political climate are conducive to self-expression, and that the arts, culture and heritage allow the full diversity of our people to be expressed in a framework of equity which is committed to redressing past imbalances and facilitating the development of all of its people.

## **5.2 Vision**

In the context of the South Africa's historical legacy, this policy ushers in a new vision for the arts, culture and heritage for the Mbombela Local Municipality.

That vision springs from the adherence to Article 27 of the Universal Declaration of Human Rights:

"Everyone shall have the right to freely participate in the cultural life of the community (and) to enjoy the arts ..."

It is the objective and role of the Municipality to ensure that this right, the right of all to freely practise and satisfy artistic and cultural expression, and enjoy protection and development of their heritage, is realised.

## **5.3 Legislation**

Broadly, the mandate for the development of this policy is derived from among others, the following authorities:

- The Constitution of the Republic of South Africa, Act 108 of 1996
- The White Paper on Culture, Arts and Heritage, June 1996
- The National Heritage Resources Act, 1999
- National Heritage Council Act, no. 11 of 1999
- National Heritage Council Bill
- The National Arts Council Act no. 56 of 1997
- Cultural Institutions Act no. 119 of 1998
- Cultural Promotion Act no. 35 of 1983
- Culture Promotion Amendment Act of 1998
- Cultural Laws Amendment Act no. 36 of 2001
- National Films and Video Foundation Act no. 73 of 1997

- The South African Geographical Names Council Act no. 118 of 1998
- Pan South African Language Board Act no 59 of 1995
- The South African Languages Bill of 2000
- The National Library of South Africa Act no. 92 of 1998, and
- The South African Library for the Blind

## **6. VALUES**

The broader mandate in terms of the overriding values underpinning this policy is derived from the Bill of Rights of the Constitution which states:

Everyone has the right to freedom of expression, which includes ... freedom of artistic creativity ... (paragraph 16)

(And)

Everyone has the right to use the language and to participate in the cultural life of their choice ... (paragraph 30)

It is the role of government at all spheres to facilitate the optimum conditions in which these rights may be enjoyed and practiced

### **The following values underpin this policy:**

- a) Access to, participation in, and enjoyment of the arts, cultural expression, and the preservation of one's heritage are basic human rights; they are not luxuries, nor are they privileges as we have generally been led to believe.
- b) A fundamental prerequisite for democracy is the principle of freedom of expression. Rooted in freedom of expression and creative thought, the

arts, culture and heritage have a vital role to play in development, nation building and sustaining our emerging democracy. They must be empowered to do so.

- c) Humans are holistic beings. They not only need improved material conditions in order that they have a better quality of life. Individuals have psychological, emotional, spiritual, and intellectual expression, all of which require nurture and development for them to realise their full potential, and act as responsible and creative citizens.
- d) Arts and culture may play a healing role through promoting reconciliation. Our approach to culture is premised on international standards in which culture is understood as an important component of national life which enhances all of our freedoms. Culture should not be used as a mechanism of exclusion, a barrier between people, nor should cultural practices be reduced to ethnic or religious chauvinism.
- e) South Africa is now once more part of the international family of nations. We not only derive benefits from such acceptance, but also have the responsibility to pursue and implement internationally agreed and accepted norms and standards in various sectors of our society, including the arts and culture.

## **7. UNDERLYING PRINCIPLES**

To guide the realisation of the above vision, and to facilitate practical programmes to this end, this policy will be guided by the following operational principles:

This policy is guided by the following operational objectives, and it is the responsibility of the municipality to ensure attainment thereof:

- a) Human Rights- shall ensure that all persons, group and communities have the right to equal opportunities to participate in the arts and culture, to conserve and develop their cultural heritage
- b) Freedom of Expression- shall ensure that all persons are free to pursue their vision of artistic creativity without interference, victimization and censorship
- c) Access- Shall ensure unhindered access to the means of artistic and cultural activity, information and enjoyment in both financial and geographical senses
- d) Equity- Shall ensure the equitable distribution of resources to all forms of art and culture, with due regard to the specific needs of each art form
- e) Redress- Shall ensure the correction of historical and existing imbalances through development, education, training and affirmative action with regard to race, gender, rural and urban considerations
- f) Nation building- Shall foster a sense of pride and knowledge in all aspects of South African culture, heritage and the arts. Shall further encourage mutual respect and tolerance and inter-cultural exchange between various cultures and forms of art to facilitate the emergence of a shared cultural identity constituted by diversity
- g) Multilingualism- Shall promote multilingualism in the arts in accordance with the constitution
- h) Diversity- Shall ensure the recognition of aesthetic pluralism and a diversity of artistic forms, within a multicultural context

- i) Autonomy – Shall ensure the full independence of publicly funded institutions, organizations and practitioners from party political and state interference
- j) Arms length- The state shall facilitate mechanism for peer evaluation and decision-making regarding the funding of arts and cultural activities
- k) Participation – Shall ensure the right of artists and the public to participate in all aspects of the arts, including participation in decision-making structures
- l) Accountability – Shall ensure that all art bodies and institutions receiving public funds are accountable to the arts community, the public and a democratically elected government.
- m) Transparency- Shall ensure that all decisions and information pertaining to the arts, culture and heritage are open to public scrutiny
- n) Conservation- Shall be committed to conserve the full diversity of South African heritage and traditions
- o) Achievement- Shall recognize achievement and foster the development of shared standards of excellence
- p) Innovation- Shall encourage artistic creativity, experimentation and artistic renewal
- q) Co-operation- Shall encourage inter-disciplinary co-operation and resource sharing between arts forms and institutions

- r) Exchange- Shall encourage exchange and interaction between local, regional, continental and international culture
- s) Security- Shall protect the rights of all artists to fair employment practices, to protect their intellectual, artistic and cultural rights
- t) Sustainability- Shall encourage self-sufficiency, sustainability and viability in the arts and culture

The municipality recognizes its responsibility in respect of all the above-mentioned principles and shall at all times strive to uphold these principles. In line with these principles, the municipality shall seek to effectively harness these resources and release this expertise and creative energy to realise the goals of reconstruction and development.

## **8. KEY INTERVENTION AREAS**

### **8.1 Arts and Culture**

For purposes of this policy, Arts and Culture are categorized into the following:

- Practices
- Role players or Performers
- Arts and culture resources and/or artifacts

#### **8.1.1 Practices**

The following are key practices regarded as part of arts and culture for Mbombela Local Municipality.

- Art galleries and collections

- Modes of life,
- The fundamental rights of the human being,
- Value systems,
- Traditions,
- Arts and letters
- Heritage and beliefs developed over time and subject to change.
- Choirs
- Oratory
- Praise poetry
- Storytelling
- Dance
- Rituals
- Ideas
- Words
- Customs
- Different art forms
- Culinary practices
- Religious practices
- Music
- Drama
- Media and advertising
- Language and linguistic practices

### **8.1.2 Role-players (performers)**

With respect to role-players, the following are key performers identified in this policy

- Composers
- Sculptors

- Singers
- Choristers
- Dancers
- Artists
- Photographers
- Musicians
- Writers, and
- Designers
- Individual practitioners, educators and learners in the arts, culture and heritage etc

**All the above are expressed mainly through:**

- Performance
- Execution
- Presentation
- Exhibition
- Transmission and study

### **8.1.3 Arts and Culture Resources**

Among others, the arts and culture resources identified could include:

- Cultural industries
- Archives
- Arts, culture and heritage associations and organisations
- Historic places
- Institutions carrying out associated education, training and research
- Monuments
- Museums

- Performing arts institutions
- Symbols
- Libraries and information systems etc

## **8.2 Heritage**

Heritage resources within the Mbombela Local Municipality 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 resources authorities:

### **8.2.1 National estate**

National estate may include, but not limited to:

- a) Places, buildings, structures and equipment of cultural significance;
- b) Places to which oral traditions are attached or which are associated with living heritage
- c) Historical settlements and townscapes
- d) Landscapes and natural features of cultural significance
- e) Geographical sites of scientific or cultural importance
- f) Archeological and palaeontological sites
- g) Graves and burial grounds, including:
  - I. Ancestral graves
  - II. Royal graves and graves of traditional leaders
  - III. Graves of victims of conflict
  - IV. Graves of individuals designated by the minister by notice in the government gazette
  - V. Historical graves and cemeteries

- h) Sites of significance relating to the history of slavery in South Africa
- i) Movable objects, including:
  - I. Objects recovered from the soil or waters, including archeological and palaeontological objects and material, meteorites and rare geological specimens
  - II. Objects to which oral traditions are attached or which are associated with living heritage
  - III. Ethnographic art and objects
  - IV. Military objects
  - V. Objects of decorative or fine art
  - VI. Objects of scientific or technological interest
  - VII. Books, records, documents, photographic positives and negatives, graphic, film 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 Act of 1996

A place or object is to be considered part of the national estate if it has cultural significance or other special value because of:

- a) Its importance in the community, or pattern of South Africa's history
- b) Its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage
- c) Its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects
- d) Its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group
- e) Its importance in demonstrating a high degree of creative or technical achievement at a particular period
- f) Its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons

- g) Its strong or special association with the life or work of a person, group or organization of importance in the history of South Africa, and
- h) Sites of significance relating to the history of slavery in South Africa

## **8.2.2 General Principles for Heritage Resources Management**

8.2.2.1 The municipality as well as all other authorities, bodies and persons performing functions and exercising powers for the management of heritage resources must recognize the following principles:

- a) Heritage resources have lasting value in their right and provide evidence of the origins of South African society and as they are valuable, finite, non-renewable and irreplaceable they must be carefully managed to ensure their survival
- b) Every generation has a moral responsibility to act as trustees of the national heritage for succeeding generations and the state has an obligation to manage heritage resources in the interests of all South Africans
- c) Heritage resources have the capacity to promote reconciliation, understanding and respect, and to contribute to the development of a unifying South African identity; and
- d) Heritage resources management must guard against the use of heritage for sectarian purposes or political gains

8.2.2.2 To ensure that heritage resources are effectively managed, the municipality must ensure that:

- a) The skills and capacities of persons and communities involved in heritage resources management must be developed; and
- b) Provision must be made for the ongoing education and training of existing and new heritage resources management workers

8.2.2.3 The municipality must ensure that its Laws, procedures and administrative practices must:

- a) Be clear and generally available to those affected thereby
- b) In addition to serving as regulatory measures, it must also provide guidance and information to those affected thereby; and
- c) Give further content to the fundamental rights set out in the constitution

8.2.2.4 Heritage resources form an important part of the history and beliefs of communities and must be managed in a way that acknowledges the right of affected communities to be consulted and to participate in their management.

8.2.2.5 Heritage resources contribute significantly to research, education and tourism and they must be developed and presented for those purposes in a way that ensures dignity and respect for cultural values.

8.2.2.6 Policy, administrative practice and legislation must promote the integration of heritage resources conservation in urban and rural planning and social and economic development

8.2.2.7 The municipality must ensure identification, assessment and management of heritage resources within Mbombela:

- a) Take account of all relevant cultural values and indigenous knowledge systems
- b) Take account of material or cultural heritage value and involve the least possible alteration or loss of it

- c) Promote the use and enjoyment of and access to heritage resources, in a way consistent with their cultural significance and conservation needs
- d) Contribute to social and economic development
- e) Safeguard the options of present and future generations; and
- f) Be fully researched, documented and recorded

## **9. PRINCIPAL AREAS TO BE ADDRESSED**

In the light of the historical legacies outlined earlier, and the above vision and principles, the seven most crucial areas to address in giving practical content to a new, just and fair arts, culture and heritage dispensation are:

- a) Transparent and catalytic mechanisms for distributing public funds
- b) Transformation of all arts and culture institutions and structures
- c) Redistribution, redress and access
- d) Human resource development: practitioners, administrators and educators
- e) Integration of arts and culture into all aspects of socio-economic development
- f) The rights and status of practitioners, and
- g) Sources of funding.

## **10. BY-LAWS BY LOCAL MUNICIPALITIES**

Where necessary and fully mandated to do so by any such relevant statutes the municipality shall, after having sought the necessary approval of the appropriate authority, including the municipal council, make by-laws which it deems necessary for the management and promotion of arts and culture as well as for the management and protection of heritage resources in the area of its jurisdiction.

Such by-laws could include, but not limited to:

- a) The management and promotion of arts and culture within the municipality
- b) Regulating the admission of the public to any place protected under this Act to which the public is allowed access and which is under its control, and regulate the fees payable for such admission;
- c) Regulating the conditions of use of any protected place
- d) The protection and management of a protected area
- e) The protection and management of places in a heritage register
- f) The protection and management of heritage areas
- g) Providing incentives for the conservation of any place protected under this Act within its area of jurisdiction

Any by-laws made under this section may prescribe penalties or fines for contravention thereof or failure to comply therewith, in line with what is prescribed by the minister in respect of all relevant arts and culture legislation.

## **11. ESTABLISHMENT OF AN ARTS, CULTURE AND HERITAGE BODY**

The Mbombela Local Municipality shall establish a committee/body, representative of all the major role-players within the arts, culture and heritage whose responsibility it will be to oversee the arts, culture and heritage activities within the jurisdiction of the municipality.

## **12. ALIGNMENT**

In line with the requirements of national legislation, the municipal policy in respect of arts, culture and heritage has to be aligned with both national and provincial legislation and policy framework. Currently, there are initiatives at a national and provincial level that are taken in order to give further direction to the

policy formulation and implementation at a municipal level. Should a need arise to review and revise this policy, the Mbombela Local Municipality shall align this policy to be in congruence with both national and provincial imperatives.

### **13. BUDGET**

The Mbombela Local Municipality shall; in consultation with major arts, culture and heritage stakeholders; do a needs analysis in order to determine the budgetary needs for the arts, culture and heritage community within the municipal area. Such a budgetary process should also be aligned with the normal municipal budgetary process.

### **14. OPERATIONAL STRATEGY**

In order to fully operationalise this policy, the municipality would require an Operational Strategy aimed at identifying key intervention areas and developing strategies on how to deal with arts, culture and heritage challenges within the municipality. Such a strategy shall be reviewed and revised as and when the need arises.