National Heritage Council
SOUTH AFRICA

Position Paper on a proposed policy framework on
Access to Heritage Resources
DISCUSSION DOCUMENT

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The NHC would appreciate any comment and inputs regarding the content of the document. Please contact Dr Helene Vollgraaff by 25 March 2011 in this regard.

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1. Introduction

In its foundational act (Act 11 of 1999), the National Heritage Council (NHC) has been mandated to advise the Minister of Arts and Culture regarding heritage policy. In fulfilling this mandate, the NHC embarked on a research programme to develop policy recommendations on Access to Heritage Resources.

The research consisted mainly of desk top research with an emphasis on existing policy documents. Two additional research projects informed the policy recommendations, namely a study into the feasibility of a heritage levy as well as a survey regarding access and inclusivity at heritage institutions in South Africa. The survey was conducted amongst heritage sites, museums, archives, heritage collections (including heritage library collections), interpretive centres and resource centres. Both public and private heritage resources were included in the study.

This document is a first draft of recommendations and is circulated with the purpose of obtaining input and comment from interested and affected parties. Comments received during the public consultation process will be taken into consideration with the view of developing a position paper on access to heritage resources.

2. Motivation and rationale

The objective with the policy recommendations is to provide guidelines for all heritage resources, whether in private or public ownership, to provide equitable access to all people and to treat all people with dignity and respect. For this reason, factors that exclude sections of our communities have been identified and general guidelines for remedial action have been included in this draft policy framework.

3. Conceptual framework

Equality is not only a basic human right in South Africa, but a founding principle of post-1994 South Africa. The constitution states that neither the state nor any person may "unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." The White Paper on Arts, Culture and Heritage (1996) states: "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."

According to article 25(1) of the National Heritage Resources Act (Act 25 of 1999), the South African Heritage Resources Agency (SAHRA) and Provincial Heritage Resources Authorities (PHRA) responsibility to
> (d) "endeavour to assist any community or body of persons with an established interest in any heritage resource to obtain reasonable access to such heritage resource, should they request it, and may for this purpose –
>> i.   Enter into negotiations with the owner of such resource;

ii. Facilitate the making of arrangements as may be required for the achievement of such access, including the execution of a heritage agreement under section 42; and

iii. If such negotiations are unsuccessful, refer the matter to the Minister or MEC, as the case may be; and

(e) make arrangements to ensure the protection and management of all heritage resources and property owned or controlled by it or vested in it."

Access to heritage resources is therefore protected in South African heritage legislation, including heritage resources in private ownership. At the same time, the long-term conservation of heritage resources is protected as well.

Access and inclusivity is being addressed in terms of the principle of promotion and tolerance of diversity. South Africa has 11 official languages and is rich in terms of cultural and social diversity. South Africans not only speak different languages, but come from different cultural backgrounds, have different physical abilities, have different learning experiences and come from different economic backgrounds. Heritage institutions have to service all people in their diversity.

There are many forms of exclusion in the South African society. The White Paper on an Integrated National Disability Strategy (1997) recognises poverty as a disability. Therefore affordability in terms of admission fees and logistical access are important factors to be considered in a policy on access. People with permanent or temporary mobility impairments often experience barriers to access as the buildings/sites that house heritage resources are often inaccessible or dangerous. Mobility impairments include people with physical disabilities, the frail, the elderly and those with injuries. People with young children may also find heritage sites/organisations unwelcoming. Furthermore, information is not always communicated in formats accessible to those with sensory impairments, nor is it communicated in ways accessible for people speaking different languages and who have different learning abilities.

In this document, access will be addressed in terms of equitable access to sites for audiences regardless of their location, education level, ethnicity, physical or mental ability or language. Heritage resources should also be affordable to all despite their economic status.

At the same time, the policy should:
- Promote regular use of heritage sites and the development of a loyal support base
- Promote regional relationships across national borders.
- Create an enabling and financially sustainable environment for the development of heritage sites
- Create an environment where visitors receive value for money
- Take cognisance of the fragmentation of the management of the heritage sector and the policy-making authority of various governance structures.

However, legitimate measures introduced to ensure the long-term conservation of heritage resources should be acknowledged and supported. In addition, some objects, practices and rituals are sensitive and/or restricted to specific groups. These cultural practices should be respected and honoured.

The policy recommendations exclude virtual access to heritage resources. In the survey conducted by the NHC, 67% of archives responding, 43% of heritage sites, 29% of resource centres and 14% of museums and 17% of interpretive centres indicated that they have some information available on the internet. Virtual access raises a number of issues such as digitisation policies, access to technology, copyright protection, intellectual property protection and fast and affordable internet access to the general public if one interprets virtual access as access to collections, virtual tours and in-depth information as opposed to tourist information. It is therefore argued that virtual access would be better served under the digitisation policy that is being developed by the Department of Arts and Culture.

4. General principles and professional ethics

The heritage sector should endeavour to facilitate reasonable access to heritage resources, whether tangible or intangible, to people with an interest in the resources.

Organisations managing heritage resources should have a marketing and communication strategy that aims to grow and diversify its audience.

No person may be refused access to a heritage resource open to the public on discriminatory grounds. However, special access restrictions may be put in place with regard to sacred and sensitive collections, sites and practices.

Access to collections and sites has to be interpreted within the context of professional standards and accepted conservation practice.

All restrictions to collections, sites and practices should be guided by a formal institutional policy which is available on request.

5. Promoting access

Access will be discussed in terms of:
- Financial and economic access
- Logistical access
- Access for those with mobility and sensory impairments
- Intellectual and mental access
- Linguistic access.

5.1 Financial and economic access

UNESCO's Recommendation concerning the Most Effective Means of Rendering Museums Accessible (1960) propose that admission to museums should be free. In South Africa, some provincial owned museums have free admission. Those who are in favour of free admission argue that:

- Heritage sites preserve and display our artistic, social, scientific and political heritage. Everyone should have access to such important cultural resources as part of active citizenship.
- Heritage sites are valuable education resources and access should not be limited.
- Heritage sites are a crucial source of inspiration and thereby provide support to creative industries.
- Heritage sites provide tourist destinations. Free access to sites is a drawing card for international tourists who spend money in terms of travel, accommodation, restaurants and shopping (e.g. crafts).
- Entrance and other fees may direct heritage sites away from their core functions, in other words the emphasis may shift from core functions to the increase of visitor numbers and the development of income generating infrastructure.

However, free access is not always possible, especially when one extend applicability of this principle to be heritage resources in public and private ownership. Although entrance fee seldom forms a significant percentage of income, free admission may render heritage organizations financially unsustainable and/or unable to fund their conservation and educational responsibilities. Arguments against free admission are:
- Not everyone is interested in heritage and should therefore not carry the burden to fund it through taxes.
- Heritage sites do not warrant special treatment – what about other cultural activities such as theatre.
- Heritage sites needs to generate funds to fulfil their mandate, e.g. promotion of heritage, maintenance, conservation and heritage programmes.

The National Heritage Council's research into admission fees indicates that admission fees tend to be reasonable. For example, the average entrance fee for in the organisations that completed the survey is R19.60 for South African adults and R9.20 for children. In addition, the entrance fee of 50% of the respondents is R12.00 or less for children and R12.00 or less for South African adults. The figure at the 75 percentile is R12.00 for children and R25.00 for adults. The highest entrance fee amongst the respondents is R160.00 for adults of foreign countries and R50.00 for children. Furthermore, many of the respondents indicated that they have processes and programmes to allow access for those with economic disabilities.

Recommended principles and guidelines:
- Fees may only be charged if there is a clear and demonstrable service rendered
- The fee structure should be clearly indicated at the site entrance to protect users against arbitrary decisions and corrupt practices
- The fee must be easy to understand
- Fees must not offset government funding. Heritage institutions require government or donor funding in addition to entrance fees in order to comply with their public mandate.
- Fee collection should be efficient
- Differential fees based on age and citizenship is appropriate.
  - Children usually do not pay admission fees or pay only a nominal fee.

- o Foreign citizens, SADC citizens and South African citizens could be charged different admission fees. The recommended ratio is 4:3:2.
- Incentive schemes for regular visitors could be introduced
- Special arrangements for the economically disabled should be introduced, for example
  - o One free day per week
  - o Discount or free admission on motivated request. A formal policy and process should be in place to deal with requests.

5.2 Logistical access

The section deals with opening hours as well as the accessibility of the resources in terms of public and private transport.

South Africa does not have a comprehensive public transport system and that leaves people dependent on private motor transport. Although many museums and heritage sites are accessible via public transport, many are accessible by motor transport only. Public transport may also not be convenient in terms of relatively direct routes, short walking distances from train and bus stations to the sites and security concerns. The lack of a comprehensive and affordable public transport system excludes many from the enjoyment of heritage sites. Although one cannot expect that each heritage site, however remote, should be accessible to all in terms of transport, it will be to the advantage of the heritage sector to add its voice to the tourism and environmental organisations regarding the benefits of a public transport system in urban and semi-urban areas.

Opening times should promote access and not be discriminating. Opening times restricted to office hours exclude most working people from enjoying access to heritage resources. To be fully accessible, heritage resources should not only be accessible at fixed times, but those opening times should be visitor-friendly. For example, a heritage organisation should be open at least one evening and/or part of the weekend to allow office workers access. However, local conditions should be taken into account. Financial sustainability and security of the organization should be considered. For example, it will not be beneficial to keep a site open until late in city centres that are deserted at night.

The opening times of a heritage organization and the services rendered should be made known as widely as possible in order. Clear and regular opening hours are considered to be a basic professional standard in museum professional ethics. If an organization has regular opening hours that are well advertised, it is less likely to refuse access on discriminatory grounds by giving spurious reasons as excuse. Regular opening hours also allow for planning from prospective visitors.

Recommended principles and guidelines:
- Opening times should be regular.
- Opening hours and services must be made known as widely as possible and, at the very least, should be displayed at the entrance.
- Opening times should include hours outside office hours, for example one or more evening of the week and/or part of the weekend.

5.3   Access for those with mobility and sensory impairments

People with mobility and sensory impairments form a diverse group with diverse needs. Mobility impairments ranged from people who have permanent impairments and are using a wheel chair to people who use one or two walking sticks to people who have temporary impairments due to injuries. People with sensory impairments include people with visual impairments that would prefer tactile experiences and information in Braille and those with hearing impairments that prefer communicating in sign language. The elderly and frail may also require more than average resting areas.

From the research conducted by the NHC, making buildings and sites accessible for those with mobility and sensory impairments provide a challenge for many heritage organizations. Some natural sites provide challenges in terms of physical access and full access cannot be provided without encroaching on the significance and character of the site. Heritage organizations housed in historical buildings also experience challenges regarding access for those with mobility impairments. Although it is not always possible to adapt a historical building to provide full access without destroying its cultural significance, guidelines have been developed regarding permanent and temporary structures to increase access. It should be remembered that sometimes, temporary structures have to be introduced not only to make access for people easier, but also to protect the fabric of a site against the use of, for example, wheel chairs. Lack of financial resources has also been cited as a reason for not providing structures to improve access such as ramps and lifts.

The research conducted by the NHC paints a distressing picture regarding access to people with sensory impairments. Very few heritage organizations make provision for information in Braille, audio or sign language. This is especially the case regarding indigenous African languages. Furthermore, few of the heritage organizations seem to understand the concept of tactile exhibitions and information. Access to people with sensory impairments requires urgent remedial action.

Recommended principles and guidelines:
- The principle of general access must be planned and implemented within the context of conservation principles.
- Guidelines on adapting historical buildings to increase access for those with mobility and sensory impairments in a South African context should be developed.
- Guidelines regarding access to people with sensory impairments in terms of internal architecture and design should be developed.
- The national and provincial departments for arts and culture, together with the National Lottery Trust, should make funding available to enable curatorial organizations to increase access to people with physical or sensory impairments.
- The dignity of all people should be acknowledged. Special entrances for people with disabilities should be avoided.
- If full access is not possible for people with mobility and sensory impairments, the curatorial organization should try to make at least part of site/building accessible.
- Where possible ramps and lifts have to be introduced to support those with mobility impairments.

- Spaces throughout the buildings, i.e. also in exhibitions, rest rooms and commercial areas should be planned to allow people who use wheelchairs or two walking sticks to move freely.
- Different levels inside and outside the buildings must be clearly marked to allow those with sight impairments to move safely in and outside the building.
- Heritage organizations should have a policy to accommodate guide dogs.
- Internal design should make enough provision for resting areas.
- New buildings should make provision for full access for those with mobility and sensory impairments, for example installing lifts and ramps and avoiding different levels as far as possible.
- Heritage organizations should be encouraged to introduce information in a tactile format such as Braille as well as in audio format.
- Tactile exhibitions should be considered where possible.
- Exhibition design should be sensitive towards the needs with those with partial sight impairments in terms of colour patterns used and lighting.

5.4 Intellectual and mental access

People have different educational backgrounds, learning styles and ways of understanding. Research conducted by the NHC shows that some museums have started to introduce programmes for people, including children, who do not live and learn in formal environments such as street children, and in a few cases, provision is made for people with intellectual and psychiatric disabilities.

Recommended principles and guidelines:
- Information should be provided in a clear, systematic and easily understood format, for example guide books, exhibition text, audio phones.
- Front-of-house staff must have the necessary knowledge and skills to receive visitors.
- Tour guides and educational staff should be properly qualified.
- Research collections such as archives and special collections, must employ properly qualified staff to assist general public to access collections.
- Curator organisations should have formal education programmes and liaise with other educational facilities such as schools to ensure that information is transferred in a systematic way.
- Educational programmes should make provision for people with special needs, for example people with intellectual disabilities.
- Public programmes, including formal exhibitions should take into account that people have different educational backgrounds, learning styles and ways of understanding. Information should therefore be available in different formats and different levels.

5.5 Linguistic access

South Africa is a multilingual country and the use of language is an emotive issue which touches the core of cultural identity. In addition, knowledge and values are transferred through language and such learning is compromised when translated. Research conducted by the NHC, indicates that

English is the dominant language used in heritage organizations with just under 100% usage. Afrikaans is the second most used language with usage ranging between 50% and 60% in different categories of curatorial organizations. Indigenous African languages are seldom used with only Xhosa and Zulu being used by a significant number of organizations. 25% of respondents participating in the NHC survey indicated that signage is provided in Xhosa and Zulu, while the two languages are used by 18% and 19% respectively of the respondents for all or some exhibition labels. This holds true, even when usage is cross-tabulated with province to indicate geographical distribution of usage.

In addition to the official South African languages, many curatorial organizations provide information in foreign languages to accommodate tourists. In the study conducted by the NHC, only one heritage site, located in the Northern Cape, indicated that they used additional local languages: !Xun Khwe.

Recommended principles and guidelines
- All heritage organizations, whether government aided or privately owned should endeavour to provide information in the locally used languages.
- Government-aided organizations should be enabled by their governing bodies to use locally used languages in signage and at least some information such as exhibition text.
- Own languages should be catered for a much as possible. The ideal is mother tongue education for learners.

6. Conservation barriers

Heritage organizations have the obligation to conserve heritage sites, collections and practices in such a way that the resources' cultural significance is preserved and retained for current and future generations. Therefore, curatorial organizations have to put policies and processes in place that protect the heritage resource against irreversible damage and to extend the lifespan of the heritage resource as far as possible. These processes may infringe on access to heritage resources of current generations. However, conservation should be prioritised as it also protects the use, even if limited, of the resource by future generations.

Recommended principles and guidelines:
- Heritage organizations may limit access based on conservation concerns.
- Measures may be put in place to prevent looting and theft
- Heritage sites:
    o Conservation measures that create barriers to access to a resource have to be explained in a policy that is accessible to public scrutiny. The policy must be based on sound research and professional standards.
    o Policy documents should address risk management and visitor management.
    o Local communities and stakeholders must be consulted in drafting the policies regarding their concerns. This is especially the case where local communities have traditional usage rights on the site.
    o Measures may be introduced to protect the privacy of local communities and/or owners of heritage resources.

- Collections:
    - Special and fragile collections may be used only by researchers and the general public under supervised control.
    - Access may be limited to digital or other copies or replicas in case of fragile collections.

7. Sensitive sites, collections and practices

Materials of sacred significance must be displayed in a manner consistent with professional standards based on international conventions and recommendations and, where known, taking into account the interests and beliefs of members of the source community. Affected communities should be consulted in drafting an access policy to sacred sites, objects and restricted religious and cultural practices. In some cases, access should be restricted to specific communities according to the beliefs of the practising community.

Embargoes placed on sensitive events and life history of individuals with living family in terms of donation conditions should be respected in terms of the wishes of the donor. However, serious consideration should be given on whether donations with unreasonable embargo specifications attached should be accepted.

Access to human remains in heritage collections should be controlled by an Advisory Committee that represents descendents and affected communities.

SOURCES

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APPENDIX

HERITAGE LEVY

The introduction of a heritage levy was investigated as part of the research informing the draft policy document. The argument for the heritage levy was that it could raise funds for the maintenance and management of heritage resources thereby enabling curator organizations to charge lower entrance fees. It was proposed that the heritage levy should take a similar format than the tourism levy. Two studies were undertaking, one by the University of Stellenbosch to consider the feasibility of a heritage levy and some quantitative data was also obtained through the survey conducted by the National Heritage Council.

However, both studies found that a heritage levy would not been feasible and sustainable. Challenges to the introduction of the heritage levy include:

- A levy similar to the tourism levy is collected as a surcharge on admission fees, thereby increasing costs to access resources.
- A heritage levy will place an additional and counter-productive administrative burden on heritage entities.
- The heritage sector is fragmented and consists of mainly small entities which will make the collection structure expensive and unsustainable.
- Very low entrance fees together with relatively low visitor numbers in the vast majority of curatorial organisations means that income from levy will be low and is unlikely to cover the administrative costs related to collecting the levy.