

DISCUSSION DOCUMENT TOWARDS DEFINING HERITAGE

1. Introduction of the National Heritage Council

The National Heritage Council (“**NHC**”) is a juristic entity established in terms of section 3 of the National Heritage Act No. 11 of 1999, as amended (“**the Act**”). The Mandate of the Council amongst others is set out in sections 4 and 10 of the Act respectively.

2. Background

The Council in its strategic review session held on 22-23 June 2012 identified the challenge of heritage as not being properly defined. The absence of a common definition of heritage coupled with the challenge of having many pieces of legislation, international instruments, Conventions and scholarly work produced on heritage defining it differently necessitated the call by the NHC Council for a uniform definition.

By way of comparison, from the side of the Department of Arts and Culture it would appear that heritage is subsumed under the “arts and culture”. It is therefore important to separate heritage from culture. The definition that the Council should come up with should respond to how the people of South Africa have experienced taking into account experiences by South Africans; KhoiSan Experiences, and also people with mixed heritage such as South African Indians, Portuguese, Greeks, Cape Malay to name but a few.

3. Why the need to define Heritage?

The Task Team’s observation has been that heritage has always been defined outside the South African and African context which largely contributes to the ignorance amongst South Africans on what it entails. How heritage is defined in the ethnic languages of South Africa tends to be confusing where people often tend to define culture and not heritage per se. The Task Team feels strongly that an inventory of South African languages and get definitions of heritage especially African Heritage

and identify commonalities amongst them so as to conceptualise a more appropriate definition of heritage.

4. Legal and Other Instruments defining heritage

Notwithstanding that several scholars have attempted to define heritage in many different ways, the following pieces of legal and other instruments define heritage in its broader context to including cultural heritage, natural heritage, living heritage, liberation heritage and geo-heritage from a different perspective:

- a) National Heritage Council Act, 1999 (Act No. 11 of 1999);
- b) National Heritage Resources Act, 1999 (Act No.25 of 1999)
- c) White Paper on Arts and Culture, 1996;
- c) Draft Heritage Transformation Charter, 2009;
- d) Convention concerning the Protection of the World Cultural and Natural Heritage, 1972 (UNESCO) – referred to as the World Heritage Convention
- e) Convention for the safeguarding of the intangible cultural heritage, 2003 (UNESCO)

4. Purpose

The purpose of this document as further refined by the Task Team is to determine a definition that takes into account of both internationally accepted definitions and Afrocentric perspectives and solicit consensus for its adoption by the Council of the National Heritage Council and future reference.

5. Problem Statement

The problem of defining heritage is well captured on page 7 of the NHC Strategic Plan 2012-2017 where it is indicated that: *“The NHC’s understanding of heritage is that no single and universally acceptable definition of heritage has been proffered to date. Several attempts at defining heritage have been made in the past one of which defines it as “that which is constructed in the present from remains of the past” (Ashworth and Turnbridge: 2001). The Oxford dictionary defines it as “the sum total of wildlife and scenic parks, sites of scientific and historical importance, national monuments, historical 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”. Our interpretation of heritage is that which is inherited from the past generation both tangible and intangible. This incorporates the current way of life that should be protected, preserved and presented for the present and future generations”.*

The challenge of defining Heritage is not uniquely NHC’s but many a scholar had on several platforms also acknowledged it as well. Yahaya Ahmad in his article attached hereto (University of Malaya, 2005) in his Article, *“The Scope of Definitions of Heritage: From Tangible to Intangible”* published in the *International Journal of Heritage Studies*, 2005) succinctly puts it as follows: *“While the scope of heritage has broadened to include environment and intangible values, and has received agreement from the international communities, the finer terminology of ‘heritage’ has not been streamlined or standardized, and thus no uniformity exists between countries... ..It is recommended that UNESCO and ICOMOS lead the intellectual discussions on common terms, scope and terminology; and international countries adopt them at national level”.*

In South Africa, heritage is not defined in the NHC Act, 1999 per se. However, what the Act does is to define living heritage which seems to be the key mandate which the Act entrusts upon the NHC to discharge. It is not clear from the Act as to the rationale behind the reluctance of the framers of the Act from defining Heritage. Perhaps this lacuna could have been informed by the omission in the White Paper on Arts and Culture, 2006, the precursor to the Act which also does not define heritage but living heritage instead. The same omission was carried through into the National Heritage Resources Act, 1999 (Act No. 25 of 1999). To cure all these omissions the Council of

the National Heritage Council should come up with a definition of heritage given its particular mandate of protecting, preserving and promoting heritage for the present and future generations. For, the NHC cannot fully discharge its mandate unless it is clear on what as to what Heritage is.

At an international level, South Africa as a signatory to the UNESCO Convention is currently bound by and subscribes to the accepted definition provided in the World Heritage Convention hence the importance and need for alignment therewith in defining Heritage. The World Heritage Convention should be read in conjunction with the 2003 Convention dealing with intangible cultural heritage, a term that is used interchangeable with living heritage in South Africa. South Africa is in the process to develop a living heritage policy and related structures that is aligned with the 2003 Convention.

6. Attributes of a desired definition identified by Council

The Council in its Strategy Review Session held at Irene Country Lodge on 22-23 June 2012 identified the following attributes as being important in defining heritage:

- Historical;
- Selected point of reference;
- Passed from one generation to the next;
- It is geographic;
- It is about preservation, protection and creation;
- It is inspirational;
- It is transformational;
- It unites; and
- Must have international reference to UNESCO.

Further to the above, the Council outlined the following indicators and parameters within which to look in search for a common definition of heritage:

- Heritage is that which any given society holds as the most important point of reference be it memory, spiritual, physical. It is that which is passed from one generation to the next. It features common past and aspirational;
- Heritage is the basis for innovation and renewal of society. It has a sense of positive identification and inspires one in their sense of renewal;
- A comparison between history and heritage is that history is partisan and in it there is an ongoing contestation of views. History is narrowly focused, never objective. Heritage is broad and has an element of conscious interpretation;
- Commonalities between African communities are important in defining Heritage;
- The UNESCO definition is important in developing common understanding and interpretation of Heritage; and
- The definition of Heritage should include tangible, intangible and indigenous knowledge.

(Reference Refer to the diagram developed by Amar Galla and P Yu and generally used. Heritage is defined as tangible and intangible. Tangible is further divided between movable and immovable. IKS will fall under intangible. See attached paper for the diagram).

7. Some Heritage Definitions

The Task Team also noted different legal instruments, scholars including some dictionaries define heritage in different ways. Below are some of the definitions that the Task Team had noted:

a) Heritage definitions:

- i) *“Heritage refers to that which human beings inherit and transmit from generation to generation. Heritage manifests itself in tangible forms such as heritage objects, memorials and sites; and intangible forms, popularly known as living heritage, such as cultural tradition, oral history, performance, ritual, popular memory, and indigenous knowledge as well as a certain approach to nature, society and social relationships”.* (Draft Heritage Transformation Charter, 2009).
- ii) *“Heritage is that which is constructed in the present from remains of the past”* (Ashworth and Turnbridge: 2001), rather than that which has been passed on from generation to generation;
- iii) *“Heritage is the sum total of wildlife and scenic parks, sites of scientific and historical importance, national monuments, historical 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”* (Oxford Dictionary); ***It is important to note that this is the definition that has been adopted in the White Paper on Arts and Culture, 1996.***

b) Living Heritage definitions in the South Africa Legislation:

- i) The NHC Act does not define Heritage let alone makes a distinction between natural and cultural heritage as such but provides a definition of Living Heritage instead. Section 2 of the Act provides that: *“Living Heritage means the intangible aspects of inherited culture, and may include,*
 - a) *Cultural traditions;*
 - b) *Oral history;*
 - c) *Performance;*
 - d) *Ritual;*
 - e) *Popular memory;*
 - f) *Skills and technology;*
 - g) *Indigenous knowledge system; and*
 - h) *The holistic approach to nature, society, and social relationships.*

(Section 2 NHC Act, 1999)

- ii) The National Heritage Resources Act, 1999 (Act No. 25 of 1999) equally defines Living Heritage the same way the NHC Act, 1999 does.
- iii) The White Paper on Arts and Culture does not define Living Heritage and makes no distinction between cultural and natural heritage.

c) Living Heritage also known as Intangible Cultural Heritage defined from an International perspective:

The following definitions are given:

- i) *“Intangible Cultural Heritage refers to people’s learned processes along with the knowledge, skills and creativity and skills that inform and are developed by them, the products they create, and the resources, spaces and other aspects of social and natural context necessary to their sustainability; these processes provide living communities with a sense of continuity with previous generations and are important to cultural identity, as well to the safeguarding of cultural diversity and creativity of humanity” (UNESCO, 2001).*
- ii) Article 2.2 of the Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO, 2003) defines is as: *“The practices, representations, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognise as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identify and continuity and human creativity. (This includes oral traditions and expressions, language, performing arts, social practices, rituals, festive events and traditional craftsmanship)”*

d) Other emerging definitions

The following emerging definitions that seek to transform old paradigms are equally important:

- i) ***Liberation Heritage*** refers to bodies of ideas and concepts, works, sites, routes, landscapes as well as memories and experiences associated with men and women and movements of significance in all phases of the struggle for liberation” (Draft Heritage Transformation Charter, 2009).
- ii) **Geological heritage:** The Geological Society of South Africa defines geo-heritage as being “*places and sites of geological importance [that] are recognized and preserved as outstanding natural sites. These sites are in many cases, localities, the study of which has led to fundamental breakthroughs in the understanding of the Earth, its life forms and its history through ‘deep time’ In South Africa, geo-heritage is not complete without including the vast and unique mineral deposits which have been instrumental in fuelling the economic development of the country.*”

8. Recommended Definition:

The following definition had been presented to the Task Team meeting prior to the meeting which sat on the 20th September 2012:

“Heritage can be defined as those tangible and intangible remnants / deposits / legacies that are a result of human existence and activity with the environment and universe around them, which should be managed and conserved by the current generation for future generations. These include cultural and natural phenomenon which human beings depend emotionally (psychologically and religiously) as well as socially (educationally and economically)”.

As part of the recommendations that had been proffered to the Task Team, the following breakdown of the above definition of the concept of Heritage was given:

- a) The first point to be made was that a definition should not tell a story but should be short enough in order to be internalised by all those who use the concept on a daily basis.
- b) The second point was that there is a difference between a definition and characteristics of a “thing” or “matter”. In this regard when defining heritage it is

difficult to remain within the boundaries of a definition and exclude the characteristics. This is the reason therefore that in the above definition, we have chosen to refer to heritage as **those or that which is**, meaning that it is wide spread and does not take one shape or form.

- c) Thirdly, we refer to heritage as being tangible or intangible meaning that some can be touched, felt or seen, while other forms cannot. In the definition this is aligned with the words remnants, which could be replaced by remains. The alternative word “remains’ was offered since the definition of remnants in the dictionary implies that remnants are not necessarily important.

In the recommended definition by Management, we had deliberately steered away from using the word things because the tangibles and intangibles are not necessarily things, it could also be aspects, acts, humans, stories etc. We have therefore chosen to utilise remnants or deposits, which may be natural or man-made, and we also used legacies, as in the case of liberation heritage including our chieftainships and kingdoms.

We believe that these remains or inheritance was as a result of human’s interaction with their environment either as a means to Maslow’s theory of needs, survival or purely nature responding to human activity. This part also considers the fact that heritage is geographic and historical in nature.

Having said the above, it should also be noted that heritage does not only refer to the past but also requires managing that which is valued today, for future generations. Computers today will definitely become heritage for the future generation, therefore careful collection and preservation of what we have today should be applied so that future generations can learn from today’s inventions.

It is also important to bring forth the notion that heritage is both the cultural and the natural phenomenon. While saying so we have to be aware that there is no conventionally agreed definition of Culture as aforementioned, suffice to say that most people refer to culture as “a way of life” which is the sense in which it is used here. Natural therefore refers to the physical and biological sphere around humans.

The last sentence reinforces the previous sentence in that it refers to the emotional side of humans and the social side both having something to do with human behaviour.

The last point highlighted to the Task Team was that in the last sentence we have chosen to say "...which human beings depend emotionally ..." instead of saying "...which human beings depend **on** emotionally ..." This is deliberate for humans depend emotionally and they do not depend on emotion.

9. Recommendations

The above definition had been recommended to the Task Team meeting of 20 September 2012 with a proposal that it be presented to the Heritage Committee and Council for approval. However, the Task Team saw the proposed definition as problematic and not addressing the challenges outlined above. Instead the Task Team proposed the adoption of a definition of heritage and that of culture as follows:

a) Definition of Heritage

"Heritage is what is preserved from the past as the living collective memory of a people not only to inform the present about the past but also to equip successive generations to fashion their future. It is what creates a sense of identity and assures rootedness and continuity, so that what is brought out by dynamism of culture is not changed for its own sake, but it is a result of people's conscious choice to create a better life."

b) Definition of Culture

"Culture is the sum total of what is produced collectively by a people's creative genius. It is dynamic and it is always in motion. It is, therefore, always developing as a result of human action and interaction. Every society has a culture and at times a heterogeneous society like ours has several cultures. Some of these cultures are exploitive while others are liberating. All cultures have a material base and values which are reflective of a people's creativity and uniqueness. They include tangible and the intangible".

10. Proposed Process Going Forward

Having considered the discussion document herein and made inputs thereto, the Task Team recommended way forward as follows:

- a) The proposed definitions of Heritage and Culture proffered by the Task Team given in paragraph 10 above as determined at the meeting of 20 September 2012 be adopted.
- b) Circulate the proposed definition to Task Team Members for further refinement;
- c) In the refinement, consideration be given to the inclusion of the South African context;
- d) The final definitions of Heritage and Culture should respond to the question: what then our African heritage is in line with our Pan African Agenda?"
- e) The definitions must accommodate divergent experiences and cultures.
- f) The timeline for completion of the revised discussion document and its distribution to the Task Team Members for their input is no later than the end of the first week of October 2012.