



DEPARTMENT of
CULTURAL AFFAIRS
and SPORT

Provincial Government of the Western Cape

DISCUSSION PAPER: TOWARDS A NEW PROVINCIAL MUSEUM POLICY FOR THE WESTERN CAPE

MARCH 2011

Written comments and enquiries on this *Discussion Paper* should be addressed

NOT LATER THAN 30 June 2011 to:

The Western Cape Provincial Museum Service

Department of Cultural Affairs and Sport

For attention: Mr. M Janse Van Rensburg

Private Bag X9067

CAPE TOWN 8000

e-mail: jvanrensburg@pgwc.gov.za

CONTENTS		Page
1	EXECUTIVE SUMMARY	
1.1	AIM OF THE DISCUSSION DOCUMENT	4
1.2	KEY MESSAGES	4
1.3	SUMMARY OF THE CHALLENGES FOR MUSEUMS IN THE WESTERN CAPE	5
1.4	SUMMARY OF RECOMMENDATIONS	6
2	DEFINING MUSEUMS AND THEIR ROLES	7
2.1	UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO)	7
2.2	INTERNATIONAL COMMITTEE OF MUSEUMS (ICOM)	8
2.3	DEFINITIONS USED IN THE UNITED KINGDOM	8
2.4	MuseumAustralia	10
2.5	SOUTH AFRICAN MUSEUM ASSOCIATION (SAMA)	10
2.6	ELEMENTS OF A DEFINITION OF A MUSEUM	11
3	HISTORICAL OVERVIEW	12
3.1	THE ORIGINS OF MUSEUMS	12
3.2	THE FIRST MUSEUM IN SOUTH AFRICA	13
3.3	MUSEUMS IN THE NEW DEMOCRATIC SOUTH AFRICA AND A NEW CONSTITUTIONAL FRAMEWORK	14
4	CONSTITUTIONAL MANDATES OF THE SPHERES OF GOVERNMENT RELATING TO MUSEUMS	15
4.1	INTRODUCTION	15
4.2	THE FOUNDING PROVISIONS IN THE NATIONAL CONSTITUTION	15
4.3	CULTURAL RIGHTS IN THE BILL OF RIGHTS	16
4.4	CO-OPERATIVE GOVERNMENT AND INTER-GOVERNMENTAL RELATIONS	17
4.5	NATIONAL LEGISLATIVE AUTHORITY	18
4.6	PROVINCIAL LEGISLATIVE AUTHORITY	18
4.7	PROVINCIAL CONSTITUTIONAL MANDATES	18
4.8	ASSIGNMENT OF POWERS AND FUNCTIONS BETWEEN THE NATIONAL AND PROVINCIAL SPHERES OF GOVERNMENT	19
4.9	LOCAL GOVERNMENT LEGISLATIVE AUTHORITY	20
4.10	NATIONAL AND PROVINCIAL EXECUTIVE AUTHORITY	20
4.11	IMPACT OF NATIONAL POLICY ON PROVINCIAL AND LOCAL GOVERNMENT AND THE IMPACT OF PROVINCIAL POLICY ON LOCAL GOVERNMENT	21
4.12	LOCAL GOVERNMENT EXECUTIVE AUTHORITY	21
4.13	THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)	22
5	KEY POLICY CHALLENGES	23
5.1	INTRODUCTION	23
5.2	INTERNATIONAL CONVENTIONS AND INTERNATIONAL LAW	23
5.3	NATIONAL POLICY AND LEGISLATION	25
5.4	PROVINCIAL POLICY AND LEGISLATION	27
5.4.1	Introduction and initiatives to develop provincial policy and new legislation pertaining to museums other than national museums	27
	(i) The WESTAG Report (1995)	27
	(ii) Review of the existing museum ordinances and working drafts of a new provincial Western Cape Museums Bill (2000)	27
	(iii) The Western Cape Museum Audit (2005)	28
	(iv) Existing policies, position papers and procedures	31
	(v) International policies, guides, handbooks and publications	32
	(vi) Outstanding policies, procedures and position papers still to be formulated	36
	(vii) Draft Cultural Transformation Policy of the Western Cape (2005)	38
	(viii) Investigation on the Functions and Policy regarding Museums by the Western Cape Department of Local Government and Housing (2008)	41
	(ix) Economic Impact of Heritage Sites in the Western Cape (2010)	42
5.5	MUSEUM PROFILE IN THE WESTERN CAPE	42
5.5.1	10% of Africa's museums are situated in the Western Cape	42
5.5.2	Assessment of existing museums in the Western Cape	48
5.6	PROPOSED NEW MUSEUM LEGISLATION FRAMEWORK	51
5.7	MUSEUMS AND SOCIAL COHESION	52
5.8	POLICY OMISSIONS	54
5.8.1	International good practice: Principles, values, norms and standards	54
5.8.2	National policy omissions identified	56
5.8.3	Provincial policy omissions identified	57

6	PROPOSED RATIONALISATION AND NEW MUSEUM POLICY FOR AN EFFECTIVE AND EFFICIENT MUSEUM SERVICE IN THE WESTERN CAPE	58
6.1	INTRODUCTION	58
6.2	PROPOSED NEW WESTERN CAPE MUSEUM LEGISLATION FRAMEWORK	58
6.3	PROPOSED AMENDMENTS AND INTRODUCTION OF NEW POLICY	59
6.3.1	New provincial museum legislation to provide for new categories of museums to be affiliated and proclaimed, where appropriate	59
6.3.2	Enabling of municipalities who owns collections or manage museums	64
6.3.3	Removal of discriminatory terminology in legislation	64
6.3.4	Providing a fair access framework for all museum visitors	64
6.3.5	Encouraging museums to generate revenue	64
6.4	OVERARCHING MUSEUM POLICY FRAMEWORK REQUIRED	64
7	ECONOMIC AND SOCIAL VALUE AND IMPACT OF HERITAGE AND HERITAGE INSTITUTIONS, AND MORE SPECIFICALLY MUSEUMS	68
7.1	INTERNATIONAL STUDIES	68
7.1.1	Public funding to museums in Northern Ireland, England, Scotland and Wales and the benefit of public funding support	68
7.1.2	Republic of Ireland	69
7.1.3	The Value of Historic Heritage in Australia	69
7.1.4	The European Union's Lisbon Strategy	70
7.1.5	The Getty Conservation Institute, Los Angeles, California	72
7.1.6	The economic value and impact of heritage sites in the Western Cape	73
7.2	EXPENDITURE TRENDS OF THE MUSEUM SERVICE AND AFFILIATED MUSEUMS IN THE WESTERN CAPE	73
8	HUMAN RESOURCES IN AFFILIATED MUSEUMS	76
9	KEY FINDINGS	77
9.1	THE MUSEUM ORDINANCES ARE OUTDATED AND DOES NOT SUPPORT THE CHANGING HERITAGE LANDSCAPE IN THE WESTERN CAPE	77
9.2	AFFILIATED MUSEUMS IN THE WESTERN CAPE ARE UNDERFUNDED	77
9.3	THE COLLECTIONS, EXHIBITIONS AND PUBLIC PROGRAMMES OF AFFILIATED MUSEUMS ARE NOT REPRESENTATIVE OF THE HISTORY AND HERITAGE OF THE COMMUNITIES IN WHICH THESE INSTITUTIONS ARE SITUATED	78
9.4	ADDITIONAL AND ALTERNATIVE FRUNDING SOURCES SHOULD BE TAPPED AND HARNESSSED TO MEET THE NEEDS OF THE HERITAGE SECTOR FOR TRANSFORMATION, CONSERVATION AND TO ENSURE SUSTAINABILITY	81
9.5	TATIONALISATION AND ACCESS: THE STATUS OF EXISSTING PROVINCIAL, PROVINCE-AIDED AND LOCAL MUSEUMS SHOULD BE RECONSIDERED WITHIN THE CONTEXT OF THE PROPOSED NEW CATEGORIES OF MUSEUMS SET OUT IN THE PROPOSED NEW MUSEUM LEGISLATION	81
9.6	MORE EFFECTIVE, EFFICIENT AND ECONOMIC SERVICES SHOULD BE PROVIDED TO ENSURE ACCESS TO AND SUSTAINABILITY OF THESE SERVICES	81
9.7	REVIEWING EXISTING AND DEVELOPMING NEW MUSEUM POLICIES TO ADDRESS OMISSIONS IN THE POLICY FRAMEWORK FOR MUSEUMS	82
9.8	COOPERATION AND COORDINATION BETWEEN SPHERES OF GOVERNMENT AND MUSEUMS AND OTHER HERITAGE AND EDUCATION INSTITUTIONS SHOULD BE ACTIVELY ENCOURAGED	82
9.9	DEVELOPING FUND-RAISING ABILITIES OF MUSEUMS	83
9.10	ESTABLISHING A MUSEUM FOR CAPE TOWN	83
9.11	CAPACITY CONSTRAINTS AND LACK OF TRAINING FOR EMPLOYEES ARE THREATENING OUR MUSEUMS	83
9.12	ESTABLISHING AN ACQUISITION FUND FOR HISTORICALLY SIGNIFICANT OBJECTS, ARTEFACTS OR COLLECTIONS	84
9.13	MUSEUM GOVERNING BODIES EMPLOYING STAFF SHOULD OBSERVE THE BASIC LABOUR LAWS OF SOUTH AFRICA	84
9.14	REVIEWING CURRENT ADMISSION FEES AND FREE ACCESS TO AFFILIATED MUSEUMS POLICY AND REPLACING THESE WITH A PROGRESSIVE ADMISSION POLICY	84
9.15	A PROVINCIAL MUSEUM TRUST SHOULD BE ESTABLISHED TO SAFEGUARD COLLECTIONS	84
9.16	ENCOURAGING MUSEUM SUBSCRIBER ASSOCIATIONS OR FRIENDS OF THE MUSEUM ORGANISATIONS AND VOLUNTEERS	85
9.17	MARKETING MUSEUMS	85
9.18	TRANSITIONAL ARRANGEMENTS	85
	Annexures	86

1 EXECUTIVE SUMMARY

1.1 AIM OF THE DISCUSSION PAPER

This discussion paper aims to:

- Define the role of museums in the 21st century
- provide an historic overview of:
 - the establishment of museums
 - the development of museum policy and legislation within the current constitutional environment
- set out the proposed legislative, financial and administrative framework for the Department of Cultural Affairs and Sport of the Western Cape Provincial Government to:
 - establish and spell out the role of the Provincial Government regarding ‘museums other than national museums’ (its constitutional mandate);
 - establish and support affiliated museums
 - encourage individuals, authorities or organisations to establish and manage museums in their own communities
 - encourage the promotion of our heritage.
- investigate international trends and good practices related to provincial or regional museums and museum services;
- set out existing policies pertaining to the management of museums and identify the gaps that exist.

1.2 KEY MESSAGES

Emerging from the studies undertaken, the key messages that emerged are:

KEY MESSAGES
10% of all the museums in Africa are situated in the Western Cape. The majority of these are private or institutional museums.
There are 3 ‘national’ museums, 18 proclaimed province-aided museums, 5 proclaimed local museums and 4 municipal museums that are financially supported by the three spheres of government.
1 315 828 visits to museums and heritage sites open to the public took place in the Western Cape in 2008/09
105 museums and other heritage institutions in the Western Cape: 517 people were employed across the Province in heritage institutions in 2008/09
R102 051 198 was spent on salaries and wages at heritage institutions in the Western Cape in 2008/09
Museums in the Western Cape preserve the collective memory of the inhabitants of the

KEY MESSAGES
Western Cape and of South Africans, thus contributing to social cohesion
Museums in the Western Cape help shape the unique South African identity and promote tolerance and understanding of our multi-cultural society
Museums in the Western Cape protect collections and create knowledge furthering lifelong learning and appreciation of our heritage

1.3 It is also clear that museums in the Western Cape are facing the following challenges:

SUMMARY OF CHALLENGES FOR MUSEUMS IN THE WESTERN CAPE
Over the past decade or two, the capacity of museums in the Western Cape, and right across South Africa, has become significantly restrained.
Funding for museums has been cut back as much as 75% over the past two decades, taking inflation into account. This has not assisted affiliated museums to answer the answering the call for transforming the heritage landscape that exists in a democratic South Africa.
Museums have not kept pace with the technological developments in the first decade of the 21 st century. They are therefore considered to be old-fashioned and not relevant to the technologically savvy youth of today.
Museums in the Western Cape have not been able to meet the challenge of augmenting their collections with artefacts, specimens and collections that reflect the history of the communities in which they are situated, because of a lack of a broader collection policy or of funding or donor apathy.
Some museums have closed. The artefacts and collections that were donated to those museums are now lost to society.
Volunteers and local cultural organisations have declined by as much as 50%, especially at the smaller museums where their support is most needed. At a number of province-aided museums, this limits severely the accessibility of museums over weekends and on public holidays. At local and community museums, volunteers are the backbone of the museum operations and often responsible for opening the museum to visitors. There is little if any incentive for volunteers to offer their services to the museums.
Museum infrastructure is deteriorating at a rapid rate due to a lack of capital. Many of the museums in the Western Cape are housed in historic structures and owners of these have not maintained or restored these buildings. This puts the Western Cape's heritage at risk as artefacts and property are not properly preserved and protected.

1.4 The following recommendations are made:

SUMMARY OF RECOMMENDATIONS
The Museum Ordinances are outdated and does not support the changing heritage landscape in the Western Cape.
Affiliated museums in the Western Cape are underfunded as regards fulfilling their legislative mandate.
Additional and alternative funding sources should be tapped and harnessed to meet the needs of the heritage sector, especially the museums, for the transformation and conservation of museums and to ensure sustainability.
Museums receiving resources from the fiscus should reflect the heritage of the communities in which they are situated and whom they serve and a proactive approach should be developed to ensure that the collections of these museums are representative.
Rationalisation of and access to museums should be addressed. The status of existing provincial, province-aided and local museums should be reconsidered within the context of the provisions of the proposed new categories of museums.
More effective, efficient and economic services should be provided at and to affiliated museums in order to ensure access to and sustainability of these services
Existing policies should be reviewed and new museum policies developed to address gaps in the policy framework for affiliated museums and the Museum Service in the Western Cape.
Closer cooperation and coordination between spheres of government on the one hand and museums and other heritage and education institutions on the other should be actively encouraged.
The fund-raising abilities of affiliated museums and heritage institutions should be developed.
A museum should be established for Cape Town.
Capacity constraints and lack of training opportunities for employees are threatening the future of museums of the Western Cape.
An acquisition fund should be established for historically significant objects, artefacts or collections to be housed in affiliated museums in the Western Cape.
Museum governing bodies employing staff should observe the basic labour laws of South Africa.
The current admission fees and legislative prescripts for free access to affiliated museums should be reviewed and replace it with a progressive admission and access policy.

SUMMARY OF RECOMMENDATIONS
A Western Cape Provincial Museum Trust should be established to safeguard historically or scientifically significant collections.
The formation and active participation of museum subscriber associations or friends of the museum organisations and volunteers should be encouraged.
Museums should be marketed as places of memory for past, present and future generations.
Transitional arrangements should be carefully considered after extensive consultation with the affected affiliated museums and other institutions.

2 DEFINING MUSEUMS AND THEIR ROLE

2.1 UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO)

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) declares that museums, as centres for conservation, study and reflection on heritage and culture, can no longer stand aloof from the major issues of our time.¹ Yet museums have not always existed, being of fairly recent origin in the cultural history of humanity. So what are museums today and what is their purpose? The definition of museums has changed course in the two centuries since they came into existence. Today they are "non-profit-making, permanent institutions in the service of society and its development, and open to the public, which acquire, conserve, research, communicate and exhibit, for purposes of study, education and enjoyment, material evidence of people and their environment". Long associated with the tastes of European monarchy, collections of objects can be found in most cultures. They bear out a relationship with the past that attaches value to tangible traces left by our ancestors, and aim to protect them and even make them essential to the functioning of human society. Side by side with the monumental heritage, such collections now constitute the major part of what is universally known as the cultural heritage.

The museological heritage is both an actor and an instrument of dialogue between nations or communities and of a common international vision aimed at cultural development. The latter may vary considerably in nature and form, depending on the historical and cultural context.

A museum's primary purpose is to safeguard and preserve the heritage as a whole. It carries out whatever scientific study is required to understand and establish both its meaning and its possession. In this sense, it helps in the preparation of a global ethic based on practice for the conservation, protection and diffusion of cultural heritage values. A museum's educational mission, whatever its nature, is every bit as important as its scientific work.

¹ <http://www.portal.unesco.org/culture/en/>

A museum also presents the interactions between culture and nature: an increasing number of museums are focusing their interest on science, natural science and technology.

UNESCO also notes that a museum works for the endogenous development of social communities whose testimonies it conserves while lending a voice to their cultural aspirations. Resolutely turned towards their public, community museums are attentive to social and cultural change and help us to present our identity and diversity in an ever-changing world.

2.2 INTERNATIONAL COMMITTEE OF MUSEUMS (ICOM)

The International Committee of Museums (ICOM) defines a museum as a non-profit making, permanent institution in the service of society and of its development, and open to the public, which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, material evidence of people and their environment.² In addition to institutions designated as "museums", according to ICOM, the following institutions could also qualify to be recognized as museums for the purposes of this definition:

- natural, archaeological and ethnographic monuments and sites and historical monuments and sites of a museum nature that acquire, conserve and communicate material evidence of people and their environment
- institutions holding collections of and displaying live specimens of plants and animals, such as botanical and zoological gardens, aquaria and vivaria
- science centres and planetaria
- non profit art exhibition galleries; conservation institutes and exhibition galleries permanently maintained by libraries and archives centres
- nature reserves
- international or national or regional or local museum organizations, ministries or departments or public agencies responsible for museums as per the definition given within this article
- non-profit institutions or organisations undertaking conservation, research, education, training, documentation and other activities relating to museums and museology
- cultural centres and other entities that facilitate the preservation, continuation and management of tangible or intangible heritage resources (living heritage and digital creative activity)
- such other institutions as the Executive Council, after seeking the advice of the Advisory Committee, considers as having some or all of the characteristics of a museum, or as supporting museums and professional museum personnel through museological research, education or training.

2.3 DEFINITIONS USED IN THE UNITED KINGDOM

Museums, according to the Museums Association of the United Kingdom, enable people to explore collections for inspiration, learning and enjoyment. They are institutions that

² <http://icom.museum/>

collect, safeguard and make accessible artefacts and specimens, which they hold in trust for society.³ Society can expect museums to:

- hold collections in trust on behalf of society
- focus on public service
- encourage people to explore collections for inspiration, learning and enjoyment
- consult and involve communities
- acquire items honestly and responsibly
- safeguard the long-term public interest in the collections
- recognise the interests of people who made, used, owned, collected or gave items in the collections
- support the protection of the natural and human environments
- research, share and interpret information related to collections, reflecting diverse views
- review performance to innovate and improve.

In the United Kingdom, the most universally accepted definition of a museum is that given by the Museums Association in 1986: “Museums enable people to explore collections for inspiration, learning and enjoyment. They are institutions that collect, safeguard and make accessible artefacts and specimens which they hold in trust for society.”⁴

The Midlands Museum Policy⁵ states that museums, in popular usage, are buildings used for the storage and exhibition of collections of natural, artistic, historical and/or scientific objects. They are founded on four inherent human characteristics:

- curiosity and inquisitiveness
- the desire to pass on things of worth to future generations
- the impulse to acquire and collect
- the wish to communicate and learn in social situations.

According to the Midlands Museum Policy, museums can make a unique and positive contribution to society by using their collections and associated material to:

- provide opportunities for learning
- enable the use of collections and associated information to expand human knowledge
- stimulate creativity and the spirit of enquiry
- provide a sense of pride of place and social cohesion
- support local economies through tourism and image-creation
- offer opportunities for personal development

³ Code of Ethics for Museums, 2002, The Museums Association (United Kingdom)

⁴ Mapping Trends in Northern Ireland’s Museums 2007, http://www.nimc.co.uk/crossfire/files/page_8/7_file.pdf

⁵ *Facing the Future*: The Midlands Museum Policy, first published in 1996, and reviewed in 1999

- create a sense of security at times of change in society;
- celebrate cultural distinctiveness
- entertain and educate.

This represents an enormous potential scope, and no museum has sufficient resources to exploit fully all these opportunities at a single point in time. Successful museums are those that:

- understand the political, social and economic environment in which they operate
- provide activities and programmes that focus on the contribution most appropriate to the current environment
- maintain a long-term perspective that will enable the museum's collections to be relevant in a changed environment.

2.4 MuseumsAustralia

MuseumsAustralia is of the opinion that a museum is an institution with the following characteristics:

- A museum helps people understand the world by using objects and ideas to interpret the past and present and explore the future.
- A museum preserves and researches collections, and makes objects and information accessible in actual and virtual environments.
- Museums are established in the public interest as permanent, not-for-profit organisations that contribute long-term value to communities.
- Museums of science, history and art may be designated by many other names (including gallery and keeping place). In addition, the following may qualify as museums for the purpose of this definition:
 - Natural, archaeological and ethnographic monuments and sites and historical monuments and sites of a museum nature that acquire, conserve and communicate material evidence of people and their environment
 - Institutions holding collections of and displaying specimens of plants and animals, such as botanical and zoological gardens, herbaria, aquaria and vivaria
 - Science centres
 - Cultural centres and other entities that facilitate the preservation, continuation and management of tangible and intangible heritage resources (living heritage and digital creative activity)
 - Such other institutions as the Council of MuseumsAustralia considers as having some or all of the characteristics of a museum.

2.5 SOUTH AFRICAN MUSEUM ASSOCIATION (SAMA)

The South African Museum Association (SAMA) defines museums as being dynamic and accountable public institutions which both shape and manifest the consciousness, identities and understanding of communities and individuals in relation to their natural, historical and cultural environments, through collection, documentation, conservation, research and education programmes that are responsive to the needs of society.

Establishing a museum can be described as entering into a “people’s contract”:⁶ The interested parties entering into this contract are:

- (i) the donors of artifacts, specimens, collections, buildings, funds, people providing their time and skills, e.g. volunteers and Friends of the Museum
- (ii) the governing body of the museum, e.g. the Board of Trustees, the Board of Directors, etc. consisting of representatives of civil society and stakeholders
- (iii) eventually, government, especially once the museum receives formal recognition by either the national, provincial or local sphere of government as a declared cultural institution, a listed public entity, a province-aided museum or other appropriate legal status and receives public funding, either a subsidy, a transfer payment, a donation or a grant-in-aid.

In some cases, there are museums that have no formal status, as is the case with departmental or institutional museum collections.

2.6 ELEMENTS OF A DEFINITION OF A MUSEUM

The definitions of museums reflect three important elements:

- Museums are not to be equated with the buildings which locate them in space, but with the content which such buildings house, namely collections of objects and artefacts relating to natural, historical and cultural phenomena. However, in some cases museums are intrinsically linked to the building in various ways. Most museum buildings in the Western Cape are declared provincial heritage sites in terms of the National Heritage Resources Act, Act 25 of 1999, and/or related to the storyline or theme of the museum. In such cases, divorcing the museum from a particular building would hamper the storyline and significance of the museum.
- Secondly museums are institutions of public memory whose activities are to collect, conserve, research, educate and make accessible the natural, historical and cultural patrimony of a community or locality to the public. It is pivotal to note that although museums are located within a particular milieu; their roles transcend local boundaries as they contribute towards national, provincial and local consciousness, nation-building and national identities. Therefore, while “museums other than national museums” are not declared as such in terms of the Cultural Institutions Act, Act 119 of 1998, their collective contribution is crucial towards national and provincial agendas.
- Thirdly, through these activities, museums give shape and manifest the connection of communities to their natural environment, history and culture.

⁶ Evaluating Transformation: Museums in a Constitutional State: A Case Study. Unpublished paper delivered by Ms H M J du Preez, Chief Director: Cultural Affairs, Department of Cultural Affairs and Sport, Western Cape Provincial Government, at the Annual Conference of the South African Museum Association held on 1 June 2004 at The Castle, Cape Town, South Africa

3 HISTORICAL OVERVIEW⁷

3.1 THE ORIGINS OF MUSEUMS

The word museum is derived from the Greek *mouseion*, which denotes a building dedicated to the muses of Greek mythology.

It was humankind's deep-seated desire to collect objects that gave rise to the idea of establishing museums. Since the earliest days of recorded history, mention has been made of the spoils of war or victory brought home by victorious armies and conquerors. These articles were frequently of particular value or significance and were often regarded as symbols of victory. As the collections grew, people wanted to know more about the objects included in the collection.

The Hellenistic museum of the great city of Alexandria in Egypt was one of the first museums ever established. As early as the 3rd century BC, scholars gathered there to study astrology, philosophy and geography; the museum possessed a large collection of writings and objects related to these disciplines.

In classical Roman times, the inflow into Rome of articles significant in the culture of conquered peoples accelerated tremendously as the Roman armies marched victorious over the then known world.

In medieval times collections were built up in the great abbeys and monasteries of Europe and the Middle East and these were cared for by the monks. These collections were accessible to the clergy only; learning was dominated by the Church. Collections built up at the early universities too were open to selected scholars only.

The growth of humanism and the advent of the Renaissance brought the rediscovery of the classical cultures and ushered in a new phase in the collecting of articles of cultural or scientific interest. From far corners of the earth explorers brought back to Europe all kinds of rare objects, and presented these to their royal or noble patrons. These collections included works of art, curiosities and artefacts, as well as parts of animals such as the horns and pelts and the seeds and dried specimens of plants. But these collections, too, were open to the privileged only.

The rise of the middle classes from the 16th century onwards opened these exclusive collections to the common people and promoted the assemblage of further collections. The expansion of trade routes to the East Indies past the Cape of Good Hope by trade companies such as the Dutch East India Company supported the collection of rare *objets de art*, curios and other artefacts by officials, patricians and travellers.

The Cape played an important role in the expansion of knowledge at the time: Plants and seeds were collected at the Cape. When a botanical, medicinal and herbal garden - a *hortus botanicus* - was established in Amsterdam in 1682, the mayor of Amsterdam requested the Dutch East India Company officials based at the Cape to forward material to this garden. In 1685 the first European astronomers arrived at the Cape and made some tentative observations of the stars and constellations in the southern skies. These were greatly expanded on by the Frenchman Lacaille when he visited the Cape in 1751-52. During the 18th century several expeditions into the interior of the Cape were undertaken to collect samples of fauna and flora and sent to Europe. Some of these specimens were

⁷ Du Preez, H M J (ed.), (1982): *Museums of the Cape: A Guide to the province-aided museums of the Cape*, Department of Nature- and Environmental Affairs and Museums, Provincial Administration of the Cape of Good Hope, Cape Town, p. 7-9

amongst those used by the Swede Carl von Linné to develop the Linnaean system of classification. His fellow countrymen, the botanists Anders Erikson Sparmann and Carl Peter Thunberg, also collected material during their expeditions in the latter part of the 18th century.

The first museum that could be referred to as a public institution was established in Oxford in 1683; it still exists as the Ashmolean Museum. Several other public museums followed, among them the British Museum.

3.2 THE FIRST MUSEUMS IN SOUTH AFRICA

Civil society played a pivotal role in the establishment of museums in the Cape Colony during the 19th century and, subsequently, in the Province of the Cape of Good Hope and South Africa, during the 20th century. This role is continuing in the 21st century, albeit within the framework of the constitutional dispensation of a democratic South Africa.

The first museum in South Africa was established in Cape Town in 1825, (as was the case with the establishment of the South African Library), with the assistance of Lord Charles Somerset, the Governor of the Cape Colony and a number of prominent Cape citizens: This was the South African Museum (now part of Iziko Museums of Cape Town). The museum suffered a great many set-backs that more than once forced it to close down, but in 1855 the Cape Colonial Government proclaimed it as a state-aided institution and appointed a board of trustees, thus assuring its future.

In the same year a society was established in Grahamstown with a view to founding a general museum in that town. This was followed by similar initiatives in other towns in the Colony, such as Kimberley and East London.

After Union in 1910, the Financial Relations Act, Act 10 of 1913 provided for the transfer of certain powers specified in the Second Schedule of the Act to the then four Provincial Administrations. These powers included, amongst others, the responsibility to award financial grants to libraries, museums and art museums. In terms of Proclamation 145 of 1913, the Provincial Administration of the Cape of Good Hope took over this responsibility and in the following year the Museum Ordinance, No. 6 of 1914, was promulgated.

Despite the grants paid to the museums in terms of this Ordinance, they found it difficult to survive, particularly during the two World Wars. The inflationary conditions following World War II made it almost impossible for the museums to meet rising costs, especially relating to maintenance and increasing salaries. Several representations in this regard were made to the Provincial Administration. After a formal investigation, it was decided to establish the Department of Nature Conservation, whose task (apart from the control and extension of the functions of the then Division of Inland Fisheries) would include the co-ordination of provincial museums in the Cape Province. Greater financial assistance was also given to museums.

In 1956 a further investigation was undertaken and recommended a complete reorganisation of the provincial Museum Service, which led to the amendment and extension of the relevant Ordinance in 1957. Museum staff posts were placed on equivalent Public Service scales, the payment of 50% of all approved maintenance expenditure for the management of the museum and the establishment of the Technical Division of the Museum Service were amongst the recommendations that were accepted and implemented. The Ordinance also provided for certain minimum norms and standards for affiliation of museums to the Museum Service.

Museums reached a turning-point at the end of the 1960s. They re-invented themselves to educate and entertain the public and to attract more visitors thanks to the expansion of tourism. Many new museums were established and opened their doors to an eager public; more than half of the world's 25 000 museums were established in the last 50 years.

In 1968 a new Museum Ordinance, No. 31 of 1968, was promulgated to consolidate the preceding Ordinances and to amend or improve the legislative framework and provide for the classification of affiliated museums in three categories: provincial, province-aided and local museums.

Provision was also made that the staff employed by affiliated museums became employed by the Provincial Administration of the Cape of Good Hope as provincial officials. This arrangement changed when all provincial officials became public (civil) servants under a consolidated human resource framework in the late 1970s. Thus the system, still used, was created, whereas a staff establishment is determined for each provincial and province-aided museum, and is funded as departmental posts on the departmental staff establishment.

By October 1981 there were one provincial, 37 province-aided and 13 local museums in the former Cape Province.

With the dawn of the democratic dispensation in South Africa, a large portion of these affiliated museums became the responsibility of the provincial government of the newly created Western Cape Province. By the end of 2009, four (4) provincial, 18 province-aided and 5 local museums were affiliated to the Western Cape Provincial Museum Service.

3.3 MUSEUMS IN THE NEW DEMOCRATIC SOUTH AFRICA AND A NEW CONSTITUTIONAL FRAMEWORK

The national White Paper on Arts, Culture and Heritage was launched in July 1996, a mere five months before the adoption of the new Constitution of the Republic of South Africa.

The objectives of this 'fledgling democratic cultural policy' was to locate arts, culture, heritage and literature within the framework of a democratic South Africa, to promote arts, culture, heritage and literature as significant and valuable areas of social and human endeavour in themselves in a democratic, post-colonial South Africa, and set institutional arrangements for the implementation of the new vision. It also aims to develop a framework for an 'arms' length' relationship which is fundamental to the freedom of expression, accountability when public funding is utilised, optimum funding arrangements within existing budgets and fiscal discipline, and to create institutional arrangements for the creation, promotion and protection of South African arts, culture, heritage and the associated practitioners. Lastly it strives towards accessibility to a broader audience, both in participation and in enjoyment and in geographical terms.

The White Paper made recommendations regarding the rationalisation of declared cultural institutions. As far as the Western Cape Province is concerned, some recommendations of the White Paper have been implemented. The consolidation of the declared cultural institutions in Cape Town into the Iziko Museums of Cape Town flagship institution has been completed. The Robben Island Museum was established and the Afrikaans Language Museum in Paarl is still a declared cultural institution. However, a review of the recommendations of the White Paper has not yet been undertaken nor has a national museum service been established.

4 CONSTITUTIONAL MANDATES OF THE SPHERES OF GOVERNMENT RELATING TO MUSEUMS⁸

4.1 INTRODUCTION

The signing of the Constitution of the Republic of South Africa, 1996, by President Nelson Mandela in December 1996 at Vereeniging established a new constitutional framework for the mandates of the government regarding museums.

4.2 THE FOUNDING PROVISIONS IN THE NATIONAL CONSTITUTION⁹

The broad cultural identity of the Republic of South Africa is set in the Founding Provisions in the Constitution of South Africa, 1996, where provision is made for the supremacy of the Constitution¹⁰, the rights, privileges and benefits of South African citizenship, the duties and responsibilities of such citizenship, the acquisition, loss and restoration of citizenship¹¹, the national anthem¹², the national flag¹³ and the official languages of the Republic¹⁴.

The national Constitution determines that South Africa has eleven official languages, recognizes the historically diminished use and status of the indigenous languages of the people of South Africa and provides for the State to take practical and positive measures to elevate the status and advance the use of these languages¹⁵. Both the national and provincial governments may use any particular official language or languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages¹⁶. Municipalities must take into account the language usage and preferences of their residents¹⁷. In line with the provisions of the national Constitution, a Pan South African Language Board was established¹⁸.

It is interesting to note that when the new national Constitution took effect, the status of the Pan South African Language Board changed from a constitutional institution in the interim Constitution to that of an institution established in terms of the relevant legislation applicable to the Board.¹⁹ However, the objects of the Board can also impacts

⁸ Department of Arts and Culture: *Review of Heritage Legislation* (Vol. 1) prepared by the Heritage Agency CC and Cheadle, Thomson and Haysom Inc. Attorneys, p. 8-9

⁹ Evaluating Transformation: Museums in a Constitutional State: A Case Study. Unpublished paper delivered by Ms H M J du Preez, Chief Director: Cultural Affairs, Department of Cultural Affairs and Sport, Western Cape Provincial Government, at the Annual Conference of the South African Museum Association held on 1 June 2004 at The Castle of Good Hope, Cape Town, South Africa

¹⁰ Sec. 2 of the Constitution of the Republic of South Africa, 1996

¹¹ Sec. 3 of the Constitution of the Republic of South Africa, 1996

¹² Sec. 4 of the Constitution of the Republic of South Africa, 1996

¹³ Sec. 5 of the Constitution of the Republic of South Africa, 1996

¹⁴ Sec. 6(1) of the Constitution of the Republic of South Africa, 1996

¹⁵ Sec. 6(2) of the Constitution of the Republic of South Africa, 1996

¹⁶ Sec. 6(3)(a) of the Constitution of the Republic of South Africa, 1996

¹⁷ Sec. 6(3)(b) of the Constitution of the Republic of South Africa, 1996

¹⁸ Sec. 6(5). The Pan South African Language Board was established in terms of the Pan South African Language Board Act, 1995 (Act 59 of 1995). Its objects are to promote and create conditions for the development and use of all official languages; the Khoi, Nama and San languages; and Sign Language; and promote and ensure respect for all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa

¹⁹ See section 20 of Schedule 6: Transitional Arrangements of the Constitution of the Republic of South Africa, 1996

on museums; most museums in South Africa have as yet not addressed or adopted a formal policy on how to provide for the language rights of its clients, given the constitutional provisions.

As is the case with the national Constitution, the Constitution of the Western Cape, 1997, provides for a cultural identity for the Province of the Western Cape in its Founding Provisions, including languages and provincial symbols and honours²⁰. In the provisions relating to the official languages of the Western Cape, the Constitution of the Western Cape determines that for the purposes of provincial government the official languages Afrikaans, English and isiXhosa are to be used and that these languages enjoy equal status²¹. In the Western Cape, a provincial language policy has been developed and approved in principle by the Executive Committee of the Western Cape.

The provincial Constitution also tasks the Western Cape government with taking practical and positive measures to elevate the status and advance the use of those indigenous languages of the people of the Western Cape, such as Nama, whose status and use have been historically diminished²².

4.3 CULTURAL RIGHTS IN THE BILL OF RIGHTS²³

In the Bill of Rights (Chapter 2 of the national Constitution), more provisions entrench the cultural identity of South Africans. The Constitution states that the Bill of Rights is a cornerstone of democracy in South Africa, enshrines the rights of all people in the country and affirms the democratic values of human dignity, equity and freedom²⁴. The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state²⁵, including all museums instituted or recognised in terms of legislation, as well as any natural or juristic person in terms of specific provisions²⁶.

The Bill of Rights provides for rights applicable to all South Africans, including, *inter alia*, the right to equality, the right to have his or her human dignity respected and protected, the right to freedom of conscience, religion, thought, belief and opinion, freedom of expression and association, rights to use the language and participation in the cultural life of his or her choice, the rights of persons belonging to a cultural, religious or linguistic community to enjoy the culture, practice religion and use language of choice.²⁷

However, it is noteworthy that a number of rights in the Bill of Rights, particularly cultural rights, are qualified. In the case of the right to use the language and to participate in the cultural life of their choice, persons may not exercise these rights in a manner inconsistent with any provision of the Bill of Rights²⁸. The same applies to persons belonging to a particular cultural, religious or linguistic community, who may not be denied the right, with other members of that community:

- (i) to enjoy their culture, practise their religion and use their language; and

²⁰ Sec. 5 & 6 of the Constitution of the Western Cape, 1997 (Act 1 of 1998)

²¹ Sec. 5(1) and (2) of the provincial Constitution

²² Sec. 5(3) of the provincial Constitution

²³ Evaluating Transformation: Museums in a Constitutional State: A Case Study. Unpublished paper delivered by Ms H M J du Preez, Chief Director: Cultural Affairs, Department of Cultural Affairs and Sport, Western Cape Provincial Government, at the Annual Conference of the South African Museum Association held on 1 June 2004 at The Castle of Good Hope, Cape Town, South Africa

²⁴ Sec. 7(1) of the Constitution of the Republic of South Africa, 1996

²⁵ See section 239 of the national Constitution for the definition of an organ of state

²⁶ Sec. 8 of the Constitution of the Republic of South Africa

²⁷ Sec. 35 of the Constitution of the Republic of South Africa

²⁸ Sec. 30 of the Constitution of the Republic of South Africa

- (ii) to form, join and maintain cultural, religious and linguistic associations with other organs of civil society.

Again these rights may not be exercised in a manner inconsistent with any provision of the Bill of Rights.²⁹

The complex constitutional relationship between the national, provincial and local spheres of government and their respective legislative and executive powers and functions for heritage is set out in a Review of Heritage Legislation commissioned by the national Department of Arts and Culture. In order to understand the framework within which the various departments exercise their powers and perform their functions, and to determine how best to promote an rational and coherent heritage framework across the national, provincial and local spheres of government, it is necessary at the outset to consider the statutory relationship between them.

4.4 CO-OPERATIVE GOVERNMENT AND INTER-GOVERNMENTAL RELATIONS

The Constitution provides the primary legal framework governing this relationship³⁰, emphasising co-operation and co-ordination between the national, provincial and local spheres of government, highlighting that they are distinctive, interdependent and interrelated. The Constitution regulates the manner in which these different spheres of government are required to interact.³¹

The national Constitution distributes powers between these spheres and provides principles of co-operative government and intergovernmental relations which includes the obligations of all spheres of government:

- to respect the constitutional status, institutions, powers and functions of government in the other spheres;
- not to assume any power or function except those conferred on them in terms of the national Constitution
- to exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere;
- to co-cooperate with one another in mutual trust and good faith by:
 - fostering friendly relations
 - assisting and supporting one another
 - informing one another of, and consulting one another on, matters of common interest
 - coordinating their actions and legislation with one another
 - adhering to agreed procedures
 - avoiding legal proceedings against one another.

Importantly, the national Constitution refers to spheres rather than levels of government. This suggests that the different spheres of government should not be viewed as

²⁹ Sec. 31 of the Constitution of the Republic of South Africa

³⁰ See Chapter 3 and section 40 of the Constitution of the Republic of South Africa

³¹ Chapter 3, Constitution of the Republic of South Africa

functioning in a strict hierarchical relationship, but rather as partners in government – exercising specified powers and performing specified functions.

4.5 NATIONAL LEGISLATIVE AUTHORITY

The national Parliament may pass legislation with regard to any matter – subject only to the exclusive legislative competences of provincial legislatures as set out in Schedule 5 to the Constitution, which in turn are subject to national override in certain limited circumstances.³²

In this regard, national government is entrusted with legislative override powers regarding areas of exclusive provincial competence where necessary to maintain national security, economic unity, and essential national standards, to establish minimum standards required for the rendering of services, and to prevent unreasonable action by a province which is prejudicial to the interest of another province or to the country as a whole.

The national Department of Arts and Culture attempted to develop draft national museum legislation towards the end of the 20th century. However, the working draft has never been made available for a broader audience.

In August 2010 the national Department of Arts and Culture requested suitably qualified and experienced individuals to sit on a panel of experts to draft a national museums policy framework. The panel of experts is required to develop and agree on a methodology and work plan. It is foreseen that the national museums policy framework will not be a policy for government-funded museums only, but the entire country.

4.6 PROVINCIAL LEGISLATIVE AUTHORITY

Provincial legislatures may pass legislation in terms of the national Constitution with regard to:

- ‘national museums’ as far as it pertains to national museums within the borders of the province concerned in terms of the concurrent legislative mandate that it has in terms of Schedule 4 of the national Constitution. Schedule 4 provides an extensive list of functional areas in which the national and provincial spheres of government exercise concurrent or shared legislative authority.
- ‘museums other than national museums’ in terms of the exclusive legislative mandate that it has in terms of Schedule 5 of the national Constitution.

4.7 PROVINCIAL CONSTITUTIONAL MANDATES

The Western Cape Provincial Constitution, 1997 (Act 1 of 1998), provides directive principles of provincial policy which states that the Western Cape Provincial Government must adopt and implement policies to actively promote and maintain the welfare of the people of the Western Cape, including policies aimed at achieving the protection and conservation of the natural, cultural historical, archaeological and architectural heritage of the Western Cape for the benefit of the present and future generations.³³ The provincial Constitution further states that these directive principles must guide the Western Cape Government in making and applying legislation.³⁴

³² Section 44(1) and (2) of the Constitution of the Republic of South Africa

³³ Section 81(n) of the Constitution of the Western Cape Province

³⁴ Section 82 of the Constitution of the Western Cape Province

4.8 ASSIGNMENT OF POWERS AND FUNCTIONS BETWEEN NATIONAL AND PROVINCIAL SPHERES OF GOVERNMENT

Prior to the introduction of the new constitutional dispensation in May 1994 in South Africa, it became clear that the new provincial governments would have to function within the provisions of existing legislation which would have to be assigned to provinces. It became necessary (as it would take some time before the new provincial legislatures would have exercised their legislative authority) to create a new body of provincial legislation. The provincial executives, however, had to govern their respective provinces in accordance with the interim Constitution and could not wait for the new provincial legislatures to pass provincial laws required to do so. To fill this vacuum, the interim Constitution made use of the concept of assignment of legislation. The State President had the authority to assign the administration of legislation “to a competent authority within the jurisdiction of the government of a province”³⁵. Provinces thus became the executing authorities of such assigned legislation. The assignment of executive authority to a provincial government was clearly an irrevocable action by the State President and no constitutional provision for a reversal of this assignment was provided for in the interim Constitution³⁶.

In terms of the new Constitution of the Republic of South Africa, 1996, assignment of legislation to provinces is still possible and is, in fact, still being undertaken by the national government³⁷. As was the case in the interim Constitution, there is no authority for the reversal of the procedure in the new Constitution.

In terms of section 235(8) of the interim Constitution, the State President assigned the functions and powers of the Museum Ordinance, 1975 (Ordinance 8 of 1975) as well as the Oude Kerk Volksmuseum Van ‘t Land van Waveren (Tulbagh) Ordinance, 1979 (Ordinance 11 of 1979) to the Premier of the Western Cape.³⁸

A consequence of assigned legislation is that it becomes provincial legislation in terms of section 239 of the new Constitution³⁹. Provinces have legislative authority to pass legislation with regard to any matter listed in Schedules 4 and 5, which consequently includes the competence to amend or repeal any existing provincial legislation, including legislation assigned to the province⁴⁰. The provision for the assignment by a member of the national Cabinet of any power or function, to be exercised or performed in terms of an Act of Parliament, to a member of a provincial Executive Council or to a Municipal Council state that such assignment⁴¹:

- (i) must be in terms of an agreement between the relevant Cabinet member and the Executive Council member or Municipal Council

³⁵ Sec. 235 (8) of the interim Constitution of the Republic of South Africa, 1993 (Act 200 of 1993). See also Chaskalson and Klaaren *Provincial Government* at 4-4 in Chaskalson et al *Constitutional Law of South Africa*, 1996

³⁶ *Executive Council, Western Cape Legislature v President of the Republic of South Africa and Others* 1995 (4) SA 877 CC at par. [173]

³⁷ Section 99 and Schedule 6 Item 14 (1) of the Constitution of the Republic of South Africa: “Legislation with regard to a matter within a functional area listed in Schedule 4 or 5 to the new Constitution and which, when the new Constitution took effect, was administered by an authority within the national executive, may be assigned by the President, by proclamation, to an authority within a provincial executive designated by the Executive Council of a province.”

³⁸ See Government Notice 115 dated 17 June 1994 and published in the *Government Gazette* No 15813 dated 17 June 1994

³⁹ In terms of sec. 239 of the national Constitution ‘Provincial legislation’ includes (a) subordinate legislation made in terms of a provincial Act; and (b) legislation that was in force when the Constitution took effect and that is administered by a provincial government

⁴⁰ Sec. 104 (1) (b)(i) and (ii) of the national Constitution

⁴¹ Sec. 99 of the national Constitution

- (ii) must be consistent with the Act of Parliament in terms of which the relevant power or function is exercised or performed
- (iii) takes effect upon proclamation by the President.

The scope of legislation, which has thus far been assigned to provinces in terms of Item 14 of Schedule 6 to the new national Constitution, includes matters in the concurrent as well as the exclusive provincial functional area. Once assigned, the assigned legislation may form the basis for new provincial legislation. A complicating factor in the development of legislation on concurrent matters is the fact that a national law might be only partially assigned to provinces. This means that the provinces have an assigned law, for example on cultural affairs, but certain provisions that were not assigned remain within the national government's competency and thus forms a skeleton national law on the functional area.

4.9 LOCAL GOVERNMENT LEGISLATIVE AUTHORITY

Municipalities may make and administer by-laws for the effective administration of matters which they have a right to administer. These are:

- the local government matters listed in Part B of Schedules 4 and 5 of the national Constitution
- any other matter assigned to local government by national or provincial legislation⁴²

The national and provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions. Subject to this limitation, any local government by-law that conflicts with a national or provincial law is invalid.⁴³

4.10 NATIONAL AND PROVINCIAL EXECUTIVE AUTHORITY

The national executive authority for the functional area 'national museums' includes:

- initiating, preparing and implementing national legislation, except where the national Constitution or an Act of Parliament provide otherwise
- developing and implementing national policy.⁴⁴

The provincial executive authority for the function 'museums other than national museums' includes:

- initiating, preparing and implementing provincial legislation in the province
- implement national legislation within the functional area of 'national museums' where applicable except where the national Constitution or an Act of parliament provides otherwise
- developing and implementing provincial policy; performing any other function assigned to the provincial executive in terms of the Constitution or an Act of Parliament.⁴⁵

Provinces have exclusive executive authority to implement their provincial legislation.

⁴² Section 156(1) and (2) of the national Constitution

⁴³ Section 156(3) of the national Constitution

⁴⁴ Section 85 of the national Constitution

⁴⁵ Section 125(2) of the national Constitution

4.11 IMPACT OF NATIONAL POLICY ON PROVINCIAL AND LOCAL GOVERNMENT AND THE IMPACT OF PROVINCIAL POLICY ON LOCAL GOVERNMENT

In general, national policy does not create legal obligations that bind provinces or local government.⁴⁶ Policy determinations are not legislative instruments, and in order to bind provinces or the public, national policies must normally be reflected in laws or regulations. As a general rule, policy determinations cannot override, amend or be in conflict with legislative instruments.⁴⁷ A province may of course adopt national policy as its own, in which case the policy will bind the provincial authorities.

The same rule applies to policy determined by provincial government. A province may amend national policy or determine its own provincial policy, in which case the policy, as far as it pertains to ‘museums other than national museums’ will bind the provincial government and may guide local government in exercising its powers in terms of the specific provincial legislation.

4.12 LOCAL GOVERNMENT EXECUTIVE AUTHORITY

The Constitution provides the primary framework regulating the relationship. Important components of this framework are:

- Municipalities have the right to govern on their own initiative, the local government affairs of their communities, subject to national and provincial legislation.⁴⁸
- National or provincial government may not compromise or impede a municipality’s ability or right to exercise its powers or perform its functions.⁴⁹
- National and provincial government are required to support and strengthen the capacity of municipalities to manage their own affairs and to exercise their powers and perform their functions.⁵⁰
- Draft national and provincial legislation that affects the status, institutions, powers or functions of local government must be published for public comment before its introduction to Parliament or a provincial legislature, in a manner that allows organized local government, municipalities and other interested persons an opportunity to make representations with regard to the draft legislation.⁵¹

A municipality has executive authority in respect of, and the right to administer:

- the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the national Constitution; and
- any other matter assigned to it by national or provincial legislation.⁵²

The importance of the local government sphere is emphasized by the constitutional obligation on the national and provincial government to assign to a municipality, by

⁴⁶ In this regard, see Ex parte Speaker of the National Assembly: In re. dispute concerning the constitutionality of certain provisions of the national Education Policy Bill 83 of 1995, 1996(4) BCLR 518 (CC) at paras 31 and 38 and Minister of Education v Harris 2001 (11) BCLR 1157 (CC) at para 11

⁴⁷ See Akani Garden Route (Pty) Ltd v Pinnacle Point Casino (Pty) Ltd 2001 (4) SA 501 (SCA) at 508 C-E

⁴⁸ Section 151(3) of the national Constitution

⁴⁹ Section 151(4) of the national Constitution

⁵⁰ Section 154(1) of the national Constitution

⁵¹ Section 154(2) of the national Constitution

⁵² Section 156(1) of the national Constitution

agreement and subject to conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if:

- that matter would most effectively be administered locally
- the municipality has the capacity to administer it.⁵³

As far as legislative competence is concerned, municipalities have authority to make and administer by-laws for the effective administration of the matters which they have the right to administer.⁵⁴ The Constitution stipulates that any by-law made by a municipality that conflicts with national or provincial legislation is invalid.⁵⁵

The national Constitution authorises provincial legislatures to assign any of their legislative powers to a municipal council.⁵⁶ The national Constitution also authorises a Member of the Executive Council (MEC) to assign any power or function that is to be exercised or performed in terms of an Act of Parliament or a provincial Act to a municipal council. The assignment:

- must be in terms of an agreement between the MEC and the municipal council concerned
- must be consistent with the Act in terms of which the relevant power or function is exercised or performed
- takes effect upon proclamation by the Premier.

The Constitution does, however, provide for a provincial government to intervene in municipal affairs in certain circumstances. A provincial government may intervene in the operations of a municipality where the municipality cannot or does not fulfil an executive obligation in terms of the national Constitution or legislation, in order to ensure fulfilment of those obligations.⁵⁷

4.13 THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

Act 32 of 2000 also provides mechanism for provincial monitoring and standard-setting for local government.⁵⁸ In this regard, the MEC responsible for local government in a province:

- is obliged to establish mechanisms, processes and procedures in terms of section 155(6) of the national Constitution:
 - to monitor municipalities in the province in managing their own affairs, exercising their powers and performing their functions
 - to monitor the development of local government capacity in the province
 - to assess the support needed by municipalities to strengthen their capacity to manage their own affairs, exercise their powers and perform their functions⁵⁹

⁵³ Section 156(4) of the national Constitution

⁵⁴ Section 156(2) of the national Constitution

⁵⁵ Section 156(3) of the national Constitution

⁵⁶ Section 104(1)(c) of the national Constitution

⁵⁷ Section 139 of the national Constitution

⁵⁸ Review of Heritage Legislation (Volume 1), p 16

⁵⁹ Section 105(1) of the Local Government Municipal Systems Act

- Is empowered, by notice in the *Provincial Gazette*, to require municipalities of any category or type specified in the notice or any other kind described in the notice, to submit to a specified provincial organ of state such information as may be required in the notice either at regular intervals or within a period as may be specified.⁶⁰

5. KEY POLICY CHALLENGES

5.1 INTRODUCTION

As set out in Chapter 3 of this document, the Western Cape has had museums for nearly two centuries: the first museum was established in what is now the Western Cape Province, as early as 1825. Over the years, several Commissions of Enquiry regarding Museums were appointed by the national Minister responsible for cultural affairs and more specifically for museums.

5.2 INTERNATIONAL CONVENTIONS AND INTERNATIONAL LAW

Since the dawn of the democratic era in our country, the South African Government has signed a number of important international conventions that should be considered when policy is formulated regarding arts, culture and heritage, and especially for museums.

In this regard, it is noteworthy to mention the following conventions:

(i) **The Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)**⁶¹

The Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague (Netherlands) in 1954 in the wake of massive destruction of cultural heritage during the Second World War, is the first international treaty with a world-wide vocation focusing exclusively on the protection of cultural heritage in the event of armed conflict.

It covers immovable and movable cultural heritage, including monuments of architecture, art or history, archaeological sites, works of art, manuscripts, books and other objects of artistic, historical or archaeological interest, as well as scientific collections of all kinds regardless of their origin or ownership.

The states that are party to the Convention benefit from the mutual commitment of more than 115 states with a view to sparing cultural heritage from consequences of possible armed conflicts through the implementation of the following measures:

- adoption of peacetime safeguarding measures such as the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate *in situ* protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property
- respect for cultural property situated within their own territory as well as within the territory of other States Parties by refraining from any use of the

⁶⁰ Section 105(2) of the Local Government Municipal Systems Act

⁶¹ <http://www.icomos.org/hague/>

property and its immediate surroundings or of the appliances in use for its protection for purposes likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property

- consideration of the possibility of registering a limited number of refuges, monumental centres and other immovable cultural property of very great importance in the *International Register of Cultural Property under Special Protection* in order to obtain special protection for such property
- consideration of the possibility of marking of certain important buildings and monuments with a distinctive emblem of the Convention
- establishment of special units within the military forces to be responsible for the protection of cultural property
- sanctions for breaches of the Convention
- wide promotion of the Convention among the general public and target groups such as cultural heritage professionals, the military or law-enforcement agencies.

(ii) **UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)**⁶²

This Convention requires its State Parties to take action in the following three ways:

- Institute preventative measures: inventories, export certificates, monitoring trade, imposition of penal or administrative sanctions, educational campaigns, etc.
- Provide for restitution provisions: Per Article 7 (b) (ii) of the Convention, State Parties undertake, at the request of the State Party "of origin", to take appropriate steps to recover and return any such cultural property imported after the entry into force of this Convention in both States concerned, provided, however, that the requesting State shall pay just compensation to an innocent purchaser or to a person who has valid title to that property. More indirectly and subject to domestic legislation, Article 13 of the Convention also provides provisions on restitution and cooperation.
- Ensure international cooperation: The idea of strengthening cooperation among and between State Parties is present throughout the Convention. In cases where cultural patrimony is in jeopardy from pillage, Article 9 provides a possibility for more specific undertakings such as a call for import and export controls.

(iii) **The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995)**⁶³

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is a complement to the UNESCO 1970 Convention. Perhaps the most important clause in the Convention is the principle that anyone with a stolen item in his/her possession must in all cases restore it. This rule forces buyers to check that the

⁶² http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁶³ <http://www.unidroit.org/english/conventions/1995culturalproperty/main.htm>

goods have come onto the market legally, otherwise they will have to be returned.

The UNESCO Convention of 1970 and the UNIDROIT Convention enable the preservation of cultural heritage and consequently the memory of humankind. They are a potent weapon in the fight against illicit traffic. Consequently ICOM urges its National Committees to encourage their governments to ratify these Conventions.

(iv) The UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003)⁶⁴

This Convention, adopted in 2003, the first binding multilateral instrument for the safeguarding of intangible cultural heritage, has four primary goals:

- safeguard intangible cultural heritage
- ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned
- raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof
- provide for international cooperation and assistance.

(v) The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)⁶⁵

The latest UNESCO Convention seeks to strengthen the five inseparable links of the same chain: creation, production, distribution/dissemination, access and enjoyment of cultural expressions, as conveyed by cultural activities, goods and services.

5.3 NATIONAL POLICY AND LEGISLATION

The Arts and Culture Task Group Report (ACTAG Report) was compiled after an extensive public consultation process that was launched in 1994 by the then national Department of Arts, Culture, Science and Technology to develop a new national arts, culture and heritage policy framework.

The White Paper on Arts, Culture and Heritage (1996), the current national policy document, identified critical issues to be addressed, and outlined key requirements for the transformation of the museum sector and the restructuring of key national heritage institutions.

Formulated at the time when South Africa was in a state of euphoria, and implemented under a government of national unity, the White Paper reflects the concerns and constraints of the period. Seventeen years on, the document is dated and in need of revision to reflect changing and expanding government programmes and policies, accommodate current priorities and challenges and address factors that impede delivery. It also must reflect the constitutional governance issues as set out in the new national Constitution as it was launched prior to the signing into law of the new Constitution.

⁶⁴ http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁶⁵ http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html

A working draft of the South African Museum Services Bill was circulated to provinces and the national Department of Arts and Culture in 2000. However, the working draft was not developed any further.

Following the Ten Year Policy Review of the national government in 2004, the national Department of Arts and Culture initiated a Cultural Policy review process in 2005. Several conferences and workshops were held but no final draft policy document has, as yet, been published by the national Department. One of the recommendations in the final draft of the Policy Review was that an integrated national museum policy was required to provide an enabling environment within which the mechanisms for engagement are articulated with clearly defined roles and functions in close cooperation with provincial departments responsible for museums.⁶⁶ It was suggested that the proposed national museum policy should address the following:

- the role of declared cultural institutions as national institutions
- public, private sector and community-based museum
- sites of interpretation
- natural history collections
- establishment of an appropriate inter-governmental forum for museums
- museum grading and accreditation
- living heritage
- human remains
- heritage objects
- public access to museums
- intellectual capital.

The national Department of Arts and Culture initiated a Heritage Legislative Review in 2007.⁶⁷ The terms of reference of the review project were to:

- review the heritage laws for divergence, duplication and inconsistency (within and between the laws themselves, in relation to the White Paper on Arts, Culture and Heritage, 1996), the Constitution, constitutionally mandated laws and other applicable legislation
- conduct a gap analysis of heritage policy and legislation
- identify viable solutions and propose necessary amendments to heritage policy and legislation
- consult stakeholders identified by the Department.

No clear policy exists today regarding what is a national museum in South Africa. In Great Britain, the Museum Designation scheme was established by central government in 1997 to recognise pre-eminent collections of national and international importance in non-national registered museums in England.

⁶⁶ Department of Arts and Culture. Unpublished Final Draft of the Policy Review, 2008

⁶⁷ Review of Heritage Legislation (Volume 1)

The Review states that not all policy issues require debate. Policy direction is informed by the national Constitution and the commitment of government to give substance to the Bill of Rights, the fundamental principles and values articulated in the White Paper and the provisions of international conventions and agreements to which the State is party.⁶⁸

As was indicated earlier, the national Department of Arts and Culture in August 2010 requested suitably qualified and experienced individuals to sit on a panel of experts to draft a national museums policy framework. .⁶⁹ The panel of experts will be required to develop and agree on a methodology and work plan. It is foreseen that the national museums policy framework will not be a policy for government funded museums only, but the entire country.

5.4 PROVINCIAL POLICY AND LEGISLATION

5.4.1 Introduction and initiatives to develop provincial policy and new legislation pertaining to museums other than national museums

(i) The WESTAG Report

Shortly after the new Western Cape Government took responsibility for the constitutional mandates in the interim national Constitution in 1994, the then MEC responsible for Cultural Affairs commissioned a public consultation process pertaining to arts, culture, heritage, museums, libraries and archives. A task team was appointed, known as the Western Cape Task Team on Arts and Culture. The result of this investigation was the WESTAG Report (1995). This report, the only one commissioned in a province at the time, gave rise to the inputs into the national arts and culture task team appointed by the national Minister, known as ACTAG. Both of these documents informed the formation of the national White Paper on Arts, Culture and Heritage, launched in July 1996.

(ii) Review of the existing museum ordinances and working drafts of a new provincial Western Cape Museums Bill

Since the signing into law of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) in December 1996, it became clear that there was a need for a new museum policy and legislation given the provisions in Schedule 4 and 5 of the new national Constitution.

A first working draft of a new provincial Western Cape Museums Bill was developed in 2000. However, the draft was not finalised due to the impending restructuring of local government and the practical implementation of the relevant legislation regarding the cooperation between the various spheres of government. Furthermore the new Intergovernmental Relations Act was being drafted. With the implementation of the new framework for local government, the policies and financial arrangements between national and provincial government were not adjusted to take into account the realities that the Municipal Systems Act and the Municipal Structures Act brought.

A second working draft was produced in December 2007 and consulted with a limited stakeholder group.

An analysis of the relevance of the provisions in the two existing provincial museum ordinances, the Museum Ordinance, 1975 (No 8 of 1975) and the Oude

⁶⁸ Review of Heritage Legislation (Volume 1), p. 23

⁶⁹ See Task Directives for Panel of Experts 1.doc at http://www.archivalplatform.org/news/entry/panel_of_experts/

Kerk Volksmuseum van ‘t Land van Waveren (Tulbagh) Ordinance, 1979 (No 11 of 1979) were completed in January 2009. At the same time the analysis assessed the impact of other legislation and prescripts on the proposed new provincial museum legislation.

(iii) The Western Cape Museum Audit (2005)

Despite this fact, the Western Cape Provincial Government has been grabbing with how to take the matter forward and numerous investigations and proposals followed. A museum audit was undertaken in 2005 with the view to obtain some baseline information on which any future decisions regarding the transformation of the museum sector in the Western Cape could be based.

The results of the audit highlighted **perceived** burning issues that museums raised in the audit questionnaire and as set out in the table below:

NO.	TOPICS	PERCEIVED BURNING ISSUES HIGHLIGHTED IN THE MUSEUMS AUDIT (2005)
1	MANAGEMENT AND GOVERNANCE	
1.1	Museum Governance	Role, function and powers of governing bodies not clearly defined Current governing bodies are not true community representatives (resistance to change). Little or no relevant expertise Few or no policies in place
1.2	Financial Management	Inadequate funding Unfunded mandate (Constitution) PFMA adherence vs. current museum legislation Fundraising: lack of resources, time and skills
1.3	Human Resource Management	Imbalance in the distribution of staff and skills Vacancies, contract posts, job evaluation No skills development plan in place Service conditions and training of staff appointed by governing bodies Employment equity – targets not

NO.	TOPICS	PERCEIVED BURNING ISSUES HIGHLIGHTED IN THE MUSEUMS AUDIT (2005)
		reached
1.4	Communication	Lack of adherence to (vague) protocols and lines of communication
		Lack of equipment and technical support
1.5	Property Management	Ownership of museum premises
		Leases
		Insurance (public liability)
		Maintenance
		Access: geographical location, special needs, properties, heritage sites
		Inadequate facilities: storage, public spaces
		Inadequate safety and security measures
2	COLLECTIONS MANAGEMENT	
2.1	Collection Management	Collections policies non-existent/ outdated
		Collections are non-representative of most of people of the Western Cape
		Lots of duplication in museum collections
		Emphasis on tangible heritage
		Lack of storage (influences capacity for expanding existing collections)
		Theft
Firearms		
2.2	Documentation	Lack of standardised documentation system
		Backlogs
2.3	Conservation	Shortage of skilled professional staff

NO.	TOPICS	PERCEIVED BURNING ISSUES HIGHLIGHTED IN THE MUSEUMS AUDIT (2005)
		<p>and no available conservation training</p> <p>Conservation policy still to be implemented</p> <p>Conservation is seemingly not a priority for museums</p>
3	EXHIBITIONS	
		<p>Exhibitions are not representative</p> <p>Duplication of museum themes</p> <p>Exhibitions are not accessible due to content, language, nomenclature</p> <p>Exhibitions are insensitive</p> <p>Lack of project planning (community consultation, time, relevance)</p>
4.	PUBLIC PROGRAMMES AND RELATIONS	
4.1	Education	<p>No policy guidelines</p> <p>Content not in line with curriculum</p> <p>Lack of designated officers</p> <p>Access (transport, time, costs)</p>
4.2	Outreach programmes and events	<p>No policy guidelines</p> <p>Lack of co-ordination and planning.</p> <p>Museums are not pro-active</p> <p>Not representative (attendance)</p> <p>Access (costs, relevance)</p> <p>Lack of basis client care</p>
5.	MARKETING	
		<p>No strategy</p> <p>No co-ordination</p>

NO.	TOPICS	PERCEIVED BURNING ISSUES HIGHLIGHTED IN THE MUSEUMS AUDIT (2005)
		Lack of funding
		Lack of infrastructure & expertise

(iv) Existing policies, position papers and procedures

An audit of the existing and updated policies, position papers and procedures of the Museum Service has confirmed the following synopsis of available policies, position papers and procedures:

EXISTING WESTERN CAPE MUSEUM SERVICE POLICIES AND POSITION PAPERS		
NO.	TOPIC	POLICIES, POSITION PAPERS AND PROCEDURES
1	MUSEUM MANAGEMENT AND GOVERNANCE	
		Governing bodies policy
		Writing a museum policy procedure
		Finance policy
		Entrance fee policy
		Property management policy
		Maintenance plan policy
		Existing human resource management and training policies (transversal Public Service policies)
		Skills development policy (transversal Public Service policy)
		Audit policy (transversal Auditor-General policy and procedure)
2.	COLLECTION MANAGEMENT	
		Conservation management policy (preventive and interventive)
		Archaeology and human remains policy

EXISTING WESTERN CAPE MUSEUM SERVICE POLICIES AND POSITION PAPERS		
NO.	TOPIC	POLICIES, POSITION PAPERS AND PROCEDURES
		Research policy
		Access to museum collections policy
		Collection management policy
		Disaster management and recovery policy
		Contingency risk and security plan policy
		Universal access policy
		House museum policy
		Museum library/resource centre policy
		Oral history policy
		Living organism collection policy
		Environmental policy
3.	EXHIBITIONS	
		Position Paper on the use of official languages in museum exhibitions
4.	PUBLIC PROGRAMMES & RELATIONS	
		Public enquiries policy
		Strategic partnership policy for museums
		Education policy for museums
		Friends of the museum policy
5.	MARKETING	
		Marketing policy for museums

(v) International policies, guides, handbooks and publications

There are many international good practice publications available electronically on the Internet, covering a wide range of topics related to museum policy, conservation and preservation techniques, exhibitions and public programmes

and marketing of museums that are practical enough to be applicable to museums in the Western Cape. These publications and training programmes are designed for responding to the needs of:

- new or future museum professionals who need to be familiar with basic knowledge for running a museum
- experienced professionals and technicians specialized in one of the many areas of museum practices who wish to enlarge their field of interests, by introducing them to responsibilities and work of colleagues who are professionals in others fields
- staff of museums in general for whom the publications would be valuable resources for internal discussions
- governing bodies to assess current staff performance and to assist in developing the future policy and direction of their own institution.

These electronic publications range from training manuals or handbooks produced by UNESCO or the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), a Code of Ethics of ICOM, to a handbook on how to manage a museum. Examples of these are:

INTERNATIONAL GOOD PRACTICE POLICIES, PROCEDURES AND POSITION PAPERS AVAILABLE ON THE INTERNET		
NO.	TOPIC	POLICIES, POSITION PAPERS AND PROCEDURES
1	MUSEUM MANAGEMENT AND GOVERNANCE	
		<i>Running a Museum: A Practical Handbook</i> , 2004, ICOM, Paris ⁷⁰
		<i>Handbook for Museums Vol I, II and III</i> , US National Park Service ⁷¹
		Boyland, P & Woollard, V: <i>Running a Museum: The Trainer's Manual</i> , 2006, UNESCO, Paris ⁷²
		<i>CMA Ethical Guidelines</i> , Canadian Museums Association, 1999 ⁷³
		<i>Code of Ethics for Museums: Ethical principles for all who work or govern museums in the UK</i> , 2002 ⁷⁴
		<i>Code of Ethics for Museum Friends and</i>

⁷⁰ <http://unesdoc.unesco.org/images/0014/001410/141067e.pdf>

⁷¹ <http://www.nps.gov/history/museum/publications/>

⁷² <http://unesdoc.unesco.org/images/0014/001478/147869e.pdf>

⁷³ <http://www.museums.ca/CmaI/About/CMA/ethics/Introduction.htm>

⁷⁴ http://museumsassociation.org/asset_arena/text/cs/code_of_ethics.pdf

INTERNATIONAL GOOD PRACTICE POLICIES, PROCEDURES AND POSITION PAPERS AVAILABLE ON THE INTERNET		
NO.	TOPIC	POLICIES, POSITION PAPERS AND PROCEDURES
		<i>Volunteers</i> , World Federation of Friends of Museums ⁷⁵
2.	COLLECTION MANAGEMENT	
		<i>Cultural Heritage Protection Handbook: No 1: Museum Security</i> , UNESCO, 2006 ⁷⁶
		<i>Cultural Heritage Protection Handbook: No 2: Care and Handling of Manuscripts</i> , UNESCO, 2006 ⁷⁷
		<i>Cultural Heritage Protection Handbook: No 3: Documentation of Artefacts' Collections</i> , UNESCO, 2007 ⁷⁸
		<i>Cultural Heritage Protection Handbook: No 4: Disaster Risk Management for Museums</i> , UNESCO, 2009 ⁷⁹
		<i>Testing the ICCROM-CCI-ICN Manual of Collection Risk Management</i> , 2009, UNESCO, Paris ⁸⁰
3.	EXHIBITIONS	
		<i>Code of Ethics</i> , National Association for Museum Exhibition (NAME), a Standing Professional Committee of the American Association of Museums ⁸¹
4.	PUBLIC PROGRAMMES & RELATIONS	
		Recommendation concerning the most effective means of rendering museums accessible to everyone, Resolution adopted at the 30 th Plenary Meeting of the General Assembly of UNESCO on 14 December 1960 ⁸²

⁷⁵ http://museumsfriends.org/Ingles/o_codigo.html

⁷⁶ <http://unesdoc.unesco.org/images/0014/001484/148462e.pdf>

⁷⁷ <http://unesdoc.unesco.org/images/0014/001484/148463e.pdf>

⁷⁸ <http://unesdoc.unesco.org/images/0015/001514/151447a.pdf>

⁷⁹ <http://www.tashkent.unesco.org/en/publications/140/>

⁸⁰ <http://name-aam.org/resources/further-resources>

⁸¹ <http://www.museumassociation.org/publications/code-of-ethics>

⁸² http://portal.unesco.org/en/ev.php-URL_ID=13063&URL_DO=DO_TOPIC&URL_SECTION=201.html

INTERNATIONAL GOOD PRACTICE POLICIES, PROCEDURES AND POSITION PAPERS AVAILABLE ON THE INTERNET		
NO.	TOPIC	POLICIES, POSITION PAPERS AND PROCEDURES
		Excellence in Practice: Museum Education Standards and Principles, Standing Professional Committee on Education of the American Association of Museums ⁸³
		AAM Guidelines for Museums on Developing and Managing Business Support ⁸⁴
5.	MARKETING	
		ICOM International Museums Day Kit, ICOM, 2010 ⁸⁵

In other cases, such as the various workgroups of ICOM, access is provided to various papers and other research material on a wide range of subjects, ranging from conservation techniques for glass and ceramics to leather, from murals, stone and rock art to textiles, and from wood, furniture and lacquer to ethnographic collections.⁸⁶

Some organisations, such as the Canadian Association of Museums or the Auckland Museum in New Zealand, have series of electronic policies and guidelines for museums available on their websites.⁸⁷ The new Canadian Museum Policy provided:

- that establish museums would become community centres of learning and connection
- CAN\$75 million per annum in new funding to help museums to build programmes for Canadians
- predictable, multi-year funding (3-5 years) allowing museums to design and implement transformative programmes
- project funding geared to the diverse needs of museums, including travelling exhibition assistance, professional development, international projects and indigenous people projects
- incentives to develop endowment programmes in order for some museums to be more self-reliant.

The Canadian Association of Museums also commented on and promoted the new Canadian Museum Policy through a Summer Campaign Tool Kit and

⁸³ <http://www.edcom.org/Files/Admin/EdComBookletFinalApril805.pdf>

⁸⁴ <http://aam-us.org>

⁸⁵ <http://icom.museum/imd>

⁸⁶ <http://www.icom-cc.org>

⁸⁷ <http://museums.ca> and <http://www.aucklandmuseum.com>

through its communication channels to museums in Canada. It supported the principles of the new policy by:

- engaging the citizens of Canada by encouraging strong community support for museums
- encouraging as a core responsibility the role of museums in preserving their collections and knowledge about these collections
- promoting long-term financial stability and sustainability as a pre-condition to achieving the mission of each museum, including non-government revenue generation.

MUSEUM International, published by UNESCO since 1948, is a major forum for the exchange of scientific and technical information concerning museums and cultural heritage at an international level. It provides a unique space which enables readers and contributors to partake of cultural diversity through heritage around the world. This publication highlights the role of museums as places for reflection and production of knowledge on the heritage and culture, and provides information on debates under way in international bodies. The experience and knowledge of all cultures are presented around a central theme, thus developing a pluralism of practices and strengthening international solidarity. It is a fundamental instrument of international dialogue on museum and cultural heritage. The journal is published quarterly in five languages.⁸⁸

The protection of museum collections has been constantly on the agenda since UNESCO's foundation in 1945. In the midst of rapidly-developing communication tools and an ever-evolving interaction of cultures and people, museums remain a testimony to human creativity. In recent years, UNESCO has been increasingly solicited in different fields of museums studies. In particular, the growing interest in the protection of museum collections has been triggered by the implementation of major UNESCO operational projects in post-conflict situations such as in Iraq, Sudan and Afghanistan. UNESCO is also aware of the vital need for consolidating national human capacity as well as updating techniques and methods of interventions. Together with partners such as ICOM and ICCROM, UNESCO has made various guides and handbooks available on the Internet. These international guides and handbooks are constantly added to, e.g. UNESCO will soon add two more handbooks to their collection, i.e. *Handling of Collections in Storage* and *Preventive Conservation*.

- (vi) Outstanding policies, procedures and position papers still to be formulated

The following represents a list of outstanding policies, procedures and position papers that are currently being developed or should still be formulated by the Western Cape Museum Service:

⁸⁸ <http://portal.unesco.org/culture/en/>

POLICIES, PROCEDURES AND POSITION PAPERS STILL TO BE DEVELOPED BY THE MUSEUM SERVICE		
NO.	TOPIC	POLICIES, POSITION PAPERS AND PROCEDURES
1	MUSEUM MANAGEMENT AND GOVERNANCE	
		Revenue generation policy, including fund-raising, sponsorship, etc. (fund-raising)
		Governing body-appointed staff policy, including the supervision, condition of employment, training and evaluation to ensure fair labour practice
		Meeting policy for governing bodies of affiliated museums, code of ethics and agenda and minutes of meetings
		Conducting the Annual General Meeting for the Friends of the Museum policy (as provided for in the current Museum Ordinance)
		Delegation policy to museum manager and other office bearers (e.g. signing rights on museum bank accounts, etc.)
		Strategic planning policy, including budgeting and alignment with provincial and departmental strategic objectives
		Transport and subsistence policy for members of governing bodies and staff appointed by governing bodies (to be aligned with that of the Public Service)
		Exemption of taxes, duties and fess (Customs and Excise to obtain certain licences, e.g. the production of <i>witblits</i> at Worcester Museum)
		Policy on obtaining exemption from rates and taxes (SARS and local municipalities)
		Policy on physical museum planning
2.	COLLECTION MANAGEMENT	
		Reproduction of museum artefacts policy
		Restoration policy
		Digitalisation of records as part of the museum access policy (to be coordinated with the national standards of digitalisation prepared by the National

POLICIES, PROCEDURES AND POSITION PAPERS STILL TO BE DEVELOPED BY THE MUSEUM SERVICE		
NO.	TOPIC	POLICIES, POSITION PAPERS AND PROCEDURES
		Archives)
		Provincial policy for the purchase of artefacts and specimens of extra-ordinary artistic, historic and scientific significance or merit
3.	EXHIBITIONS	
		Policy on filming of museum artefacts and specimens and on museum premises
		Policy on access to museums (taking cognisance of transversal national policy of access for disabled persons)
4.	PUBLIC PROGRAMMES AND RELATIONS	
		Volunteers Policy
5.	MARKETING	
		Policy on museum marketing and coordination with local, provincial and national tourism strategies (cultural and heritage tourism)

The Western Cape Museum Service utilises the Professional Standards of the South African Museum Association as its tool to monitor and evaluate affiliated museums.⁸⁹ These Professional Standards and Transformation Indicators are arranged under the following headings:

- governance and museum management
- collection management
- public programmes and visitor services
- facilities

(vii) Draft Cultural Transformation Policy of the Western Cape

In preparation for the national policy review of the White Paper, the Department of Cultural Affairs and Sport of the Western Cape Provincial Government appointed a Cultural Transformation Reference Group to draft a new Transformation Policy on Arts and Culture. The draft Policy (Version 20 dated

⁸⁹ http://www.google.co.za/search?hl=en&safe=off&rlz=1G1ACAW_ENZA401&q=SAMA+professional+standards&aq=f&aqi=&aql=&oq

2005) was presented and debated in the Cape Metro and in the five district municipalities of the Western Cape at a series of consultative workshops.

The draft Transformation Policy affirmed the following principles for Arts, Culture and Heritage:

- re-affirm the value and importance of arts, culture and heritage to democracy and effective service delivery by government
- effective arts, culture and heritage strategies have the power to:
 - promote social cohesion
 - create economic sustainability
 - develop livelihoods
 - build healthy and empowered communities
 - imbue citizens with a sense of confidence and pride in their historic, cultural and linguistic heritage
 - develop social, human and economic capital
 - provide opportunities for life-long learning
 - create citizenry at ease with itself and its identity and one that will be eminently capable of contributing to nation-building
- through arts, culture and heritage, the draft Policy aimed at:
 - affirm the Western Cape's identity by nurturing, honouring, celebrating and respecting diverse cultures
 - accrue social and economic returns for the Western Cape by ensuring that the strategic infrastructural social resources, e.g. museums, are effectively managed and planned
 - contribute towards the micro-economic strategy of the Western Cape
 - create an enabling environment in promoting and transforming arts, culture and heritage for the benefit and well-being of all and the unification of the people of the Western Cape.

As a vision, the draft Policy stated that it affirmed the Western Cape's identity by nurturing, honouring, celebrating and respecting diverse cultures.

The draft Policy set out the following values:

- democracy and human rights
- inclusivity and equity
- empowerment
- transparency
- access
- *Batho Pele* Service delivery principles
- excellence, innovation, quality and professionalism
- partnerships and cooperation

- arms-length principle regarding funding
- uniqueness, diversity and nation-building
- internationalism

The consultation with stakeholders highlighted the following matters pertaining to museums:

- the need to finalise both national and provincial policies in terms of the concurrent and exclusive legislative functions of the national and provincial governments
- clarity is required regarding the perceived ‘unfunded’ mandates of municipal-owned or managed museums
- there is a shortage of resources to upgrade and maintain existing museums
- insufficient resources are available to collect, preserve and conserve living heritage in a sustainable manner.

The draft Policy made the following recommendations regarding museums:

- establish a fully capacitated provincial Museum Service
- review current outdated museum legislation and ensure that the new provincial museum legislation is aligned with the constitutional mandates
- retrain existing museum workers/staff and develop partnerships regarding specialist training through learnerships, internships and skills development programmes and ensure skills transfer and mentoring
- ensure that cultural and heritage tourism initiatives of museums are aligned with national and provincial tourism strategies
- strengthen the existing relationship between the Museum Service and the Western Cape Education Department regarding education programmes at museums for learners in line with the school curriculum
- plan effective and efficient spaces for heritage activities
- develop participation and inclusionary programme in interpreting, re-interpreting and transformation of our heritage for social cohesion, building a national identity
- invest in the development and sustaining of institutions in the province to attract national and international attention
- recognise the positive role of museums in develop a brand of the Western Cape
- develop marketing and communication strategies to promote, amongst other things, museums in the Western Cape
- investigate and take cognisance of economic impact of heritage on the Western Cape
- develop strategies to prevent over-commercialisation and misrepresentation of heritage

- ensure that a sense of achievement and self-worth is developed for marginalised sectors of our society by all all sectors, including the heritage sector
 - ensure that an events calendar to showcase and celebrate the rich artistic, cultural and historic legacy of the Western Cape is updated regularly
 - develop effective partnerships that ensure financial, human and technical resources are utilised as leverage and maximised with:
 - other provincial departments and organs of state
 - National government departments and organs of state
 - civil society organisations, NGOs and CBOs
 - the private sector
 - international communities
 - ensure constitutional and legal compliance to facilitate successful inter-relationship between spheres of government, sectors, public entities at inter-governmental level
 - find solutions to the relationship with local government and its role in arts, culture and heritage
 - review and build mutually beneficial relationship with the international community
- (viii) Investigation on the Functions and Policy regarding Museums by the Western Cape Department of Local Government and Housing

The Western Cape Provincial Cabinet mandated the then provincial Department of Local Government and Housing to investigate the perceived ‘unfunded’ constitutional mandates in provincial and local government and the performance of certain powers and functions by municipalities. One of the studies that were commissioned was a draft functional report on museums, completed in February 2008.

It was clear from comments on the draft report that the following matters should be taken into account when the new proposed museum legislation is drafted:

- A clear distinction must be made between the provincial museum function and provincial heritage resource management functions (the constitutional mandate of provincial cultural matters).
- There is an ongoing review of the functions of national, provincial and local government being undertaken by the national Department of Justice and Constitutional Development.
- Transitional arrangement in new museum legislation should be carefully considered and formulated, taking into account the audit undertaken by the Museum Service in 2005 and the required consultation with all museums and stakeholders.
- Clear understanding of ownership of moveable and immovable assets and conditions attached to these will influence the formulation of the proposed new museum policy and legislation.

- As museums are established, maintained and owned by private individuals, the private sector, civil society organisations as well as spheres of government and other organs of state, the proposed new museum legislation cannot only provide for the assignment, devolvement or delegation to municipalities.

In 2009 the then Department of Local Government and Housing continued the investigation and a Workstream Task Team was established to specifically investigate the functional areas of libraries other than national libraries and museums other than national museums.

(ix) Economic Impact of Heritage Sites in the Western Cape (2010)

In 2010 the Department of Cultural Affairs, with the support and cooperation of the Department of Economic Development and Tourism undertook a survey to begin to understand the economic impact of the heritage sector on the economy of the Western Cape. The Overview Report is attached as Annexure A.

5.5 MUSEUM PROFILE IN THE WESTERN CAPE

5.5.1 According to the 2008 South African Year Book, 10% of Africa’s museums are situated in the Western Cape. These include:

- three (3) ‘national museums’ formally declared as national cultural institutions
- 28 museums affiliated to the Western Cape Museum Service
- four (4) museums directly managed by municipalities
- nine (9) institutional museums established by national government departments and agencies (which are not declared cultural institutions) as well as tertiary education institutions
- many museums established by individuals, the private sector and other non-governmental organisations.
- interpretative displays at heritage sites

MUSEUMS IN THE WESTERN CAPE						
LISTED PER METRO AND DISTRICT MUNICIPALITIES						
MUSEUMS AND CLASIFICATION	CAPE METROPOLE	WEST COAST	CAPE WINELANDS	OVERBERG	EDEN	CENTRAL KAROO
PROCLAIMED PROVINCIAL MUSEUMS						
Bartolomeu Dias Museum, Mossel Bay					✓	
Cape Medical Museum, Cape Town	✓					

MUSEUMS IN THE WESTERN CAPE						
LISTED PER METRO AND DISTRICT MUNICIPALITIES						
MUSEUMS AND CLASIFICATION	CAPE METROPOLE	WEST COAST	CAPE WINELANDS	OVERBERG	EDEN	CENTRAL KAROO
George Museum					✓	
Worcester Museum			✓			
PROCLAIMED PROVINCE-AIDED MUSEUMS						
Beaufort West Museum						✓
Caledon Museum				✓		
CP Nel Museum, Oudtshoorn					✓	
Drostdy Museum, Swellendam				✓		
Genadendal Missionary Museum				✓		
Hout Bay Museum	✓					
Huguenot Memorial Museum, Franschhoek			✓			
Montagu Museum			✓			
Old Harbour Museum, Hermanus				✓		
Oude Kerk Volksmuseum, Tulbagh			✓			
Paarl Museum			✓			
South African Sendinggestig Museum, Cape Town	✓					
Simon's Town Museum	✓					

MUSEUMS IN THE WESTERN CAPE						
LISTED PER METRO AND DISTRICT MUNICIPALITIES						
MUSEUMS AND CLASIFICATION	CAPE METROPOLE	WEST COAST	CAPE WINELANDS	OVERBERG	EDEN	CENTRAL KAROO
Shipwreck Museum, Bredasdorp				✓		
Stellenbosch Museum			✓			
Togryers Museum, Ceres			✓			
Wellington Museum			✓			
Wheat Industry Museum, Moorreesburg		✓				
PROCLAIMED LOCAL MUSEUMS						
Fransie Pienaar Museum, Prince Albert						✓
Great Brak River Museum					✓	
Jan Dankaert Museum, Porterville		✓				
Robertson Museum			✓			
SA Fisheries Museum, Hout Bay	✓					
NATIONAL MUSEUMS (DECLARED CULTURAL INSTITUTIONS)						
Iziko Museums of Cape Town	✓					
Robben Island Museum	✓					
Afrikaanse Taalmuseum and Monument, Paarl			✓			
MUSEUMS NOT AFFILIATED TO THE MUSEUM SERVICE						

MUSEUMS IN THE WESTERN CAPE						
LISTED PER METRO AND DISTRICT MUNICIPALITIES						
MUSEUMS AND CLASIFICATION	CAPE METROPOLE	WEST COAST	CAPE WINELANDS	OVERBERG	EDEN	CENTRAL KAROO
SA Jewish Museum and Holocaust Centre, Cape Town	✓					
West Coast Fossil Park, Langebaan		✓				
Lwandle Migrant Labour Museum, Somerset West (principle approval for affiliation as a province-aided museum pending finalisation of an agreement regarding the buildings in which to house the museum)	✓					
Philippi German Museum, Springfield Road, Wynberg	✓					
Natale Labia Museum, Muizenberg	✓					
Sanlam Art Gallery, Bellville	✓					
Clovelly Fire Museum, Clovelly	✓					
Rembrandt van Rijn Art Museum and Gallery, Stellenbosch			✓			
Toy and Miniature Museum, Stellenbosch			✓			
Solms Delta Museum van de Caab, Franschhoek			✓			
Boschendal Manor, Boschendal, Franschhoek			✓			

MUSEUMS IN THE WESTERN CAPE						
LISTED PER METRO AND DISTRICT MUNICIPALITIES						
MUSEUMS AND CLASIFICATION	CAPE METROPOLE	WEST COAST	CAPE WINELANDS	OVERBERG	EDEN	CENTRAL KAROO
Rupert Car Museum, L'Ormarins, Franschhoek			✓			
Ouma Granny's, Wellington			✓			
Burgher House, Alexander Street, Stellenbosch			✓			
Stellenrijk Wine Museum, Stellenbosch			✓			
Gold of Africa Museum, Cape Town	✓					
District Six Museum, Cape Town	✓					
Khayalitsha Museum, Cape Town	✓					
Piketberg Museum		✓				
Malmesbury Museum		✓				
Church Museum, Riebeeck Kasteel		✓				
Muizenberg Toy Museum, Muizenberg	✓					
Fish Hoek Valley Museum	✓					
Craig Royston Museum, Modderfontein, Citrusdal		✓				
Citrusdal Museum		✓				
Old Goal Museum, Clanwilliam		✓				

MUSEUMS IN THE WESTERN CAPE						
LISTED PER METRO AND DISTRICT MUNICIPALITIES						
MUSEUMS AND CLASIFICATION	CAPE METROPOLE	WEST COAST	CAPE WINELANDS	OVERBERG	EDEN	CENTRAL KAROO
Darling Museum and Art Gallery		✓				
Angling Museum, Knysna					✓	
Sandveld Museum, Lamberts Bay		✓				
Vanrijn Museum, Vanrhynsdorp		✓				
Anglo-Boer War Memorial Museum, Vanrhynsdorp		✓				
Latsky Radio Museum, Vanrhynsdorp		✓				
De Oude Drostdy Museum, Tulbagh			✓			
Arbeidsgenot (Langenhoven's house), Oudtshoorn			✓			
Transnet Railway Museum, George					✓	
Millwood House Museum, Knysna					✓	
Elgin Apple Museum, Elgin				✓		
INSTITUTIONAL MUSEUMS (GOVERNMENT AND UNIVERSITY MUSEUMS, ETC.)						
Irma Stern Museum, Rosebank, Cape Town	✓					
Education Museum (Centre for Conservation Education), Wynberg, Cape Town	✓					

MUSEUMS IN THE WESTERN CAPE						
LISTED PER METRO AND DISTRICT MUNICIPALITIES						
MUSEUMS AND CLASIFICATION	CAPE METROPOLE	WEST COAST	CAPE WINELANDS	OVERBERG	EDEN	CENTRAL KAROO
Heart of Cape Town Museum, Groot Schuur Hospital, Cape Town	✓					
S A Airforce Museum, Ysterplaat, Cape Town	✓					
S A Naval Museum, West Dockyard, Simon's Town	✓					
Sasol Art Museum/University of Stellenbosch Museums, Stellenbosch			✓			
S A Police Services and Cultural Museum, Muizenberg	✓					
S A Rugby Museum, Newlands, Cape Town	✓					
Castle Military Museum, Cape Town	✓					
MUNICIPAL OWNED MUSEUMS						
Goodwood Museum, Goodwood	✓					
Parow Museum, Smith Street, Parow	✓					
Clay Museum, Rust-en-Vrede, Durbanville	✓					
Julius Gordon Africana Museum, Riversdale					✓	

5.5.2 Assessment of existing museums in the Western Cape

The Western Cape Province have been active in exercising its constitutional powers by managing, administering and supporting provincial, province-aided as well as local museums. Although “museums” are not listed in local government’s constitutional

functional areas in Schedules 4B or 5B, some municipalities are conducting similar activities (a practice that predates the Constitution), ostensibly as part of their local tourism function (a Schedule 4B functional area). However, as is evident from the list of museums, there are more than a hundred museums in the Western Cape excluding the existing three declared cultural institutions or 'national' museums. These could be classified as follows:

(i) Provincial museums

The Western Cape Provincial Government manages four provincial museums, fully covering both operational and capital costs. Each provincial museum is under the control of a management committee established and appointed by the MEC responsible for Cultural Affairs and Sport. Although the Museum Ordinance does not provide specifically for this, both the district and local municipality in whose area of jurisdiction each provincial museum is situated are invited by the MEC to appoint a representative on the management committee of that particular provincial museum to ensure local government input in the management of the museum. In the case where the museum is situated within the area of jurisdiction of the City of Cape Town, two municipal representatives are appointed on the management committee. The movable and immovable assets of provincial museums are owned by provincial government.

(ii) Province-aided museums

The Western Cape Provincial Government also supports 19 province-aided museums; these museums fall under the direct control of boards of trustees that are appointed by the MEC. The Museum Ordinance requires that both the district and local municipality in whose area of jurisdiction each province-aided museum is situated must appoint a representative on the board of trustees of that particular province-aided museum to ensure local government input in the management of the museum. In the case where the province-aided museum is situated within the area of jurisdiction of the City of Cape Town, two municipal representatives are appointed on the management committee. Civil society is also represented on the boards of trustees through the representative of the association of subscribers or other specifically stated organisations that have a direct interest in the museum. Province-aided museums receive subsidies (R1,3 million in 2006/07) but the personnel are appointed by the provincial government based on the approved staff establishment for each affiliated province-aided museum. In the case of some province-aided museums, the buildings in which the museums are housed were made available to the civil society structures when the museum was established. These buildings are still owned by those local municipalities, as is the case at the Wellington and Paarl Museum and one of the buildings in which the C. P Nel Museum in Oudtshoorn is housed. In other cases, the buildings were made available by trusts (e.g. the S. A. Sendinggestig Museum in Cape Town or the Stellenbosch Museum) or are the property of the board of trustees (i.e. the Drostdy Museum in Swellendam, the Oude Kerk Volksmuseum in Tulbagh). However, the collections of the province-aided museums are the property of the board of trustees, unless in exceptional cases, such as the Genadendal Mission Museum, where the majority of the collection is owned by the Moravian Church of South Africa. The cost is accommodated within budget of the provincial government.

(iii) Local museums

There are five (5) proclaimed local museums which receives grants-in-aid as financial support from the provincial government (R36 760 in 2006/07). Municipalities contribute a small portion, if any, of the costs as the local museums rely on volunteers and donations from visitors to sustain their services. Local museums are managed by control boards. Each local municipality in whose area of jurisdiction a local museum is situated must appoint a representative on the control board of that particular local museum to ensure that the interest of local government is taken into account in the management of the museum. In the case of local museums, the Museum Ordinance prescribed that two members of the association of subscribers, representing civil society, is appointed on the control board of each local museum. Similarly to the situation at some province-aided museums, the buildings in which some local museums are housed were made available to the civil society structures when the museum was established. These buildings are still owned by those local municipalities, as is the case at Prince Albert and Great Brak River. The rest of the financing is covered by the museum subscribers (or friends of the museums organisations) and other sources.

(iv) Museums managed by municipalities

Four (4) museums in the Western Cape are managed by municipalities. They are the Goodwood Museum, Parow Museum and Clay Museum in Durbanville, all three situated within the area of jurisdiction of the City of Cape Town, and the Julius Gordon Africana Museum in Riversdale managed by the Hessequa Municipality.

(v) Institutional, departmental and university museums

Nine (9) institutions, established by either a university, a department or an institution or organ of state (i.e. the Irma Stern Museum in Rosebank, Cape Town and the Sasol Art Museum/University of Stellenbosch Museums). Government departments are also responsible for some museums in the Western Cape, but these are not declared cultural institutions and therefore under the jurisdiction of the national Department of Arts and Culture (i.e. the Castle Military Museum, the SA Air Force Museum at Ysterplaat and the S A Police Services and Cultural Museum in Muizenberg)

(vi) Private, community and corporate museums

The remaining museums situated in the Western Cape are not formally affiliated to the Western Cape Museum Service and are managed by individuals, private sector institutions or non-governmental organisations (NGOs). These range from the District Six Museum, the Gold of Africa Museum and Jewish Museum and Holocaust Centre in Central Cape Town, the Natale Labia Museum in Muizenberg, the Sanlam Art Gallery in Bellville, the Rembrandt van Rijn Art Museum in Stellenbosch, the Solms Delta Museum van de Caab near Drakenstein, the Malmesbury Museum, the Piketberg Museum, the Citrusdal Museum, Arbeidsgenot in Oudtshoorn, the Transnet Railway Museum in George, the Elgin Apple Museum and the Millwood House Museum in Knysna, to name but a few. As is the case with a number of community museums, the City of Cape Town has made the former community hall and hostel in Lwandle available to the Lwandle Migrant Workers' Museum near Somerset West. In the case of

some of these community museums, municipalities contribute towards their running costs, but this funding does not constitute the majority of the operational budgets and maintenance of these museums. Despite the fact that these museums are not formally affiliated to the Western Cape Museum Service, the Province provides professional and technical guidance and invite these museums to attend training programmes and other meetings where matters concerning museums are being discussed.

- (vii) Heritage sites, interpretation displays at heritage resources, geological, archaeological or palaeontological sites and sites of historical significance

A number of heritage sites and interpretive displays at heritage resources or archaeological or paleontological sites in the Western Cape also exist. There are many examples, including Cape Town Tourism, De Posthuys in Muizenberg and Vergelegen in Somerset West or the Geological Society of South Africa or Heritage South Africa (the former Simon van der Stel Foundation). These sites fall midway between the responsibilities of a number of role-players:

- a. the individual owners of such a site
- b. the local tourism authority that is developing thematic ‘routes’, e.g. the slave route or the mission route
- c. NGOs that take responsibility for site-specific displays or
- d. the national heritage resource agency SAHRA or the provincial heritage resource authority Heritage Western Cape that also has responsibilities regarding the interpretation of formally declared heritage sites.

Given these statistics, it is clear that the provisions in the national Constitution that provides the provincial government with the exclusive legislative competency mandate should be carefully considered as the responsibility may well be much broader than those museums that are under the direct control of provincial government and its established organs of state or of municipalities.

A number of municipalities do own collections, objects and artefacts. However, these collections are not curated and consequently do not meet the internationally accepted definition of a museum, i.e. the Drakenstein Municipality owns a collection of wagons that is currently being stored in a municipal store. The same applies to the City of Cape Town.

5.6 PROPOSED NEW WESTERN CAPE MUSEUM LEGISLATION FRAMEWORK

Presentations of the proposed new museum legislation framework were made by the Department at the Heads of Museums Meeting held in George during May 2008 and at the Museum Governance Workshop with the Chairpersons and Heads of affiliated museums in Worcester during February 2009.

During July 2009, the Western Cape Cabinet decided that the development of new provincial museum policy and legislation would be one of the strategic outcomes that it was setting for its term of office.

Work continued on the development of a new provincial museum policy and the drafting of a Western Cape Provincial Museums Bill. The approval in principle for the drafting of the Western Cape Provincial Museum Bill was obtained from the Western Cape Cabinet in December 2009.

5.7 MUSEUMS AND SOCIAL COHESION

According to UNESCO, movable cultural objects and the museums in which they are conserved constitute exceptional repositories of cultural diversity. As points of access for knowledge about cultures and centre of formal and non-formal education, museums also contribute to mutual understanding and social cohesion as well as to economic and human development. Furthermore, UNESCO is of the opinion that museums foster an integrated approach to cultural heritage as well as the links of continuity between creation and heritage. They also enable various publics, notably local communities and disadvantaged groups, to rediscover their roots and approach other cultures. Nevertheless, many museum staff lack – often severely – the technical knowledge that meets international professional standards. Moreover, movable cultural objects are particularly threatened, due to their value both as commercial goods and as components of cultural identity, by illicit trafficking.⁹⁰

In the review of the United Kingdom's East Midlands Museum Policy it was stated that social inclusion recognises that it is not only the socially-excluded who suffer from the outcomes of exclusion: so does the rest of the community, whose quality of life risks being undermined by its consequences. If efforts did not have to be focused on tackling exclusion, then there would be better services for all. Social inclusion therefore emphasises providing benefits to the 'included' as well as to the 'excluded', by defining, and then delivering, basic minimum standards. Social cohesion is therefore considered to be the sum of the interactions between people that enables the exchange of information, skills and help that everybody needs in their day-to-day life. People who are socially excluded have their access to such networks greatly reduced. All museums, however small in size or budget, can play an important role in promoting social inclusion and cohesion. It should be part of the 'day job' of all who work in museums, as it is a fundamental platform of public service. It can be achieved in the following ways:

- arranging programmes of exhibitions and events that relate to the lives and interests of all parts of the community - the many and the few
- ensuring that charging and pricing policies enable participation by all sections of society
- using volunteer opportunities to involve people who otherwise might find museum-visiting intimidating
- making the museum available for out-of-hour events organised by community groups
- carrying out market research to identify non-represented groups (socio-economic and location), targeting promotional activity at those groups.

The policy review found that museums in the East Midlands, although aware of the issues, have done relatively little to be inclusive in their programmes. Some museums have, however, responded to two groups who are widely represented in the community - people with mobility, hearing and visual needs. More than 57% of the museums in the East Midlands did not make any provision at all to address this need. If one discounts properties of the National Trust, which has been a leader in this area, provision made by other museums - both local authority and independent museums - remains limited. This is particularly disappointing as some - such as large-print publications, audio or Braille guides - can be provided at no great expense or effort. For example, some museums at

⁹⁰ <http://portal.unesco.org/culture/en/>

high-graded Listed Buildings, which may preclude access to parts of the building, have provided, at ground-floor level, picture books or video presentations of the inaccessible parts of the building. Much work remains in implementing the letter, as well as the spirit, of the Disability Discrimination Act in Great Britain.

In Australia, each regional and local municipality (from cities to smaller municipalities) is required to develop a cultural plan or cultural strategy that set out to address the following⁹¹:

- an analysis of its cultural profile and cultural, linguistic and heritage resources
- develop a cultural development policy for its citizens that sets out how the municipality will ensure that its community's cultural development would be achieved through programmes, infrastructure and projects by:
 - forging meaningful partnerships with local communities, government agencies, art and culture organizations and the business community
 - integrate the municipality's functions, including planning, to embrace and build upon cultural development in the city or town.

It is clear that in most cases the cultural strategies address social cohesion as a central theme for the cultural diverse communities presently living in Australia.

In the light of the commitment of both the South African Government (at national) and the Western Cape Provincial Government to enhance and increase social cohesion in South Africa, museum policy and legislation, amongst others, may contribute significantly towards the attainment of this strategic objective of government. South Africa is a culturally, ethnically, linguistically and racially diverse society. The national Department of Arts and Culture as well as the Western Cape Department of Cultural Affairs and Sport have been tasked with promoting social cohesion. In order to give effect to this mandate it is recommended that both Departments formulate policy which addresses *inter alia*:

- ways in which our heritage may be used to foster unity, support diversity, minimize conflict and promote human security
- address the role that the heritage sector may play in promoting social cohesion – and identifying the legislative, policy and operational obstacles that detract from this
- find ways to foster reconciliation and achieve redress
- promote social cohesion without compromising social justice
- develop measures that give substance to the provisions of the Bill of Rights so that the cultural rights of minorities are not subsumed or threatened
- monitor and evaluate institutional initiatives.

⁹¹ See *Authoring Contemporary Australia: A Regional Cultural Strategy for Greater Western Sydney* at http://www.wsroc.com.au/downloads/authoring_contemporary_au.pdf and the Cultural Plan and 2007 Blue Mountains Community Plan at www.bmcc.nsw.gov.au/download.cfm

5.8 POLICY OMISSIONS

5.8.1 International good practice: Principles, values, norms and standards

It is clear that certain principles, values, norms and standards should be adopted or developed for South Africa, and particularly for the Western Cape, to guide policy and legislation on museums other than national museums and to assist museum authorities and staff to manage museums in a responsible and transparent way. In this regard, it was necessary to review international best practice:

(i) International Committee of Museums (ICOM)

The ICOM Principles (1983) are useful in the South African context. These principles are:

- Museums for a developing world
- Museums and development and specifically museum development in Africa
- Inequality of museum provision
- Illicit trafficking in cultural property
- Return of cultural property to its country of origin
- Career development and management training in the museum sector
- Cultural heritage in occupied countries

(ii) MuseumsAustralia has the following principles:

- Self determination
- Management and collections
- Access to collections and information
- Assistance to indigenous communities
- Employment and training
- Policy formulation

(iii) The museums of New South Wales in Australia use the following as directive principles:

- Ownership of cultural material
- Representation on management boards
- Repatriation of cultural property
- Review of legislation
- Dealing with sensitive or sacred material

(iv) In Canada, the principles that guide the development of museums were set out in 1990. Three important principles that are highlighted in this document, are:

- Cooperation
- Multi-culturalism

- Multilingualism
- (v) The Ontario province in Canada has a policy and standards for community and municipal museums and also has a conservation policy for museums.
- (vi) The Museums and Galleries Commission of the UK provides guidelines for the registration of museums, including aspects pertaining to definitions, museum management and access to professional advice.
- (vii) The East Midlands Museum Service subscribes to the following principles:
- Fair funding
 - Access
 - Special initiatives and
 - Bench-marking
- (viii) The Colchester Museums have commissioned a Museum Development Plan. The management of the County Museum Service of Buckinghamshire in Great Britain is based on a strategic plan with specific outcomes, targets and measures.
- (ix) New Zealand has developed a new museum policy entitled *Towards museums for a new century*.
- (x) In Europe, the European Museums' Information Institute has commissioned a European Standards Survey.
- (xi) In the United States, the American Association of Museums has several Fact Sheets pertaining to museums practices.
- (xii) The National Park Service of the USA is also responsible for museums and has several policy documents setting out the principles and standards that museums must subscribe to.
- (xiii) Museum Policy in Africa
- In her Master's thesis entitled 'Does Africa Need Museums', the Marketing and Communication Director of the Malmo Museum in Sweden, Lena Millinger indicates that she believes that we need to move on and away from the term 'museum'.⁹² She suggested the following options to safeguard the cultural heritage (both the tangible and the intangible) be considered:
- Places of Memory: The feeling of being 'where it happened' is unbeatable
 - Mini-museums: Tourists come to find information about the region or country they are visiting
 - Cultural banks: Objects and documentation in the form of science, literature, photographs, art works, media archives, films, music, food recipes, original documents representing and safeguarding the cultural of the region in time and space, chose and collected by a group of competent, open-minded visionary people and kept in a cultural bank

⁹² Lena Millinger: Does Africa Need Museums? Communication of culture for development in Senegal and Mali, West Africa, 2004. webzone.k3.mah.se/projects/gt/webmag/

- Border crossing cultural centres: Where all aspects of human life are presented and integrated in time and space
- Cooperation between cultural centres and communities for economic development and awareness-making, such as the innovative initiatives of the West African Museum Programme (WAMP)
- Above all and, most importantly, the community and its inhabitants must feel the need for and have the will to preserve their cultural heritage.

She concluded by rephrasing her initial question and turn it into “Does Africa need a cultural heritage?” And the answer is simple: *yes*. Just as every human being needs its history and culture, every person is in himself a museum, with memories, objects and a story to tell.

5.8.2 National policy omissions identified

In analysing the White Paper, it is clear that it is silent on a number of issues on which national policy guidance is required. Policy omissions that have been identified include policies for:

- national museums
- a national policy on intangible cultural heritage
- a national policy on oral history
- community based heritage initiatives and the role of national, provincial and local government and heritage institutions
- national legacy projects
- monuments and memorials
- a national policy on exhumations, reburials and human remains
- repatriation of heritage objects
- restitution of heritage objects
- research and development in the heritage sector
- access to heritage resources, institutions and collections
- funding of heritage institutions
- digitization of heritage objects and records
- the role of heritage in the promotion of social cohesion
- heritage and tourism
- building and sharing intellectual capital by building a knowledge society.

Broader policy statements are required on issues such as respect for human rights; freedom of expression; promoting literacy and contributing to education; giving substance to Constitutional rights; and promoting the principles, philosophy and value systems as this will clarify, acknowledge and provide direction for the heritage sector in relation to fundamental principles which underpin heritage practice and the contribution of the sector to national policies and programmes.

The national Heritage Legislation Review has addressed many of the above-mentioned omissions in Part III of the Report and the key policy recommendations are set out.⁹³

5.8.3 Provincial policy omissions identified

During the various investigations and studies, a number of provincial museum policy omissions were identified. These could be arranged under the following headings:

EXISTING OVERARCHING PROVINCIAL MUSEUM POLICY OMISSIONS			
NO.	TOPIC	ISSUES	PROPOSED POLICY INTERVENTIONS
1.	MUSEUM MANAGEMENT AND GOVERNANCE		
		Constitutionally aligned provincial museum policy and legislation	Consultation with stakeholders on the draft Provincial Museum policy Draft new proposed museum legislation for approval by the Minister of Cultural Affairs and Sport and Recreation and consult with stakeholders
		Cost-effective services to enhance productivity and service delivery	Review policy of services to enhance productivity and service delivery
		Scarce skills and training challenges	Utilising overarching transversal Human Resource and Training policies of the Public Service to address scarce skills and training needs Develop partnerships with national government, international organisations and professional bodies
		Scarce resources and increasing costs (e.g. utilities such as electricity)	Reviewing funding model for museums Developing partnership with the national Lottery Distribution Trust Fund and other national declared cultural institutions and heritage institutions to access available funding streams
		Cost effective management structures	Reviewing current museum affiliation provisions and considering rationalisation
		Cost effective auditing and accountability systems	Reviewing current museum legislation after consultation with the Auditor-General to ensure cost effective auditing and accountability systems

⁹³ Heritage Legislation Review, p. 31-64

2.	COLLECTION MANAGEMENT		
		Effective and efficient museum storage facilities	Developing partnerships with national government and affiliated museums and professional bodies to campaign for the construction of a purpose-built central climate control storage facility for museum collections in the Western Cape
3.	EXHIBITIONS		
		Relevant and sustainable exhibition and public programmes	Developing an effective museum exhibition planning mechanism that ensure effective and efficient consultation with stakeholders
4.	PUBLIC PROGRAMMES AND RELATIONS		
		Effective and efficient education programmes	Maintaining existing and expand cooperation and partnership with the Western Cape Education Department on education programmes based on the school curriculum
5.	MARKETING		
			Cultural and heritage tourism marketing

6 PROPOSED RATIONALISATION AND NEW MUSEUM POLICY FOR AN EFFECTIVE AND EFFICIENT MUSEUM SERVICE IN THE WESTERN CAPE

6.1 INTRODUCTION

In order for the Western Cape Provincial Government to provide equitable access to affiliated museums for inhabitants of the Western Cape and to visitors, a new provincial museum policy must be developed and distributed for consultation with stakeholders. Once this has been done, the existing museum legislation must be reviewed.

6.2 PROPOSED NEW WESTERN CAPE MUSEUM LEGISLATION FRAMEWORK

Presentations of the proposed new museum legislation framework were made by the Department at the Heads of Museums Meeting held in George during May 2008 and at the Museum Governance Workshop with the Chairpersons and Heads of affiliated museums in Worcester during February 2009.

During July 2009, the Western Cape Cabinet decided that the development of new provincial museum policy and legislation would be one of the strategic outcomes that it was setting for its term of office.

Work continued on the development of a new provincial museum policy and the drafting of a Western Cape Provincial Museums Bill. The approval in principle for the drafting of the Western Cape Provincial Museum Bill was obtained from the Western Cape Cabinet in December 2009.

6.3 PROPOSED AMENDMENTS AND INTRODUCTION OF NEW POLICY

The following rationalisation of the existing museum system in the Western Cape is proposed:

6.3.1 New provincial museum legislation to provide for new categories of museums to be affiliated and proclaimed, where appropriate

At present affiliated museums in the Western Cape are governed by two pieces of legislation (collectively referred to as “the Ordinances”) namely:

- the Museums Ordinance, 1975 (Ordinance 8 of 1975 – the Museums Ordinance)
- the Oude Kerk Volksmuseum van ‘t land van Waveren (Tulbagh) Ordinance, 1979 (Ordinance 11 of 1979).

These ordinances were enacted long before the present constitutional dispensation and the Public Financial Management Act, 1999 (Act 1 of 1999 – “the PFMA”) were enacted, and consequently do not reflect the values and principles contained in the Constitution of the Republic of South Africa, the Provincial Constitution of the Western Cape or the PFMA.

An analysis of the relevance of the existing ordinances was made. It is clear that the ordinances are outdated and that it should be replaced with new provincial legislation aligned with the provisions of the Constitution of the Republic of South Africa and the Constitution of the Western Cape Province.

Despite the fact that national policy and legislation on the functional area of national museums have, as yet, not been drafted, it is obvious that the current provisions of the ordinances have not kept tread with developments in the heritage sector. It has thus become necessary to review the provisions in the legislation and to modernise and transform legislation pertaining to this functional area of exclusive provincial legislative competency.

It is envisaged that the current categories of affiliation be replaced with a number of new alternatives whereby existing heritage institutions and communities will be enabled to align themselves with the services that the Department provides.

PROPOSE NEW CATEGORIES OF AFFILIATED MUSEUMS		
NO.	CATEGORY	DESCRIPTION
(i)	Western Cape Provincial Government Museum	This museum will care for the collections and artefacts and specimens owned by the Provincial Government of the Western Cape. The artefacts, specimens and collections are dispersed throughout the various departments. A solution must also be found to ensure that the artefacts, specimens and collections owned by the Provincial Legislature are accommodated in order to safeguard these.

PROPOSE NEW CATEGORIES OF AFFILIATED MUSEUMS		
NO.	CATEGORY	DESCRIPTION
(ii)	Regional Museums	Regional museums could be new museums that could be established (e.g. there is no single museum in Cape Town where the history and heritage of the metropolitan area are exhibited and preserved) or could be formed where an existing cluster of museums is consolidated to form a regional museum
(iii)	Municipal Museums	This category of museums will enable municipalities that own collections, objects, artefacts and/or specimens, to fulfil their obligation towards donors who bequeathed these to the municipalities concerned or where collections were purchased by the municipalities and/or their predecessors, to manage those museums
(iv)	Community Museums	This category of museums will provide for the affiliation of community museums to the Western Cape Museum Service.
(v)	Institutional or Private Museums	Given the statistics of museums present in the Western Cape, it is necessary to provide for the affiliation of institutional or private museums to the Western Cape Museum Service in order to also provide access to professional and technical services for these institutions.
(vi)	Heritage Centres	In order to provide opportunities for marginalised communities and for communities who cannot afford to establish museums, but who would like to showcase their heritage, provision for the affiliation of heritage centres should be made in the new museum policy and proposed new museum legislation.
(vii)	Interpretive displays to promote heritage appreciation and cultural and heritage tourism	Based on the number of heritage sites in the Western Cape and on statistics and findings of studies on tourism products and proposed tourism strategies, it is also proposed that provision be made for the Museum Service and affiliated museums to enter into partnerships with communities, NGOs and heritage bodies, heritage institutions such as SAHRA, Heritage Western Cape and declared cultural institutions, government departments and municipalities as well as tourism bodies and organisations in order to develop interpretive displays to promote heritage appreciation and cultural and heritage tourism, economic development and job creation.

(i) Western Cape Provincial Government Museum

Amongst the assets of the Western Cape Provincial Government and its various institutions there are artefacts, objects, specimens and collections that, collectively, reflects the history of the development of the former colonial and now provincial government of the region. It is proposed that these assets should form part of the collections of a museum reflecting the history and heritage of the Western Cape Provincial Government.

(ii) Regional Museums

It is envisaged that a number of regional museums could be established in the Western Cape that would reflect the heritage and history of a region (e.g. there is no single museum in Cape Town where the story of the Mother City is exhibited and preserved!). A regional museum could be formed where an existing cluster of museums in a region is consolidated to form such a regional museum. It is not envisaged that those museums that would be incorporated into a regional museum be closed, but it is proposed that these should serve as satellite sites, where appropriate, of the regional museum. It is also foreseen that the museum management of regional museums be strengthened and that services currently being duplicated, be streamlined to be more cost-effective. The governing body of such a regional museum should also be representative of the region, and members of the governing body board should have the necessary skills and expertise.

(iii) Municipal Museums

Although the challenges of museum collections and institutions owned by local authorities in the Western Cape are not nearly as daunting as are the cases in Gauteng and KwaZulu/Natal, it is envisaged that a new category of museum in the proposed provincial museum legislation would enable those municipalities in the Western Cape that own collections, objects, artefacts and/or specimens, to fulfil their obligation towards donors who bequeathed these to those municipalities or where collections were purchased by the municipalities and/or their predecessors, to manage those museums within the framework of the Municipal Financial Management Act.

(iv) Community Museums

The concept of community museums is not a new one. In the Canadian province of Ontario, the Ministry of Culture has implemented a policy for community museums.⁹⁴ Museums are recognised as repositories of our collective memory, preserving and presenting the rich and varied material culture of the past for our education and enjoyment. The Ontario government has long recognized the importance of museums to the cultural life of communities and has supported their growth across the province since the first grants, totaling CAN\$3,000, were made to five local museums in 1953. The Ontario Community Museum Policy Statement provides the direction and guidelines for the activities of the community museums support programme. This Policy Statement also has standards for community museums.

Based on this Policy Statement, the following provincial policy is proposed for the new category of community museums in the Western Cape:

⁹⁴ <http://www.culture.gov.on.ca/english/heritage/museums/mustand/htm>

- The Provincial Government recognizes the importance of the community museum which has two key elements: Through the preservation and presentation of its collections it serves a community in the Province as an integral part of the cultural life of that community. Furthermore, the essential nature of this role is expressed by a solid base of support for that institution from that specific community.
- The Provincial Government has a constitutional commitment to the preservation and presentation of the material culture of the Western Cape, through the affiliated museums of the Province.
- The Provincial Government will provide leadership and some financial and technical assistance to community museums. However, the provincial assistance cannot be the main support for a community museum but will rather augment the solid base of support provided by the local community.
- The main thrust of the provincial programme of assistance will be to improve the quality of existing museums and to ensure that new museums strive for excellence in their planning and development.
- The Provincial Government will promote excellence in every aspect of the museum's operation. A successful community museum that will fulfill its role of serving the community, and in turn, be supported by its community, will have a statement of purpose clearly delineating the rationale for its existence, a written collection policy, an adequate physical accommodation to serve its needs, an appropriate governing authority, a collection of historical artefacts, a trained staff, and a programme plan that will bring the museum to the community, and community support of the museum. The community must be encouraged to support and participate in museum programmes. Members of the community with particular skills, or interests should be encouraged to support the museum in a volunteer capacity, and training programmes to utilise their contributions should be organized. The governing body of the museum must develop financial support for the museum at the local level, recognizing that provincial support will be based on a percentage of the actual expenditures for the previous year, and that this support will not be more than 50% but may be less, depending on the size of the institution and the number of museums receiving operating assistance.

Key elements in the implementation of such a provincial support programme for community museums could include:

- Operating funding where the Province supports those community museums that attempt to fulfill their role of collecting the material culture of the Western Cape and to preserve, restore, exhibit and interpret their collections to their communities with an annual operating grant that will be based on a percentage of the actual audited expenditures of the previous year;
- Financial support for capital development is not made available from the Province. However, the Province will endorse applications to other funding agencies for financial support for the upgrading of existing museum facilities or for planning studies for the upgrading of museum

facilities or planning new facilities, and for the restoration of structures of historical and/or architectural significance as museums.

- Assistance by the Province for community museums by way of professional, technical and managerial advisory services. This support will be based on the principle of equal access and shared services.
- Recognition by the Province that provincially-owned museums and the Museum Service should be role models that provide leadership and support to other heritage institutions. The Province will encourage liaison with other museums and heritage and educational institutions.

All aspects of the Community Museums Policy and Programmes are part of an ongoing dialogue between the provincial authorities and the museums of Ontario. Meetings with all members of the museum community are scheduled periodically to review the Community Museums Policy and Programmes.

(v) Institutional or Private Museums

Given the statistics of museums present in the Western Cape, it is clear that the majority of museums are either institutional or privately owned museums. Many of these museums were established by either an educational institution, e.g. a university, or by the private sector, such as the Rupert Museum in Stellenbosch, or by a private individual. In some cases, these museums are at the forefront of being attractions with valuable and specialised collections that public institutions that rely on government funding would not be able to collect. From a constitutional perspective, it seems necessary to provide for the affiliation of institutional or private museums to the Western Cape Museum Service in order to also provide access to professional and technical services for these institutions when and where required.

(vi) Heritage Centres

In order to provide opportunities for previously marginalised communities and communities who cannot afford to establish or do not have the means to establish museums, but who would like to showcase their heritage and history, it is proposed to recognise heritage centres. These centres would not be the owner of objects or artefacts and they would not be required to care for these as is the case where a collection forms the nucleus of a museum. However, the heritage centres would have access to the skills of the Western Cape Museum Service in order for the centre to play a pivotal role in heritage awareness, education and tourism. Close cooperation with other stakeholders, institutions and organs of state would be required to provide the necessary assistance and coordination for these centres.

(vii) Interpretation of heritage sites

The US National Trust defines cultural heritage tourism as travelling to experience the places, artefacts and activities that authentically represent the stories and people of the past and present.⁹⁵ It includes historic, cultural and natural attractions. Although broad, this definition indicates that the interests of heritage tourists generally include visits to historic areas and privately-owned

⁹⁵ http://www.nationaltrust.org/heritage_tourism

historic buildings, including hotels and bed and breakfasts, as well as museums and sites with guided tours and central admissions.

There is a real need for the coordination of the development of interpretation signage at heritage sites in the Western Cape to enhance cultural heritage tourism. Both the South African Heritage Resources Agency (SAHRA) and Heritage Western Cape, the provincial heritage resources authority of the Western Cape Province, should be encouraged to provide cooperation in this respect as it is their legal responsibility to promote the heritage of the province and of our country. Another important stakeholder is tourism organisations, tour guides and local, regional, provincial and national tourism authorities.

In providing a new framework of categories of museums that could be affiliated to the Western Cape Provincial Museum Service, the Department is of the opinion that it will ensure constitutional and legal alliance and compliance and thus facilitate successful inter-relationship between spheres of government, the heritage sector, the private sector and educational institutions.

6.3.2 Enabling of municipalities who owns collections or manage museums

As set out above, it is suggested that the proposed new museum legislation would enable municipalities, who own heritage objects and collections, to fulfil their obligations towards the donors who bequeathed these to municipalities.

The Department is of the opinion that this would provide a sound basis for closer cooperation with municipalities that own heritage collections and to provide access to these municipal museums to the specialised services that the Museum Service and other components of the Department could provide.

6.3.3 Removal of discriminatory terminology in legislation

The existing Museum Ordinance, promulgated in 1981, contains discriminatory clauses. All discriminatory references should be removed to comply with the new constitutional framework.

6.3.4 Providing a fair access framework for all museum visitors

Income generation through entrance fees, free concessionary access to targeted audiences and visitors (learners in school uniform, senior citizens, etc.)

6.3.5 Encouraging museums to generate revenue

Museums could generate more revenue if measures are in place to encourage them to do so. However, sound financial policies and systems should be in place in order to ensure accountability of income generated. This includes a proactive lease policy for venues and other immovable property for commercial use as well as controls to handle cash in a responsible way.

6.4 OVERARCHING MUSEUM POLICY FRAMEWORK REQUIRED

Ideally, an extensive number of policies should be developed, approved and implemented to ensure that an overarching museum policy framework underpins the governance of museums, as is illustrated in the table below:

OVERARCHING WESTERN CAPE MUSEUM SERVICE POLICY		
NO.	TOPIC	SPECIFIC POLICY ASPECTS TO BE ADDRESSED
1	MUSEUM MANAGEMENT AND GOVERNANCE	
	Establishment of affiliated museums	Policy on the establishment of a new affiliated museum
		Policy on migration of affiliated museums between various categories, i.e. proposed categories of museums in the new museum legislation
	Governing bodies	Appointment of governing bodies
		Roles and responsibilities of governing bodies
		Meeting allowances for governing bodies
		Code or Ethics for governing bodies
		Agendas and minutes of governing body meetings
	Financial Management	Financial management policy (including budget and cash-flows)
		Revenue policy on rentals, fees and services, including entrance fees, concessions, etc.
		Investment policy
		Audit policy (transversal Auditor-General policy and procedure)
		Transport policy (utilisation of museum vehicles or compensation of staff or board members for use of private vehicles for official use)
		Insurance policy
	Immovable Asset Management:	Policy on property management and leasing of museum venues (short, medium and long-term leases)
		Policy on the maintenance of immovable assets
		Policy to ensure compliance with occupational health and safety requirements
		Policy on planning new museums and new museum spaces
	Human Resource Management:	Skills development policy for governing body members and staff
		Human resource management policy for staff

OVERARCHING WESTERN CAPE MUSEUM SERVICE POLICY		
NO.	TOPIC	SPECIFIC POLICY ASPECTS TO BE ADDRESSED
		Training policy
	Performance Reporting	Policy on performance reporting in quarterly and annual reports (minimum standards)
	Museum Management	Records and documents management policy
2.	COLLECTION MANAGEMENT	
	Collection Management	Collection management policy
		Acquisition policy (acceptance of donations, purchase of artefacts, specimens or collections, etc.)
		Loans policy
		Archaeology and human remains policy
		Recording museum collections/Policy on the accessioning and de-accessioning of museum collections, specimens and artefacts
		House museum policy
		Oral history policy
		Life collection policy
		Environmental policy
		Recording the artefacts, specimens and collections: Digitalization
	Research and Access to museum collection	Research policy
		Access to museum collections policy/ Universal access policy
		Museum library/Resource centre policy
		Publishing policy
		Copyright, intellectual property rights and ownership
	Risk Management	Contingency risk policy
		Disaster management and recovery policy

OVERARCHING WESTERN CAPE MUSEUM SERVICE POLICY		
NO.	TOPIC	SPECIFIC POLICY ASPECTS TO BE ADDRESSED
		Policy on the safeguarding museum collections and security plan
		Policy on liability of and safety of minors visiting museums
	Conservation Management	Conservation management policy (overarching preventive and/or interventive policies)
3.	EXHIBITIONS	
	Exhibitions	Position Paper on the use of official languages in museum exhibitions/ Language policy of the museum
		Policy on Interpretation in museums/Diversity and transformation
		Policy on special exhibitions
		Policy on travelling exhibitions
		Policy on interactive exhibitions on the Internet
		Stakeholder consultation regarding new exhibitions
4.	PUBLIC PROGRAMMES & RELATIONS	
	Educational programmes	Education policy for museums
		Policy on the virtual museum
	Public relations and partnerships	Public enquiries policy
		Strategic partnership policy for museums
		Media relations policy
		Policy on access to the disabled visitor
	Friends of the Museum/subscribers' association/Volunteers	Friends of the museum policy/Policy on subscribers' association
		Policy on volunteers
5.	MARKETING	
	Marketing and promoting Museums	Marketing policy for museums
		Policy on museum outreach

OVERARCHING WESTERN CAPE MUSEUM SERVICE POLICY		
NO.	TOPIC	SPECIFIC POLICY ASPECTS TO BE ADDRESSED
		Policy on International Museum Day and Heritage Day celebrations
		Policy on special commemorations

7 ECONOMIC AND SOCIAL VALUE AND IMPACT OF HERITAGE AND HERITAGE INSTITUTIONS, AND MORE SPECIFICALLY MUSEUMS

7.1 INTERNATIONAL STUDIES

A number of studies have been undertaken in the past decade to quantify the economic impact of the heritage sector, of which museums form an integral part, on the economy of towns, cities, districts, regions or even entire countries. In other cases, the social impact of heritage has been the subject of a number of studies and investigations.\

7.1.1 Public funding to museums in Northern Ireland, England, Scotland and Wales and the benefit of public funding support

The Northern Ireland Department of Culture, Art and Leisure (DCAL) provides funding to a number of museums and museums organisations, including the National Museums in Northern Ireland and the Museums Council in Northern Ireland. Over the period 2007-2008, DCAL has allocated £17.992 million for the provision of museums in Northern Ireland. Of this amount the museum sector has received £15,233 million. There has been an increase in visitors to museums in Northern Ireland by 22% over the past 5 years; over the same period £9,45 million was spent on capital development of museum infrastructure.⁹⁶ The Report compares the allocation of £15.233 million in 2007-08 in Northern Ireland against the allocation of public funding to museums in England (for 2006-07 it was £478 million, for 2007-08 it was £522 million and in 2008-09 it grew to £534,052 million) in Scotland (£93,118 million to the heritage sector, including archives, galleries and monuments in 2008-09) while the Welsh Assembly Government allocated £24,5 million to fund the National Museum Wales in 2008/09 and £405,000 available to local museums.

According to another report, commissioned by the Department of Culture, Arts and Leisure, the rationale for supporting museums is largely centred on the premise that they constitute a public good.⁹⁷ This suggests that the market (private or voluntary/community sector) may fail to provide museums for a number of reasons. This rationale proposes that government intervention can help to promote continued access to museums across all members of society. Government can also invest in areas where the benefits are mainly social and ensure that the wider pool of benefits is realised by society. This was illustrated in the objectives of the Northern Ireland Government document 'Priorities and Budget 2005-2008' and how museums can potentially provide benefits towards policy

⁹⁶ *Museum Policy in Northern Ireland*, Research Paper 93/08, Research and Library Services of the Northern Ireland Assembly, June 2008

⁹⁷ PriceWaterHouseCoopers, *Social and Economic Value of Culture, Arts and Leisure in Northern Ireland*, 2007

objectives. Museums also have the ability to foster social cohesion and cross-community involvement. Museums provide young people with an introduction to civil society, through the free, neutral and safe space which characterises the museum, which is regarded as conducive to access. Museums can also help foster a community focus and facilitate collective activity and interaction between citizens. Lastly this report states that tourism, the knowledge economy, regeneration, social cohesion and inclusion, education and the economy, especially through employment, potentially benefits from the museum sector in Northern Ireland.

As far as employment is concerned, the Northern Ireland Museums Council highlighted that expenditure by sector on goods and services has a 1.1 multiplier impact on employment. Therefore an estimate can be made that an additional 10 jobs in Northern Ireland are sustained by spend on museums by local authorities.

Where tourism is concerned, the Report indicated that the total number of visitors to museums in Northern Ireland in 2005-2006 was 1 205 923. Of these 456 921 visited local museums and 749 002 visited national museums. Museums in Northern Ireland attracted an 8% share of visitors to the country in 2004; spending approximately £37,8 million compared to £24,2 million spent in 2001. The report states further that museums have an important community function by providing a neutral space in which both of the two main communities (Catholic and Protestant) can feel they have ownership.

In 2001, there were over 164 000 school pupil visits to museums in Northern Ireland; the National Museums Council also estimates that over 30% of museums had formal involvement with adult education college and university courses.⁹⁸

7.1.2 Republic of Ireland

The National Museum of Ireland received a grant consisting of €6 million for capital and €13,512 million for operational costs in 2007 and €4,63 million for capital and €14,428 million for operational costs in 2008. Other museums that the Irish Department of Arts, Sport and Tourism supports include the Hunt Museum (Limerick), the National Print Museum, Foynes Flying Boat Museum, Cork Butter Museum and the National Maritime Museum, which received in total €756 000 in 2007 and €819 000 in 2008.

7.1.3 The Value of Historic Heritage in Australia

In Report 2,⁹⁹ dated November 2005, commissioned by the Heritage Chairs and Officials of Australia and New Zealand, the Allan Consulting Group stated that heritage is what we inherit, but more specifically what we retain of this inheritance. The heritage value of a place [or object, artefact or specimen] is also known as its cultural significance, which means its aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Understanding what is meant by value in a heritage sense is fundamental since ‘Value has always been the reason underlying heritage conservation. It is thus self-evident that no society makes an effort to conserve what it does not value.’

The report indicated that there is no single approach to assessing value when discussing heritage places (and cultural issues more generally), but three approaches are referred to most often:

- Value derived from individual perceptions
- Direct, indirect or non-use values

⁹⁸ PriceWaterHouseCoopers, *Social and Economic Value of Culture, Arts and Leisure in Northern Ireland*, 2007

⁹⁹ *Valuing the Priceless: The Value of Historic Heritage in Australia*, Research Report 2, November 2005

- Value derived from social interaction, seeking the extent to which heritage places [and institutions] enhance social capital and community welfare more generally. The Australian Productivity Commission suggested that the social capital of a society includes the institutions, the relationships, the attitudes and values that govern interaction among people and contribute to economic and social development. It is the glue that holds [institutions] together. It includes the shared values and rules for social conduct and a common sense of ‘civic’ responsibility that makes society. The Australian Bureau of Statistics’ Social Capital Framework includes specific reference to cultural heritage (i.e. history) as a basic social condition that underpins social capital, the challenge is to draw firm links between changes in the conservation of heritage places [and objects or collections] and community welfare more generally.

7.1.4 The European Union’s Lisbon Strategy

In the Lisbon Agenda Report, it is clearly stated that the link between culture and tourism is the most visible aspect of the contribution of culture to local development.¹⁰⁰ The report stated that cultural tourism can be assimilated to an export potential except that it is not products that are exported, but consumers that are brought in! Europe is the most-visited destination in the world. In 2005, the continent recorded 443,9 million international arrivals. Flows of tourists to the EU are constantly increasing from other parts of the world; there is particularly strong growth in terms of visitors from Asia, and more particularly from Russia, China and India, where economic development has facilitated travel by larger parts of the population. This is to a great extent due to Europe’s cultural wealth:

- Europe has the highest density of cultural heritage worldwide. For example, out of the 812 UNESCO World Cultural Heritage Sites, 300 are located in the European Union. Historic buildings, authentic heritage sites and museums are cited by tourists as crucial to their decision to visit a destination. The considerable efforts to restore and preserve heritage throughout Europe pay off. This represents a key competitive tool to promote Europe’s attractiveness as a destination for people from all over the world. In turn, cultural heritage is also a testimony of Europe’s political, social history and values.
- Europe is also characterised by its great cultural diversity. This diversity of cultures, combined with the multitude of attractive landscapes and gastronomy, is a strong advantage in the competition with other tourist destinations around the world.
- Europe has well developed tourism infrastructures (e.g. roads, transport, communication, accommodation).

Cultural heritage has an economic role that can be measured according to two essential parameters: its contribution to the tourism sector and to employment. Culture may be the main or a secondary reason for a visit. According to the European Economic and Social Committee, these cultural attractions are mainly heritage sites, exhibitions and museums, entertainment shows (musicals in the West End of London for instance) or film tourism.¹⁰¹ The economic impact in terms of cultural tourism generated by the Top 20

¹⁰⁰ The Lisbon Agenda Report: Indirect Contribution of the Cultural and Creative Sector. The Lisbon Strategy was first agreed to in 2000 at a summit of European Heads of state in Lisbon. It is an economic strategy for the European Union to become "the most dynamic and competitive knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion, and respect for the environment by 2010" set against the background of productivity in the EU being below that of the US

¹⁰¹ European Economic and Social Committee, *Tourism and culture: Two Forces for Growth*, 2006

museum exhibitions in the world, according to the highest admissions between 1998 and 2005 led to the following observations:

- The world’s top museums are engaged in a race to organise major exhibitions, aimed at attracting an ever increasing public.
- While these exhibitions focus on European artists, most of the major exhibitions no longer take place in Europe. In 1998, of the Top 20 four exhibitions took place in Europe, while 14 exhibitions were dedicated to European artists. In 2005, of the Top 20 seven exhibitions took place in Europe and 11 were dedicated to European artists.
- The “old Europe” has been challenged as a destination to experience art. Clearly, Europe is not making the most out of its artistic heritage and it is losing ground to Asia and the US.

Jean-Michel Tobelem proposes an interesting analysis of the changes undergone by museums in the last 50 years, as reproduced below.¹⁰² It shows the new “market constraints” according to his analysis. It seems that a middle way can be found between the museums’ traditional “offer policy” (with educational and scientific purposes) and the “demand policy” generated by the market. The challenge for museums is to “strike a balance”, to reform their structure and operating methods, without “selling their souls”.

THE THREE AGES OF MUSEUMS BY JEAN-MICHEL TOBELEM			
	BEFORE 1950: THE AGE OF OWNERS	BETWEEN 1950 & 2000: THE AGE OF MANAGERS	SINCE 2000: THE AGE OF ‘SHAREHOLDERS’
Financing	Local public level	Increase in public funding	Development of own resources and private resources
Responsibility	Curator (sometimes a volunteer)	Directors with specialised education	Director possessing managing skills
Organisational characteristics	Importance of amateurs	Professionalisation, specialisation, diversification of personnel	More autonomy, diversification of financing resources, market influence
Visitors	Specialised public	Development of attendance, new public less specialised	Segmentation of attendance policies/ development of tourism strategies
Cultural practices	Development of cultural practices	Massification of cultural practices	Individualisation of cultural practices
Public financing of culture	Low	The rise of Cultural Ministry and local authorities	Decentralisation
Economic environment	Limited economic State intervention	Welfare State, modernisation	Liberation of doctrine, digital economy, importance of networks

¹⁰² Jean-Marie Tobelem: *Le nouvel âge des musées*. Paris, Armand Colin, 2005

The EU is of the opinion that cultural activities constitute an essential engine for economic development at local level. This section aims at demonstrating the valuable contribution of culture to local development. At the same time, cultural activities contribute to “sustainable” development. The concept refers to a vision of society in which success not only depends on continued quantitative material advancement but a society in which “wealth” should be further measured in relation to human values, the state of the environment and social cohesion. Sustainable development is also a primary objective of the Lisbon Strategy. Therefore culture has three distinct roles in local development:

- Cultural activities are encouraged at a local level because of their ability to attract tourists. The economic impacts of cultural activities are both direct and indirect. Direct impacts include the revenues and employment generated. The organisation of a festival or an art fair, the local museum or an concert, entail expenditure in a local area (administrative and creative staff, technicians, media services, insurance services, etc.) that are directly linked to these activities. Indirect impacts include revenues generated through cultural tourism (such as tourists’ spending on hotels, restaurants, transport, etc.). More intangible impacts are the reinforcement of the image of a city or town and the improvement of its quality of life that trigger further interest from tourists and investors (soft location factor).
- Cultural goods and services are produced at a local level even when exported and consumed outside their territory of production. Cultural industries constitute a sector which is performing particularly well at a local level. The economic function of culture is even more relevant at this level since the nature of the production of cultural goods and works of art (which is a constantly shifting activity, marked by high volatility) benefits from operating through “cultural clusters” on a limited territory.
- Cultural activities at local level also have significant social impacts. This is exemplified in projects of social regeneration aimed at including marginalised or “resource-weak” communities, as well as at ensuring a better cohesion with the least wealthy areas. They contribute to improving communication and dialogue between different ethnic and social communities. Culture is an important tool in urban and regional policies.

A European Commission Communication dated November 1996 highlights the multiple socio-economic functions of culture in local development.

7.1.5 The Getty Conservation Institute, Los Angeles, California

The Getty Conservation Institute in Los Angeles¹⁰³ has in the past couple of years undertaken a number of studies on the economic benefits of cultural heritage management. It reflected that the preservation of our heritage is not an end, but the means towards an end, often described in terms of cultural confidence, cultural diversity or a strong sense of place. The research team indicated that economics, as one sphere of the social values of modern day society, plays a very important role and often provides the yardstick used to measure ‘value’ as well as benefit, not only society at large, but in the cultural field as well. Yet this benefit is not one of the ‘ends’, although it is increasingly used in the conservation of heritage to assess the development of society, and more so to justify conservation. The Institute warned that a too narrow focus on money, price and financial returns on investment would detract us from ‘a whole universe

¹⁰³ De La Torre, M. & Mason, R: *Economics and Heritage Conservation: Issues and Ideas on Valuing Heritage*, Getty Conservation Institute, Los Angeles, California

of values that should be important to use, as members of society and as individuals devoted to the conservation of heritage’.

The researchers used the notion of cultural capital as a conceptual tool which could be used as a basis for economic analysis while preserving the complex, intangible values of heritage as a cultural and social phenomenon.

At the time of conducting the research, the following aspects were highlighted:

- Because society is constantly changing, and ever more quickly, we have a responsibility to re-think and re-imagine the work of preservation and conservation. Do we preserve "things"? Or do we preserve timeless, universal values? What kind of values, and whose? This is particularly urgent vis-à-vis the ascendance of economic language and business logic in all parts of society.
- The conservation/preservation field needs better methodologies and assessments for dealing with the multiple values of heritage. We need this in order to make (collectively) better and more appropriate conservation decisions.
- In order for us to do this, we must understand our work conceptually, and be able to model the roles that we wish heritage and conservation to play in society. Adding to the field's intellectual capital is an important kind of investment, enabling us individually and collectively to keep learning as well as doing.
- Getting perspective on our field requires us to reach out and work with other disciplines and fields, in particular, the economics field.
- The notion of sustainability holds great promise for seeing heritage holistically (not just as specialists) in order to realize its many values and strengthen its role in our societies. As we have become more "specialist" and more "expert" and more divided in other ways, we have lost the ability to see culture, nature and economy as the legs of a stool - instead of sticks to beat each other with. The relationship of our field relationship to the economics profession and environmental conservation, for instance, should not consist of simply of importing ideas. We should adapt tools in the spirit of sharing concerns and faith, and building an ethos of sustainable landscapes and culture. This is where we can add value.

7.1.6 The economic value and impact of heritage sites in the Western Cape

The Department of Cultural Affairs and Sport, in cooperation with the Department of Economic Development and Tourism, commissioned a study to determine the economic value and impact of heritage sites, including museums, in the Western Cape in February 2010. A summary of the main findings of the study is summarized in the Power Point presentation entitled ‘Final Report’ attached as Annexure A.

7.2 EXPENDITURE TRENDS OF THE MUSEUM SERVICE AND AFFILIATED MUSEUMS IN THE WESTERN CAPE

An analysis of expenditure trends of the Sub-programme Museum and Heritage Resources of the Department of Cultural Affairs and Sport over a period of ten years (2001/2 – 2010/11) indicated a growth of nearly 280% over the decade as indicated in the table below. This is not, however, substantiated by a similar percentage growth in the number of new posts on the staff establishment of the Department for the Sub-programme as the only substantial increase in the number of posts were the sixteen new

posts created in the Heritage Resource Management component in 2004/05 and more so in 2005/06.

SUMMARY OF AUDITED PAYMENTS AND ESTIMATES, REVISED ESTIMATES AND VOTED FUNDS FOR SUBPROGRAMME 2.3: MUSEUM AND HERITAGE RESOURCES ¹⁰⁴									
R'000 PER FINANCIAL YEAR									
Audited 2000/1 '000	Audited 2001/2 '000	Audited 2002/3 '000	Audited 2004/5 '000	Audited 2005/6 '000	Audited 2006/7 '000	Audited 2007/8 '000	Audited 2008/9 '000	Audited 2009/10 '000	Main appropriation 2010/11 '000
Not available	14 101	18 304	19 717	23 079	27 174	28 834	30 034	34 268	36 204

The table below indicates the allocation of funds over a period from 2002/3 to 2009/10 to all museums that received a subsidy, grant-in-aid or donation from the Western Cape Provincial Government. However, it does not reflect the cost of running the four provincial museums, i.e. Worcester Museum, George Museum, Cape Medical Museum and the Bartolomeu Dias Museum in Mossel Bay, as these museums form part of the departmental budget allocation.

Museum	Audited 2002/3 Rand	Audited 2003/04 Rand	Audited 2004/5 Rand	Audited 2005/06 Rand	Audited 2006/7 Rand	Audited 2007/8 Rand	Audited 2008/9 Rand	Audited 2009/10 Rand
Oude Kerk Volksmuseum, Tulbagh	31,624	59,989.72	46,514	50,641	300,187	61,623	66,780	96,005.14
Beaufort West Museum	31,147	62,659.72	49,539	53,934	53,450	65,776	71,280	82,416.01
Caledon Museum	45,316	40,212.72	24,099	26,237	51,002	32,057	34,740	62,105.30
C P Nel Museum, Oudtshoorn	45,437	78,252.72	67,211	73,175	97,519	89,197	96,660	130,926.93
Wellington Museum	10,881	33,208.72	16,162	17,596	52,632	21,426	23,214	30,509
Drostdy Museum, Swellendam	86,174	137,131.72	134,620	146,566	145,252	178,558	193,500	292,366.45
Genadendal Mission Museum	213,889	449,884.72	467,060	494,505	490,071	602,446	652,842	693,145.25
Hout Bay Museum	13,336	37,551.72	21,083	22,954	47,748	27,905	30,240	47,677.65

¹⁰⁴ Budget Estimates of the Western Cape Province for 2006/07, 2007/8, 2008/9 and 2009/10

Museum	Audited 2002/3 Rand	Audited 2003/04 Rand	Audited 2004/5 Rand	Audited 2005/06 Rand	Audited 2006/7 Rand	Audited 2007/8 Rand	Audited 2008/9 Rand	Audited 2009/10 Rand
Huguenot Memorial Museum, Franschhoek	53,399	86,195.72	76,213	82,975	82,231	101,155	109,620	150,933.55
Montagu Museum	20,204	49,310.72	34,071	37,094	36,761	45,179	48,960	70,213.27
Old Harbour Museum, Hermanus	20,819	42,534.72	26,730	329,102	197,841	35,379	38,322	8,917.44
		3,113 capital						
Paarl Museum	26,377	51,155.72	36,502	39,741	39,985	48,503	52,560	85,450.33
Kango Caves Museum	0	0	0	0	0	0	0	0
S A Sending-gestig Museum, Cape Town	10,586	32,825.72	15,728	17,123	16,969	20,929	22,692	46,209.73
Shipwreck Museum, Bredasdorp	16,444	42,964.72	27,218	29,633	29,367	36,044	39,060	70,231.79
Simon's Town Museum	28,222	56,690.72	42,775	46,570	46,152	56,806	94,928	79,984.36
Stellenbosch Museum	92,628	140,414.72	137,662	149,877	148,533	182,544	220,860	328,890.05
Togryersmuseum Ceres	8,587	33,247.72	16,206	17,644	17,486	21,427	23,244	34,388
Wheat Industry Museum, Moorreesburg	16,191	41,544.72	25,609	27,881	52,632	34,050	36,900	52,969.97
Special subsidy to cover additional costs, e.g. auditing fees or ITC services		A special subsidy for ITC services 36,0025.68			A special subsidy for auditing fees 100,000			A special subsidy for electricity and other costs of services 603,670.52
SUBSIDY TO PROVINCE-AIDED MUSEUMS PER ANNUM	2,247,312	1,857,220	1,284,719	1,663,248	1,995,024	1,661,004	2,057,985	2,503,676
Robertson Museum	6,667	6,667	9,310	6,310	9,776	9,775	9,776	14,033.81
Fransie Pienaar Museum, Prince Albert	8,333	8,333	11,680	11,680	12,264	12,264	12,264	23,936.60
Jan Dankaert Museum, Porterville	3,333	3,333	4,700	4,700	4,935	4,935	4,935	6,021.33

Museum	Audited 2002/3 Rand	Audited 2003/04 Rand	Audited 2004/5 Rand	Audited 2005/06 Rand	Audited 2006/7 Rand	Audited 2007/8 Rand	Audited 2008/9 Rand	Audited 2009/10 Rand
Great Brak River Museum	6,667	6,667	9,310	9,310	9,775	9,776	9,775	11,614.04
Additional grants- in-aid to local museums for rising electricity costs								12,605.78
TOTAL GRANT-IN-AID TO LOCAL MUSEUMS PER ANNUM	25,000	25,000	25,000	35,000	36,750	36,750	36,750	55,605.78
Lwandle Migrant Workers Museum, Somerset West	-	-	-	250,000	200,000	220,000	200,000	-
District Six Museum	-	-	-	-	100,000	-	-	-
Oscar Mpeta Museum Trust	-	-	90,000	-	400,000	-	-	-
TOTAL DONATIONS TO OTHER MUSEUMS	-	-	90,000	250,000	700,000	220,000	200,000	-

8 HUMAN RESOURCES IN THE MUSEUM SERVICE AND AFFILIATED MUSEUMS

Of the total expenditure of R32 824 million on the Museum Service and affiliated museums in the Western Cape in 2010/11, R25 290 million, or 79%, is spent on human resources by the Department.

Currently the Department is employing 195 full-time staff members in the Museum Service and at provincial and province-aided museums. In a number of cases, governing bodies employ additional staff, for a number of reasons: Sometimes the entire staff establishment is employed by the governing body, whilst in other cases only a select number of staff or even a single individual staff member is employed.

The approved staff establishment of the Museum Service and provincial and province-aided museums in the Western Cape were developed by the Western Cape Government's Organisational Development component. It is currently being reviewed.

The Department does not employ staff that is deployed at the Congo Caves Museum, the Genadendal Mission Museum or at the five declared local museums.

Over and above these staff members, the Western Cape Education Department (WCED) has also seconded educators to two of the affiliated museums, i.e. the Stellenbosch and Worcester Museum as well as the Genadendal Mission Museum.

The Department and the affiliated museums have been subjected to a number of organisational development studies (formerly known as work study investigations) over the past five years, none of them having been completed or implemented. A new organisational development investigation will be undertaken in 2010 in order to finalise the micro-structure investigation of the Department.

In the finalisation of the new provincial museum policy and the proposed rationalisation of the categories of museums that the proposed new provincial museum legislation could provide for, provision should be made to determine the minimum staffing levels, qualifications and skills required and job descriptions/tasks of the staff required at the various categories of museums that are proposed. Here a clear distinction should be made as to the core functions of museums and which posts should be funded from public funds.

Furthermore, the principle of the equitable access to and the geographical spread of very scarce skills and resources must also be considered. However, it is difficult to assess the role of those heritage institutions that are funded by the national sphere of government in the Western Cape, as currently no national museum policy exists. The White Paper did allude to closer cooperation between the various spheres of government to address scarce skills and resources.

Once the proposed new museum legislation has been drafted, and the migration of existing museums into the proposed new categories have been established, a formal organisational development study will be undertaken to develop a new staff establishment for the Museum Service and the affiliated museums. This organisation development study must take cognisance of the scarce skills requirements as well as the need for effective, efficient and economic services within the broader context of museum management

9 KEY FINDINGS AND RECOMMENDATIONS

9.1 THE MUSEUM ORDINANCES ARE OUTDATED AND DOES NOT SUPPORT THE CHANGING HERITAGE LANDSCAPE IN THE WESTERN CAPE

It is clear from the analysis of the relevance of provisions in the Museum Ordinances, that these two ordinances are outdated and does not support the changing heritage landscape in the Western Cape. What is more, they do not conform with the constitutional mandates in the new democratic South Africa. Furthermore, they contains racial and sexually discriminatory terminology that should be removed.

Many of the provisions are also outdated as new legislation on a wide variety of subjects, ranging from financial to property management and from disaster management to safety at sport and recreational events have been enacted by both the national and provincial parliaments.

The Museum Ordinances, promulgated in the latter part of the 20th century, are also outdated as the management of museums have evolved in that effective and efficient and economic museum services should be provided to communities and to society as a whole.

9.2 AFFILIATED MUSEUMS IN THE WESTERN CAPE ARE UNDERFUNDED

Given the fact that the Museum Ordinance provides in section 29(1)(c) that the Department is supposed to subsidise the full amount or such percentage, being not less than 50%, as the Department may generally or specifically determine of the approved

subsidisable expenditure determined in terms of subsection (7) in respect of the maintenance cost of the museum concerned, it is clear from the analysis of the financial spend on the Museum Service and affiliated museums over the last decade, that the Museum Service and affiliated museums in the Western Cape is underfunded to enable these institutions to fulfil their core mandate, i.e. to ensure that the tangible and intangible heritage of the Western Cape is preserved, developed and promoted.

Furthermore, the provisions in section 29(1)(b) in the Museum Ordinance where the Department could assist boards of province-aided museums in making a subsidy available to support capital projects have not been utilised in years. This section provides that the full amount or such percentage as the Department may generally or specially determine, of the interest and redemption payments on any loan raised by the board under section 30 if the Minister has determined that such a loan shall be subsidisable.

The current economic climate has seen many museums and heritage institutions teetering on the brink of bankruptcy due to the fact that corporate sponsors and individual donors are short of funds to distribute to heritage institutions. Another factor is that corporate sponsors had to reprioritise their available disposable funds for social responsibility projects due to the large number of needs in South African society.

In the case of private or institutional museums, it also seems that the funding available to these institutions from their owners or their parent companies have been reduced due to the current financial climate.

The provisions of section 30 for boards of province-aided museums to raise loans, subject to the approval of the Head of Department and Minister, should be explored, taking into account the prescripts of the Public Finance Management Act, 1999, and the National Treasury Regulations.

9.3 THE COLLECTIONS, EXHIBITIONS AND PUBLIC PROGRAMMES OF AFFILIATED MUSEUMS ARE NOT REPRESENTATIVE OF THE HISTORY AND HERITAGE OF THE COMMUNITIES IN WHICH THESE INSTITUTIONS ARE SITUATED

The Museum Ordinance of 1975¹⁰⁵ states that each museum to be proclaimed as a provincial or province-aided museum must have an approved theme which will be developed by the board of trustees. These themes were reviewed in 1980 and approved to guide each proclaimed museum in the development of its collections and exhibitions and to influence public programmes.

The approved themes for and dates of proclamation of the current proclaimed museums in the Western Cape can be summarised as follows:

TYPE	MUSEUM	THEME(S)	PROCLAMATION
Provincial Museums	Bartolomeu Dias Museum, Mossel Bay	The discovery of the sea-route to India around the southern tip of Africa and the history of Mossel Bay	Proclamation 160 of 23 August 1960
	Cape Medical Museum, Cape Town	The development medicine, dentistry and nursing at the Cape	Proclamation 299 of 24 September 1981

¹⁰⁵ Section 7(1)(d) and 12(2)(c) of the Museum Ordinance, 1975 (Ordinance 8 of 1975)

TYPE	MUSEUM	THEME(S)	PROCLAMATION
	George Museum	The history of George and the use of indigenous timber in the Cape Province.	Proclamation 248 of 22 August 1969
	Worcester Museum	The history and the development of agriculture in the Greater Boland	Proclamation 104 of 19 May 1961
Province-aided museums	Beaufort West Museum	The history of the Beaufort Karoo, famous people of the region and the role of the Church	Proclamation 390 of 15 November 1976
	Caledon Museum	Caledon in the Victorian era (1837 - 1901)	Proclamation 292 of 25 July 1972
	CP Nel Museum, Oudtshoorn	Ostriches through the centuries	Proclamation 29 of 23 January 1949
	Drosty Museum, Swellendam	The cultural history of the old district of Swellendam	Proclamation 157 of 29 August 1963
	Genadendal Mission Museum	Mission history of the Moravian Church	Proclamation 3 of 18 January 1996
	Hout Bay Museum	The History of Hout Bay with particular reference to the natural resources of the Hout Bay environment. The development of the local fishing industry is specially emphasized	Proclamation 136 of 11 November 1985
	Huguenot Memorial Museum, Franschhoek	Commemoration of the Huguenots and genealogy of their descendants and the local history of Franschhoek and environs	Proclamation 40 of 12 March 1960
	Montagu Museum	The history of Montagu	Proclamation 134 of 7 April 1975
	Old Harbour Museum	Fishing industry of Walker Bay and the history of Hermanus	Proclamation 228 of 13 June 1972
	Oude Kerk Volksmuseum	The history of 't Land van Waveren	Proclaimed in terms of Ordinance 11 of 10 August 1979
	Paarl Museum	The history of Paarl	Proclamation 128 of 21 July 1958
	SA Sendinggestig Museum	The history of the South African Sendinggenootskap that constructed the Sendinggestig and of mission work in South Africa launched by South Africans	Proclamation 32 of 26 January 1977
	Simon's Town Museum	The history of Simon's Town.	Proclamation 408 of 30 November 1976
	Shipwreck Museum, Bredasdorp	Shipwrecks along the dangerous Southern Cape coast and their influence on the development of the Strandveld	Proclamation 390 of 4 December 1968
	Stellenbosch Museum	The homes and history of Stellenbosch	Proclamation 36 of 23 March 1962
	Togryers Museum, Ceres	Local history of Ceres. The "Togryers" form a major part of the historical display	Proclamation 74 of 10 September 1986
Wellington Museum	The history of Wellington	Proclamation 112 of 01 June 1984	
Wheat Industry Museum,	Wheat in the Swartland	Proclamation 294 of 22 September 1970	

TYPE	MUSEUM	THEME(S)	PROCLAMATION
	Moorreesburg		
Local museums	Robertson Museum	The history of Robertson and environs (Die uitbeelding van die geskiedenis van die plaaslike wamakersbedryf)	Proclamation 347 of 1 November 1977
	Fransie Pienaar Museum, Prince Albert	The history of Prince Albert and environs	Proclamation 125 of 24 September 1985
	Jan Dankaert Museum, Porterville	The social, religious, educational and agricultural development of the 24 Reviere Region	Proclamation 211 of 28 August 1979
	Great Brak River Museum	Founding families Memorabilia of the village of Great Brak River	Proclamation 148 of 21 June 1978
	SA Fisheries Museum, Velddrif	The balance between the conservation and exploitation of marine resources	Proclamation 59 of 12 August 1991

Although the collections held by the affiliated museums are extensive and varied, these collections have not actively been augmented over the years to be representative of the history and heritage of the communities in which they are situated or address the approved theme. This can be ascribed to a number of factors:

- Museum collections mainly reflect the lifestyle and tangible heritage of the middle class white inhabitants of the Western Cape because the majority of the collections were assembled in the 20th century
- Governing bodies over the past 15 years were reluctant to award funds to expand their museum collections in the absence of collection policies, policy guidance, lack of funds or uncertainty over the future direction of their institutions
- Potential donors of objects, artefacts or collections were reluctant to donate these items to affiliated museums
- The perception exists amongst potential donors that affiliated museums only preserve the heritage and history of certain citizens and therefore their collections would not be representative of the community
- The perception exists that museum governance has deteriorated to such an extent that donors are no longer prepared to donate objects, artefacts or collections to these institutions.

It is of the utmost importance that the new provincial museum policy to be developed for the Western Cape actively ensures that affiliated museums pursue a collection policy and strategy to ensure that its collections, exhibitions and public programmes are representative of the history and heritage of the communities in which they are housed or targets a specific theme. Furthermore, these institutions should be marketed and promoted to develop new audiences and visitors, especially amongst the previously disadvantaged in our society that would be encouraged to visit these museums to experience their heritage and history.

An active programme on capturing oral history should also be developed.

9.4 ADDITIONAL AND ALTERNATIVE FUNDING SOURCES SHOULD BE TAPPED AND HARNASSED TO MEET THE NEEDS OF THE HERITAGE SECTOR FOR TRANSFORMATION, CONSERVATION AND TO ENSURE SUSTAINABILITY

The fact that national and provincial government cannot apply for funds from the National Lottery Distribution Fund, yet they have the constitutional mandate for museums (both national museums and museums other than national museums) is a gross oversight and should be addressed as a matter of urgency.

The Museum Service and affiliated museums were not able to address the transformation of the heritage landscape in the last seventeen years since the dawn of democratic South Africa. Only two affiliated museums were able to gain access to Lottery funding, and neither has yet been able to complete the projects for which the funding were awarded.

The planning, research and construction of new exhibitions to update existing displays and to address a fresh, updated and transformed exhibition and public programmes at affiliated museums are seriously hampered by the lack of financial and human resources.

Guidelines regarding how museums could benefit from National Lottery Distribution Trust Fund should also be set out in the proposed Museum Policy in cooperation with the Fund. The support of the Department of Cultural Affairs and Sport, and especially the endorsement of the Minister responsible for Cultural Affairs and Sport in the Western Cape, for well-structured and articulated funding applications should be obtained before applications are submitted to the Fund.

9.5 RATIONALISATION AND ACCESS: THE STATUS OF EXISTING PROVINCIAL, PROVINCE-AIDED AND LOCAL MUSEUMS SHOULD BE RECONSIDERED WITHIN THE CONTEXT OF THE PROVISION OF THE PROPOSED NEW CATAGORIES OF MUSEUMS SET OUT IN THE PROPOSED NEW PROVINCIAL MUSEUM LEGISLATION

Given the constitutional mandate of the Provincial Government relating to ‘museums other than national museums’, it is imperative that the proposed new museum policy of the Provincial Government of the Western Cape addresses the need for access to museum services on the one hand, and address the need to meet international best practice as well as norms and standards on the other.

In this regard, one of the most tangible changes proposed is that the current provisions of the establishment of provincial, province-aided and local museums would be replaced by a range of categories of museums in the Western Cape. These will range from a museum to house the collections owned by the Provincial Government and its departments, regional museums, municipal museums, community museums, private and institutional museums and heritage centres.

9.6 MORE EFFECTIVE, EFFICIENT AND ECONOMIC SERVICES SHOULD BE PROVIDED TO ENSURE ACCESS TO AND SUSTAINABILITY OF THESE SERVICES

The inability of the Auditor-General to audit the affiliated museums timeously, and the problems that are currently being experienced by affiliated museums to meet the criteria of the Auditor-General, not only for the auditing of financial statements, but also related to performance audit, asset management and related aspects, are largely due to the fact that most of the museum managers of affiliated museums are appointed at Level 7 of the Public Service salary scales.

It is also clear that a more effective, efficient and economic way must be found for affiliated museums to be accountable to the funders and sponsors of museums. In this regard, the proposed new categories of museums which would hopefully provide for fewer affiliated museums will require to be audited by the Auditor-General. Discussions with the Office of the Auditor-General must also be initiated to ensure that a practical way forward be found to address the requirements of heritage institutions to meet the internationally acceptable audit standards. Suitably qualified staff (such as State Accountants) should be appointed at the proposed regional museums to meet the requirements of these audit standards to ensure that museums can be accountable to their communities and society at large.

Given the responsibilities of these museum managers, there is an urgent need to re-assess the responsibilities carried by museum managers. The fact that the Department was not able to complete and, once approved, implement the last two organisational development (work-study) investigations into the Museum Service and the affiliated museums is largely responsible for this state of affairs. It is recommended that an organisational development investigation, with related job evaluations, be undertaken to address this urgent need.

9.7 REVIEWING EXISTING AND DEVELOP NEW MUSEUM POLICIES TO ADDRESS OMISSIONS IN THE POLICY FRAMEWORK FOR MUSEUMS

The analysis of existing policies for the Museum Service and affiliated museums and the gaps identified above, should be used to review the existing and develop new museum policies.

In many cases, existing international best practice could be a good departure point for the review of existing and the development of new museum policies.

9.8 COOPERATION AND COORDINATION BETWEEN SPHERES OF GOVERNMENT AND MUSEUMS AND OTHER HERITAGE AND EDUCATION INSTITUTIONS SHOULD BE ACTIVELY ENCOURAGED

In South Africa, museums have not been recognised as education institutions despite the fact that many museums have education programmes and even educators seconded to them by the various Education Departments. Given the requirements of the former outcomes-based education curriculum adopted in South Africa, museums have been overwhelmed by learners requiring assistance and guidance to use museums as valuable resources.

In the Western Cape, the cooperation between the Western Cape Education Department and the Museum Service of the Department of Cultural Affairs and Sport and affiliated museums should be further expanded to ensure that learners visiting affiliated museums do have equal access to the services of seconded educators of the WCED (currently the teachers are seconded to three province-aided museums, i.e. Stellenbosch Museum, Genadendal Mission Museum and the Worcester Museum). The Department also has appointed Human Scientists in the Museum Service responsible for the development of educational programmes that are aligned with the curriculum and presented at affiliated museums.

There is an urgent need for a much closer relationship between the various spheres of government and museums and other heritage institutions to provide a coordinated experience to the museum visitor and to ensure that as a country, South Africa ensures that its heritage is cared for and recorded and is left by current in the best possible condition to future generations. This is in line with the Constitution of the Republic of

South Africa and should related to cooperation between spheres of government, national declared cultural institutions, national and provincial public entities, the Museum Service and affiliated museums in the Western Cape to ensure a coordinated approach to providing effective, efficient and economic services to and within the heritage community.

One of the proposals that should be considered is that the national Department of Arts and Culture and the provincial Department of Cultural Affairs and Sport should engage in further discussions towards the construction of purpose-built facilities that meets the requirements of best practice for the storage and restoration of museum collections as well as archaeological material that is uncovered in terms of permits issued under the National Heritage Resources Act, 1999 and requiring to be housed in accredited museums or at universities.

At the same time, museums, heritage institutions and educational institutions should be encouraged to coordinate efforts to promote research into related topics and provide training for the dwindling number of trained heritage practitioners available in the country.

9.9 DEVELOPING FUND-RAISING ABILITIES OF MUSEUMS

Revenue generation abilities of museums should be addressed in the proposed museum policy and legislation. Where necessary, cognisance should also be taken regarding the provision of legislation pertaining to fund-raising.

The provisions of other legislation, e.g. Public Finance Management Act, 1999 and the Income Tax Act, should be examined and, where necessary, the new provincial museum legislation should be aligned to the provisions of these Acts.

9.10 ESTABLISHING A MUSEUM FOR CAPE TOWN

As a key part of the proposed implementation of the concept of regional museums, it has become necessary to establish a museum in Cape Town that would reflect the history and heritage of the Mother City. Although there are many museums situated within the boundaries of the Cape Metro, not a single museum is committed to collecting, researching, displaying and presenting public programmes pertaining to the history and heritage of the City.

The proposal should also consider and consult with institutions that own collections that may be related to the history of the city. In this regard the collections owned by the City of Cape Town, other heritage institutions such as Iziko Museums of Cape Town and the myriad of other museums already established within the City's boundaries should be considered.

9.11 CAPACITY CONSTRAINTS AND LACK OF TRAINING OPPORTUNITIES FOR EMPLOYEES ARE THREATENING OUR MUSEUMS

The capacity constraints that are currently being experienced will continue and become even more pronounced when the aging museum workers are retiring in the next few years.

In the past, both the Universities of Stellenbosch and Pretoria offered post-graduate professional diploma course in Museum Studies. Both have been discontinued. The same fate befell the diploma course at the Cape Technikon (now the Cape Peninsula University of Technology). The only accredited tertiary training programme in Museum Studies available at the moment is that offered by the University of Cape Town and the University of the Western Cape and Robben Island Museum.

The lack of SAQA-accredited training programmes and trainers is also not assisting in dealing with work place-based training of employees. At the moment SAMA is providing training courses that are not accredited and staff members are not entitled to credits for these training programmes. It poses a real challenge for the Department and other employers of the museum workers and should be addressed as a matter of urgency.

The inability of the MAPP SETA (the marketing, advertising, packaging and publishing sector) to develop accredited internships that would address some of the shortcoming and challenges that the museum sector is facing, is also not helping in fighting the capacity constraints that has developed.

9.12 ESTABLISHING AN ACQUISITION FUND FOR HISTORICALLY SIGNIFICANT OBJECTS, ARTEFACTS OR COLLECTIONS

Despite the provisions in the existing Ordinance that the Department could make funds available to purchase an object, artefact or a collection from funds voted for that purpose by the Western Cape Parliament, the Department and its predecessors, have not been able to make such funds available since 1994. It is proposed that, with the assistance of the Provincial Treasury, the Department establishes an acquisition fund.

This would make it possible that the Department, in cooperation with the private sector and beneficiary trusts, i.e. the Roland and Leta Hill Trust administered by the BoE Private Banking division of Nedcor, could acquire historically significant objects, artefacts or collections for the benefit of the inhabitants of the Western Cape or to assist the affiliated museums in the transformation of the historical landscape of the Western Cape.

9.13 MUSEUM GOVERNING BODIES EMPLOYING STAFF SHOULD OBSERVE THE BASIC LABOUR LAWS OF SOUTH AFRICA

Although most employees working in the provincial and province-aided museums in the Western Cape are employed as public officials by the Department of Cultural Affairs and Sport, a number of museums do employ their own staff.

It is critical that museum governing bodies observe the labour legislation that applies in order for them to manage any risks associated as employers.

9.14 REVIEW OF THE CURRENT ADMISSION FEES AND FREE ACCESS TO AFFILIATED MUSEUMS POLICY AND REPLACEMENT THESE WITH A PROGRESSIVE ADMISSION POLICY

Museums should be able to determine their access policy and also their admission fees based on the principle of fair access, especially where they benefit from taxpayer funding.

It is proposed that a new progressive admission policy be developed to address the overarching access policy of each museum and any concessionary access passes which would be available to visitors to the museums. This would also assist in making available more accurate visitor statistics.

9.15 A PROVINCIAL MUSEUM TRUST SHOULD BE ESTABLISHED TO SAFEGUARD COLLECTIONS

A provincial trust/public benefit trust should be created which could take charge of artefacts, objects, specimens or collections transferred from other public benefit trusts in order for this trust to make these artefacts, objects, specimens or collections available to affiliated museums in the Western Cape or other institutions with similar aims

9.16 ENCOURAGING MUSEUM SUBSCRIBER ASSOCIATIONS OR FRIENDS OF THE MUSEUM ORGANISATIONS AND VOLUNTEERS

The need for a museum subscriber association or a Friends of the Museum organisation consisting of members of local communities and broader society to support the objects and work done by the museum cannot be underestimate. It is important to note the core roles of such organisations set out by the World Federation of Friends of Museums in its WFFM Code of Ethics.

It would also be advisable that a policy on the involvement of volunteers be developed in order to encourage members of civil society to become more involved in the functions of their museums.

9.17 MARKET MUSEUMS

Given the outcomes and findings of the KPMG report on tourism products and preferences undertaken for the provincial Department of Economic Development and Tourism that indicates that the majority South African and international visitors come to the Western Cape because of its natural beauty and cultural diversity, it is necessary to improve the marketing of the museums in the Western Cape.

The ability to advertise in key tourism publications and the development and maintenance of web pages on the Internet should be re-introduced and expanded. This would market the museums in the Western Cape not only to visitors, but also to local communities and inhabitants of the Western Cape.

The effective marketing of museums in the Western Cape where exhibitions, collections and public programmes have been adapted to address some of the challenges of transforming the heritage landscape in the Western Cape, could also contribute significantly to social cohesion.

9.18 TRANSITIONAL ARRANGEMENTS

Transitional arrangements should be carefully phrased and each currently affiliated museum should be given the opportunity to test these transitional measures to ensure that no legal problems arise with the implementation of the proposed new museum legislation (e.g. that no conditions of donations are transgressed).

ANNEXURES:

1. PowerPoint presentation: *Assessing the Economic value and impact of heritage sites in the Western Cape*
2. PowerPoint presentation: *Discussion Paper: Towards a new Western Cape Provincial Museum Policy* (English). Please note that the Afrikaans and isiXhosa versions of this presentation will be posted separately on the departmental website.