

## CHAPTER TWO: SOUTH AFRICAN CONSERVATION POLICIES

### 2.1 Sub-problem One - How are South African conservation policies concerned with significant cultural landscapes?

#### 2.1.1 Introduction

This part of the literature search investigates the existing South African legislation concerned with conservation. Due to the legislative changes such as a new South African Constitution, preference is given to acts promulgated during or after 1994, and other acts relevant to the study prior to 1994 are reviewed when pertinent. In the same manner, blue, green or white papers and bills not ratified by parliament are not included in the review. However, where these are applicable, reference is made to them so as to provide a comprehensive overview of policies regarding cultural landscapes in South Africa. Legislation and applied policies concerned with the biophysical and the cultural heritage is reviewed. The legislation addressing biophysical heritage is reviewed so as to establish overlaps between the various policies and to identify additions required in the cultural heritage legislation. As follow-up, Chapter Three investigates selective international legislation relevant to the systematics of cultural landscapes.

#### 2.1.2 South African Legislation

Current (2001) South African acts (including amendments) that address the management of biophysical and cultural resources are discussed in **Appendix Two**<sup>19</sup>. Two acts, the Castle Act and the Church Square Development Act are not included in the evaluation since they pertain to specific sites and do not apply to general conditions. It should be noted that only text relevant to conservation issues, cultural landscapes or heritage are cited and thus these texts are not all-inclusive or comprehensive.

The National Government departments and institutions (as indicated in Appendix Two) administer the acts. The contents of the acts vary from addressing aspects such as the World Heritage sites and the entire coastal zone of South Africa, to environmental impact assessment requirements for smaller sites. However, the literature review indicates that enabling the protection and management of cultural landscapes as a heritage is addressed at national level in four acts. If these acts are to inform the study, it is necessary to

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<sup>19</sup> <http://www.polity.org.za/govdocs/legislation/>. February 14, 2001.

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thoroughly understand cultural heritage under the acts. By name these are the:

- a. National Parks Act No. 57 of 1976;
- b. National Environmental Management Act, No.107 of 1998;
- c. Environment Conservation Act, No. 73 of 1998 and the
- d. National Heritage Resources Act. No. 25 of 1999.

### **2.1.3 National Parks Act. No. 57 of 1976.**

As a subsidiary Directorate of the Department of Environmental Affairs and Tourism, the South African National Parks (SANParks) administers the National Parks Act No 57 of 1976. Under the act, ten different categories of protected areas are currently recognised in southern Africa.<sup>20</sup>

- a. National Parks.
- b. Scientific reserve/Strict nature reserve.
- c. Biophysical monument/ Biophysical landmark.
- d. Nature conservation reserve/Managed nature reserve/Game reserve.
- e. Protected landscape or seascape.
- f. Resource reserve.
- g. Biophysical biotic area/Anthropological reserve.
- h. Multiple use management area/Managed resource area.
- i. Conservancies.
- j. Biospheres.

Since 1998, the South African National Parks Board has commenced with a transformation process by establishing a Department of Social Ecology that aims to accomplish the transformation mission as stated by its Board. To understand the meaning of the transformation mission, it is necessary to review the original mission of the SANParks that included significant cultural assets but not cultural resources or the adjacent communities of the National Parks.<sup>21</sup>

#### *South African National Parks Mission*

*The mission of the South African National Parks is to acquire and manage a system of national parks that represent the indigenous wildlife, vegetation, landscapes and significant cultural assets of South Africa for the pride and benefit of the nation.*

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<sup>20</sup> Stuart, Chris & Tilde. 1995.

<sup>21</sup> Joseph. 2000.

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### *Transformation Mission*

*The transformation mission of the South African National Parks is to transform an established system for managing the biophysical environment to one which encompasses cultural resources, and which engages all sections of the community.*

It is the opinion of the South African National Parks Board<sup>22</sup> that:

*to achieve this transformation mission, a southern African land ethic must be combined with the traditional western approach to conservation, which is focused on a non consumptive aesthetic and scientific approach, to provide effective and efficient management of biophysical and cultural resources*

Of note is the fact that under the Act, no guidelines exist to identify "significant cultural assets" within the South African National Parks, although the Cultural Heritage Management program run by the South African National Parks begins to address these aspects. So as to facilitate the transformation, the SANParks established a Social Ecology Department in 1997. This department is seen to provide a vital link between conservation and people, facilitating the participation of people in the conservation efforts and management of the resources of the South African National Parks. The 1998 Corporate Plan of the South African National Parks,<sup>23</sup> describes social ecology as:

*a strategy and process that conveys the philosophy and approach of SANParks to neighbouring communities and establishes mutually beneficial dialogues and partnerships with these communities.*

The process ensures that the views of the community are taken into account as far as possible and acted upon, that it is a direct benefit to them and, in turn, the community welcomes the conservation efforts of South African National Parks.

The South African National Parks<sup>24</sup> are of the opinion that the process they are following is interdisciplinary, participatory, community oriented and educational in nature. They say the process seeks to facilitate mutually beneficial partnerships between national parks and neighbouring communities, thus building institutional and community capacity to effectively participate in managing our biophysical and cultural heritage

The social ecology programme thus focuses on specific projects for the communities living around the national parks. However, the other stakeholders such as the farmers and

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<sup>22</sup> <http://www.parks-sa.org.net>, Jan 2000.

<sup>23</sup> <http://www.parks-sa.org.net>, Jan 2000.

<sup>24</sup> South African National Parks. 2000

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industry are also considered.<sup>25</sup> It is the overall intent of the projects to improve the quality of life of the people whose livelihood depends on the resources of the parks.

A social ecology project is an intervention aimed at improving the existing situation around the National Parks. It has a defined life span, but when completed should leave behind resources, opportunities, capabilities and other tangible changes with which people can continue to work. A project offers a particular kind of support to a defined target group in a specified geographical location within a set time frame.<sup>26</sup>

Two fully functional social ecology units have been established - one at Kruger National Park and the other at Cape Peninsula National Park. Groups and issues associated with all the national parks are listed in Table One<sup>27</sup>.

**Table One: Groups and their issues associated with National Parks.**

	<b>Group or Location</b>	<b>Issue</b>
a.	Addo Elephant National Park	Xhosa exclusion from park
b.	Agulhas National Park	Cape Coloured community, fishing
c.	Cape Peninsula National Park	Varied urban community of Cape Town. Access to unfenced park and divergence among community groups.
d.	Golden Gate Highlands National Park	Basotho and Zulu
e.	Kalahari Gemsbok National Park	=Khomani San and Mier, land claims
f.	Kruger National Park	Makuleke, Matatji tribe (Phalaborwa), varied communities, land claims
g.	Namaqualand National Park	Varied farming community
h.	Richtersveld National Park	Southern San hunter-gatherers, Khoikhoi (Nama), Bosluis Basters (Eksteenfontein) Xhosa, people living in park - domestic animals i.e. goats
i.	West Coast National Park	African, Indians, Whites and Coloureds. Fishing of Langebaan lagoon.
j.	Tsitsikamma National Park	No issues listed
k.	Karoo National Park	No issues listed
l.	Au-grabies National Park	No issues listed
m.	Wilderness National Park	No issues listed
n.	Bontebok National Park	No issues listed
o.	Marakele National Park	No issues listed
p.	Mountain Zebra National Park	No issues listed
q.	De Vasselot National Park	No issues listed

It is stated by the South African National Parks that a social ecology project is an intervention aims at improving existing situation around the National Parks. It is seen as having a defined life span, but when completed should leave behind resources, opportunities, capabilities and other tangible changes with which the people can continue to

<sup>25</sup> Joseph, Parris. 2000. p 19

<sup>26</sup> South African National Parks 2000 p.9

<sup>27</sup> Joseph, Parris. 2000

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work. A project offers a particular kind of support to a defined target group in a specified geographical location within a set time frame.

Two fully functional social ecology units have been established - one at Kruger National Park and the other at the Cape Peninsula National Park. It is indicated in the 2000 Pilot Project Status Report<sup>28</sup> that the pilot projects are at various stages of implementation with multiple stake holder involvement and with activities focused on:

- a. Eco and cultural tourism;
- b. Arts and crafts and sewing;
- c. Environmental education (interpretation);
- d. Indigenous plant knowledge and nursery;
- e. Traditional healers project;
- f. Irrigation schemes;
- g. Food gardens;
- h. Field guide tracking courses;
- i. Production of promotional and educational materials;
- j. Brick making;
- k. Cultural entertainment, including cultural performances and presentations<sup>29</sup>.

The pilot activities aim to explore ways of developing mutually beneficial partnerships between communities and the South African National Parks. Its objective, first and foremost, is the conservation of biodiversity and the biophysical and cultural heritage of South Africa. However, liaising with communities in which parks are situated is an important step in the long-term perspective toward achieving conservation goals. The South African National Parks support programme to communities seeks to maintain or improve biological diversity of national parks, while at the same time improving the quality of life of people whose livelihoods depends on these resources. It is clear that the first place where a synergy may begin to establish between the biophysical and social heritage resources may be in the South African National Parks. The park management has years of experience in biophysical management and by adding the cultural component to the management South Africans may begin to see a true African conservation effort.

Two projects within the South African National Parks Social Ecology program focus on cultural heritage, the first one is at Augrabies National Park where a cultural mapping program has been implemented, and a cultural theme route is proposed. The second one is

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<sup>28</sup> DANCED, South African National Parks. 2000.

<sup>29</sup> DANCED, South African National Parks. 2000

at the Mountain Zebra National Park where a cultural heritage program is proposed<sup>30</sup>. Aside from the mention of cultural mapping no other information could be found on the processes or methods for this activity as being implemented by South African National Parks at the time of this study.

#### **2.1.4 South African National Parks - an approach to determining value.**

Currently, a Western approach to conservation, which is focused on a non consumptive aesthetic and scientific approach are implemented in the management of biophysical resources of National Parks.<sup>31</sup> Although there is still much support for this approach, it is largely recognised as an outmoded way of approaching conservation. New and innovative adaptive management techniques are continuously being developed by national and international organisations to more effectively manage biophysical ecologies.<sup>32</sup> These have not been incorporated into workable principles that can suitably address a current South African context.

The new Social Ecology division at South African National Parks is attempting to change this shortcoming. They are working with the original conservation divisions at the South African National Parks to supplement a further initiative by the South African National Parks which proposes to develop a physical Master Plan that will use GIS technology to make a country-wide assessment based on the merging of three essential resources:<sup>33</sup>

- a. biological diversity,
- b. cultural character, and
- c. quality of life.

The master plan proposal falls short of proposing adaptive management techniques for effective implementation of the master plan.

The criteria used by the National Parks Board as listed by van Riet<sup>34</sup>, to define the three values are:

- a. Biological diversity value
  - i. landscape and vegetation types,
  - ii. accumulated assessment of species richness,
  - iii. threats from land transformation to vegetation.
- b. Cultural value
  - i. population distribution,

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<sup>30</sup> DANCED, South African National Parks. 2000

<sup>31</sup> Spude. 1995.

<sup>32</sup> Carpenter, Brock, Hanson. 1999.

<sup>33</sup> van Riet, vd Spuy, Beech, v Jaarsveld. 1999.

<sup>34</sup> van Riet, vd Spuy, Beech, v Jaarsveld. 1999.

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- ii. landscape types
- iii. land use
- iv. predominant language groups
- c. Quality of life
  - i. Access to services,
  - ii. Gross Geographic Product per capita,
  - iii. Indicator of poverty

This study proposes to evaluate the completeness and effectiveness of these criteria by means of existing and currently published conservation thinking and to recommend amendments and alterations where and if necessary.

Current thinking in social ecology of issues to be managed is:<sup>35</sup>

- a. *Assist communities to market their arts and crafts, i.e. sewing, hat-making, carving i.e pipes and donkey harness (Addo), silk-screening, weaving, pottery, food production,*
- b. *Quality improvement training.*
- c. *Facilitate better understanding across cultures and education levels.*
- d. *Facilitate dialogue with central governments, Non Government Organisations (NGO's) and private enterprise*
- e. *Education*
- f. *Economic empowerment*
- g. *Encourage communities to embrace a conservation ethic.*
- h. *Define rights and responsibilities of communities.*
- i. *Promote for lasting opportunities between SAN Parks and people.*
- j. *Revive traditions and cultures, such as traditional medicine, dance, stories,*
- k. *Regenerate dance and drama.*
- l. *Explore and market rich creative potentials of people.*
- m. *Guard against SANParks being seen as a development agency.*
- n. *Infrastructure support.*
- o. *Gathering historical and cultural tales and legends about the people to record and preserve.*
- p. *Encourage and record traditional story telling (iintsomi) to strengthen cultural heritage.*
- q. *Co-ordinate and encourage the Work for Water projects in collaboration with DWAF to encourage work opportunities in furniture making or charcoal making.*

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<sup>35</sup> Joseph, Parris 2000 p 21

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- r. *Agricultural training*
- s. *Assist in negotiations of land claims.*
- t. *Protection of historical and archaeological sites - i.e. middens at Agulhas National Park.*
- u. *Manage sustainable controlled harvesting of resources.*
- v. *Facilitate relationship building between stakeholders.*
- w. *Organise and manage volunteer programmes.*
- x. *Skills training - not job opportunities.*
- y. *Traditional food selling.*
- z. *Assistance in management of contract park*
- aa. *Field guide training programmes.*
- bb. *Utilising skills of community to teach public - i.e. San tracking course.*
- cc. *Assistance in growing and harvesting of traditional medicinal plants*
- dd. *Cultural Mapping.'*

The South African National Parks have devised a single form to list all the attributes of a cultural resource and that which can be used to determine significance of the resource. A point system is applied to considerations such as historical, cultural, scientific, emotional, religious, unique and contextual. One(1) point is given when the resource has a low value and five (5) points are given when it is considered to have value or significance.

**Appendix Three** provides the methodology for evaluating significance.

### **2.1.4.1 South African National Parks - Cultural Resource Management**

The management of the protected areas under the National Parks Act had largely focused on the natural heritage alone. It was only during the last decade that the importance of cultural resources within the national parks and protected areas were recognised and the need for their management acknowledged. In 1992 the importance of cultural resource management and protected areas resulted in the so-called "CANIS" project (Cultural Resource Management in Afforested Areas and Nature Reserve in South Africa).<sup>36</sup> This project provided recommendations on the way Cultural Resource Management (CRM) must be undertaken in these areas. It is in the interest of this study to evaluate the recommendations of the CANIS program as well as the procedures that the CRM program promotes to manage cultural resources. The initial CANIS program identified seven objectives or activities for such cultural resource management projects.

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<sup>36</sup> De Jong. 1992.

**a. Objectives or activities for cultural resource management projects as suggested by the CANIS project were:**

- i. Cultural resources survey of protected areas.
- ii. Evaluation of cultural resources within protected areas.
- iii. Implementation of an Integrated Environmental Management (IEM) plan to which the conservation and utilisation of cultural resources can be planned.
- iv. The implementation of planning initiatives regarding the conservation of cultural resources.
- v. The implementation of planning initiatives regarding the utilisation of cultural resources.
- vi. The marketing of cultural resources and cultural resource management.
- vii. Public participation.

**b. CRM program objectives**

South African National Parks started with a CRM programme<sup>37</sup> in 1998, and laid down achievable objectives to put their principles into practice. In simple terms the strategies based on the principle of: *if you don't know what you have you cannot manage it*<sup>38</sup>. To date most national parks have not implemented even the most basic form of CRM in their management plans. The objectives therefore set out to inventorise and document cultural resources by means of surveys, and furthermore to produce status and condition reports to guide management, including monitoring programmes, to measure management success. It is envisioned by South African National Parks that ultimately, the formulation of CRM and plans would include the utilisation of cultural resources.

Following the CANIS recommendations South African National Parks<sup>39</sup> develop its own CRM program objectives to include the following:

- i. *The development of the CRM policy for the South African National Parks is an extension of the newly developed national seniority system and the seniority and strategic plan.*
- ii. *Establishing the management of the CRM system that should incorporate as a matter of priority in its database and inventories of cultural resources in all parks, relevant documentation, inspectors report and management policies.*
- iii. *The formulation and implementation of CRM plans for all parks as soon as*

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<sup>37</sup> South African National Parks. 2001.

<sup>38</sup> South African National Parks. 2001.

<sup>39</sup> South African National Parks. 2001.

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*inventories are completed.*

- iv. *This would involve CRM strategies, procedures, code of practice, guidelines, norms and standards, mitigation techniques and methods.*
- v. *The design and implementation of a suitable and practical monitoring system for cultural resources in national parks, in order to determine state or condition of resources, and to enable decision-making in terms of conservation measures or improvement management.*
- vi. *The identification of research needs and priority, as well as recommendations with regard to research contracts, partnerships or concessions to individuals or institutions.*
- vii. *The management and co-ordination of research project ensuring the adherence of standards of practice and operational efficiency, professional interpretation and dissemination of report and results.*
- viii. *The management of an impact assessment to a developmental work in parks with regard to the evaluation of heritage sites.*
- ix. *Channel adequate funding to CRM, to manage the CRM budget according to appropriate standards, and to provide support and motivation for research and development.*
- x. *To co-operate with other departments to develop heritage sites as tourist destination or educational resources in parks to further enrich tourist experience and to promote cultural resources as an integral part of tourism.*
- xi. *To optimise the role and value of cultural resources in further improving relationships and stakeholders with neighbouring communities.*

### **c. The CRM Plan.**

Each South African National Parks Cultural Resource Management objective is translated into an action item to be accomplished as part of the Cultural Resource Management Plan for each park. The key elements of the suggested Cultural Resource Management plan<sup>40</sup> include:

*A survey in order to obtain a representative cross-section of the tangible resources.*

- i. *Interviews and discussions with local SANParks staff, communities and relevant role players regarding unknown tangible and intangible resources within the area.*
- ii. *An inventory of all tangible and intangible cultural resources within the park and surrounding areas.*
- iii. *The transfer all data contained within the resource inventories onto a*

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<sup>40</sup> South African National Parks. 2001. p. 2-1

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*geographic information system.*

- iv. *A management plan consisting of conservation, utilisation and long-term monitoring recommendations for the endangered resources.*
- v. *A display depicting general background on the project and its findings.*
- vi. *Introduction of the principles of cultural resource management as well as the key findings of the project to the local community.*

### **d. Methodology for completing a South African National Parks Cultural Resource Management.**

The methodology for cultural resource management includes three main activities,:

- i. literature studies,
- ii. field surveys and
- iii. discussions with project participants.

Literature studies are undertaken in an effort to compile published data on the cultural resources of the area. This includes the published material in previous scientific and archaeological research that has taken place. Information regarding unknown cultural resources is also obtained through discussions with knowledgeable community participants and South African National Parks staff members. All information is recorded in writing or with a hand-held voice recorder.

The methodology includes the documented of cultural resources, capturing of information on a geographic information system, and evaluation of cultural resources. The cultural resources, especially archaeological sites, located during the project are documented in a predefined manner using the standard Archaeological Data Resource Centre (ADRC) site documentation form. Each located archaeological and historic site is given a specific site number. The minimum baseline data recorded for the sites consists of geographic positioning system (GPS) coordinates, photographic documentation and a brief description of artefacts and features visible on-site. Any visible potential conservation problems are reported. The recording of non-archaeological resources takes the form qualitative recording in documentation.

One of the outputs of the project it is the generation of the database as well as distribution maps containing qualitative information pertaining to site attributes. This is accomplished through the use of a geographic information system. The ultimate objective of the GIS is to use it as a management tools for the cultural resources found in the parks and surrounding areas. It is important that the

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database is upgraded as every new site is found in the study area. Visual outputs of the GIS are:

- i. project orientation maps showing the study area as well as major towns and rivers;
- ii. maps showing the area of the park which was surveyed;
- iii. distribution maps of the archaeological and historic sites located during a survey; and
- iv. maps showing areas of the park surveyed by way of the random stratified survey method.

The cultural resources of the parks are evaluated for four aspects:

- i. monitoring,
- ii. utilisation,
- iii. significance and
- iv. conservation,

each with its evaluation criteria as indicated below. (Appendix 4)

**Table Two. Aspect for evaluation of cultural resources in Augrabies Falls National Park.**

<b>Monitoring</b>	<b>Utilisation</b>	<b>Significance</b>	<b>Conservation</b>
Conservation	Scientific utilisation	Historical	Ascertain danger
Significance	Tourism	Scientific	Potential danger
Utilisation	Educational/interpretative	Emotional	No danger
	Historical reconstruction	Religious	Unknown status
	Land claims	Uniqueness	
		Contextual	

- i. The projects make use of a number of inputs to include:<sup>41</sup>
  - The traditional knowledge of community members.
  - Knowledge of staff members regarding cultural resources.
  - Printed data sources such as journal articles and books.
  - Existing knowledge of scientists and researchers regarding archaeological sites within the study area.
  - Digitised maps for use in the GIS component.
  - Assistance given by community representatives and facilitators in arranging meetings and identifying knowledgeable community members etc.
  - Facilities at the parks for workshop on the background CRM.<sup>42</sup>
- ii. The suggested outputs from the studies are:
  - Inventories of all cultural resources, tangible and intangible, within the

<sup>41</sup> South African National Parks. 2001. p.5-11

<sup>42</sup> South African National Parks. 2001. p. 5-1

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study area.

- Management plans for the cultural resources contained within the inventories, with recommendations on how these resources can be concerned, utilised and monitored period
  - GIS database and maps represented on CD-ROM.
  - CRM workshop during which staff members are trained and informed with regard to CRM principles, practice, cultural heritage in general and cultural resources found within the area.
  - CRM workshop during which community members were trained and informed with regard to CRM principles, practices, cultural heritage in general and cultural heritage resources found within the area.
  - A small display on the cultural heritage of the park and surrounding area.
- iii. The main project activities consists of the following:
- Consulting existing cultural resource information.
  - Surveying the defined study area
  - Documentation of cultural resources.
  - Storing and interpreting information.
  - Dealing with cultural resources.
  - CRM training and education

### 2.1.5 Environment Conservation Act No. 73 of 1989

A review of the Environmental Conservation Act No 73 of 1989 is critical in this study because it has formed the foundation of environmental conservation and management outside the South African National Parks for more than a decade. People in the development industry are familiar with the Act and understand the powerful requirements of the Act to the management of the biophysical, economic and social resources of the country.

This Act<sup>43</sup> regulates the activity and the permitting processes regarding:

- a. *the protection ecological processes, biophysical systems and the biophysical beauty as well as the preservation of biotic diversity in the biophysical environment;*
- b. *the promotion of sustained utilisation of species and ecosystems and the effective application and reuse of biophysical resources;*
- c. *the protection of the environment against disturbance, deterioration, defacement, poisoning or destruction as a result of man-made structures,*

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<sup>43</sup> Environment Conservation Act. No. 73 of 1989.

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*installation, processes of products or human activity; and*

- d. *the establishment, maintenance and improvements of environments which contribute to a generally acceptable quality of life with the inhabitants of the Republic of South Africa.*

Under the Act the Minister declares special nature reserves<sup>44</sup>, for the purpose of the protection of the environment in respect to land or water of which the State is the owner. In addition the Act prohibits littering; identifies activities which have a detrimental effect on the environment; prohibits the undertaking of these activities without the appropriate permit; and regulates waste management, environmental impact reports, noise, vibration and shock, and limits development areas. The only mention of cultural heritage is in an amendment to the 1976 Act<sup>45</sup> promulgated in 1994, that requires the promotion of the effective management of cultural resources in order to ensure the protection and responsible use thereof.

### **2.1.5.1 Environmental Impact Assessment Implementation of Section 21, 22 and 26 of the Environment Conservation Act, April 1998**

The Environmental Impact Assessment (EIA) Regulations under Section 21, 22 and 26 of the Environment Conservation Act, 1998<sup>46</sup> guide the integration of environmental impact assessments with development activities. The regulations stipulate that during the EIA process, it is the responsibility of the client and the independent consultant to ensure the close co-operation and consultation with all interested and affected parties (I&AP) and other relevant government departments at various levels. Although the current management agency for cultural heritage in South Africa, the South African Heritage Recourses Agency (SAHRA), is not specifically indicated here, the National Environmental Management Act (NEMA) follows through and specifically indicate SAHRA as an Interested and Affected Party (I&AP). (See Chapter Two Item 6 for an explanation of the relevance of the National Environmental Management Act)

### **2.1.6 National Environmental Management Act, No. 107 of 1998. (NEMA)**

The National Environmental Management Act No 107 was promulgated in 1998. While ensuring appropriate institutional governance, the aim of the National Environmental Management Act is to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment. National

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<sup>44</sup> Environmental Conservation Act. No 73 of 1989.

<sup>45</sup> Environment Conservation Amendment Act No 52 of 1994.

<sup>46</sup> EIA Implementation of Section 21, 22 and 26 of the Environment Conservation Act, 1998. Section 3.1.4.1

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Environmental Management Act defines environment as the following:<sup>47</sup>

*'environment' means the surroundings within which humans exist and that are made up of—*

- (i) the land, water and atmosphere of the earth;*
- (ii) micro-organisms, plant and animal life;*
- (iii) any part or combination of (i) and (ii) and the interrelationships among and between them; and*
- (iv) the physical, chemical, aesthetic and **cultural properties** and conditions of the foregoing that influence human health and well-being;*

Cultural heritage as a "property" of the environment is thus recognized by the National Environmental Management Act, as requiring principles for decision-making. The National Environmental Management Act addresses sustainability of development, and defines it as:

<sup>48</sup>

*the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations.*

Although not included in the definition, one can argue from the above-listed definitions that cultural landscapes are part and parcel of each of the three factors that are included in the definition.

Other sections in the National Environmental Management Act pertain to various aspects of cultural heritage, such as sustainability, management; identify potential impacts, and international responsibility. The Act<sup>49</sup> suggests environmental management principles as follows:

*(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably*

and

*(4) (a) Sustainable development requires the consideration of all relevant factors including the following...*

*(iii) that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and*

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<sup>47</sup> National Environmental Management Act. No 107 of 1998. Definitions item (xi)

<sup>48</sup> National Environmental Management Act. No 107 of 1998. Definitions. Item (xxix)

<sup>49</sup> National Environmental Management Act. No 107 of 1998. Chapter 1 Item 2 & 4(a)(iii).

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*remedied;*

Regarding implementation and determination of impact on all environments, cultural environments are particularly listed as requiring attention. NEMA<sup>50</sup> states:

*24. (1) In order to give effect to the general objectives of integrated environmental management laid down in this Chapter, the potential impact on—*

*(a) the environment;*

*(b) socio-economic conditions; and*

*(c) the cultural heritage,...*

*(7) Procedures for the investigation, assessment and communication of the potential impact of activities must, as a minimum, ensure the following:*

*(b) investigation of the potential impact, including cumulative effects, of the activity and its alternatives on the environment, socio-economic conditions and cultural heritage, and assessment of the significance of that potential impact;*

Furthermore, the National Environmental Management Act<sup>51</sup> states that international commitments and conventions place specific environmental impact management requirements and obligations on the South African Government in complying with the aims and objectives of these conventions such as the Agenda 21<sup>52</sup>. Special procedures and reports may be required in cases where the proposed undertaking of an identified activity may:

*influence or affect compliance to these conventions; or is likely to have a significant detrimental effect on an area involving a convention; or have an effect across South Africa's international boundaries that may influence compliance with the requirements of a specific convention.*

From the review of the National Environmental Management Act No. 107 of 1998 it is clear that both the biophysical and cultural heritage is of importance in the Act. It supports the implementation of procedures systems that adequately address the impact, including cumulative effects, of the activity and its alternatives on the environment, socio-economic conditions and cultural heritage, and assessment of the significance of that potential impact. Therefore it can be deducted that providing methods to accomplish these tasks and provide adequate information regarding the resources are welcome under this Act.

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<sup>50</sup> National Environmental Management Act. No 107 of 1998. Chapter 5 Item 24 (1) & (7)

<sup>51</sup> National Environmental Management Act. No 107 of 1998. Chapter 5 Item 24 (1) & (7)

<sup>52</sup> United Nations Division for Sustainable Development 16/04/2001

### 2.1.7 National Heritage Resources Act. No. 25 of 1999 - (NHRA)

The aims and jurisdiction of the National Heritage Resources Act are included herewith for it is critical to this thesis to understand the exact limits of the national heritage legislation.

Aims of the National Heritage Resources Act are:<sup>53</sup>

- a. *To introduce an integrated and interactive system for the management of the national heritage resources;*
- b. *to promote good government at all levels, and empower civil society to nurture and conserve their heritage resources so that they may be bequeathed to future generations;*
- c. *to lay down general principles for governing heritage resources management throughout the Republic;*
- d. *to introduce an integrated system for the identification, assessment and management of the heritage resources of South Africa;*
- e. *to establish the South African Heritage Resources Agency together with its Council to co-ordinate and promote the management of heritage resources at national level;*
- f. *to set norms and maintain essential national standards for the management of heritage resources in the Republic and to protect heritage resources of national significance;*
- g. *to control the export of nationally significant heritage objects and the import into the Republic of cultural property illegally exported from foreign countries;*
- h. *to enable the provinces to establish heritage authorities which must adopt powers to protect and manage certain categories of heritage resources;*
- i. *to provide for the protection and management of conservation-worthy places and areas by local authorities; and*
- j. *to provide for matters connected therewith.*

The jurisdiction of the National Heritage Resources Act<sup>54</sup> is the National Estate. It is defined as follows:

*3. (1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.*

*(2) Without limiting the generality of subsection (1), the national estate may include—*

*(a) places, buildings, structures and equipment of cultural significance;*

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<sup>53</sup> National Heritage Resources Act. No. 25 of 1999.

<sup>54</sup> National Heritage Resources Act. No. 25 of 1999. Chapter 1, Part 1 Item 3.

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- (b) places to which oral traditions are attached or which are associated with living heritage;*
- (c) historical settlements and townscapes;*
- (d) landscapes and biophysical features of cultural significance;*
- (e) geological sites of scientific or cultural importance;*
- (f) archaeological and palaeontological sites;*
- (g) graves and burial grounds, including—*
  - (i) ancestral graves;*
  - (ii) royal graves and graves of traditional leaders;*
  - (iii) graves of victims of conflict;*
  - (iv) graves of individuals designated by the Minister by notice in the Gazette;*
  - (v) historical graves and cemeteries; and*
  - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);*
- (h) sites of significance relating to the history of slavery in South Africa;*
- (i) movable objects, including—*
  - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;*
  - (ii) objects to which oral traditions are attached or which are associated with living heritage;*
  - (iii) ethnographic art and objects;*
  - (iv) military objects;*
  - (v) objects of decorative or fine art;*
  - (vi) objects of scientific or technological interest; and*
  - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1 (xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).*

The National Heritage Resources Act<sup>55</sup> further indicates the criteria for significance and value of the national estate. These are valuable since it is the only section in the legislation that clearly identifies the evaluation criteria for cultural heritage and thus cultural landscapes.

- (3) Without limiting the generality of subsections (1) and (2), a place or object is to be considered part of the national estate if it has cultural significance or other special value*

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<sup>55</sup> National Heritage Resources Act. No. 25 of 1999. Chapter 1, Part1, Item 3.

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*because of—*

- (a) its importance in the community, or pattern of South Africa's history;*
- (b) its possession of uncommon, rare or endangered aspects of South Africa's biophysical or cultural heritage;*
- (c) its potential to yield information that will contribute to an understanding of South Africa's biophysical or cultural heritage;*
- (d) its importance in demonstrating the principal characteristics of a particular class of South Africa's biophysical or cultural places or objects;*
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;*
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;*
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;*
- (h) its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa; and*
- (i) sites of significance relating to the history of slavery in South Africa.*

Chapter 1, Part 2 of the National Heritage Resources Act established the South African Heritage Resources Agency (SAHRA) This section of National Heritage Resources Act states:<sup>56</sup>

*Constitution, function, powers and duties of heritage resources authorities.  
Establishment of South African Heritage Resources Agency*

*11. There is hereby established an organisation to be known as the South African Heritage Resources Agency (SAHRA) which shall be a body corporate capable of suing and being sued in its corporate name and which shall be governed by a Council established in terms of section 14.*

*Object of SAHRA*

*12. The object of SAHRA is to co-ordinate the identification and management of the national estate.*

### **2.1.7.1 South African Heritage Resources Agency - SAHRA**

The South African Heritage Resources Agency (SAHRA) has a complete database of all declared national monuments to date. However, these are structures, objects, artefacts or even gardens, but do not include a listing of the valued landscapes of the country's cultures. The categories currently incorporated by South African Heritage Resources

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<sup>56</sup> National Heritage Resources Act. No. 25 of 1999. Chapter 1 Part Two, Item 11.

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Agency are as follows<sup>57</sup>:

- a. *national monuments and provisional declarations*
- b. *Register of conservation-worthy property*
- c. *Conservation areas*
- d. *Historical sites*
- e. *Graves of victims of conflict*
- f. *Fossils*
- g. *Rock art*
- h. *Cultural treasures*
- i. *Export control*
- j. *Historical shipwrecks.*

### 2.1.7.2 South African Heritage Resources Agency Regulations

The South African Heritage Resources Agency has, in terms of section 25 (2)(h) of the National Heritage Resources Act, No. 25 of 1999; already made various important regulations in the Schedule. Chapter III<sup>58</sup> addresses the application for permit: National heritage site, provincial heritage site, provisionally protected place or structure older than 60 years.

Chapter X addresses procedures for consultation regarding protected areas and applies to any person with the intention to damage, disfigure, alter, subdivide or in any other way develop any part of an area designated as a protected area by South African Heritage Resources Agency.<sup>59</sup> **Appendix Five** provides a copy of the National Heritage Resources Act No 25 of 1999.

### 2.1.7.3 National Heritage Resources Act - proposing a systematics

The National Heritage Resources Act No. 25 of 1999 directs the systematics for cultural heritage and therewith the systematics for cultural landscapes. The South African Heritage Resources Agency has, in terms of section 25 (2)(h) of the National Heritage Resources Act No. 25 of 1999, made the Regulations in a published Schedule as discussed under Item 7.1.

These regulations provide guidelines for the following: <sup>60</sup>

- a. *permit application procedure and requirements,*
- b. *minimum requirements for qualification and standard of practice,*

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<sup>57</sup> National Monuments Council. 2000.

<sup>58</sup> South African Heritage Resource Agency Regulations. Government Notice R548, Gazette of 2 June 2000.

<sup>59</sup> <http://www.nationalmonuments.co.za/> 5/16/01 2:41:41 PM

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- c. *submission of reports,*
- d. *monitoring responsibility of SAHRA,*
- e. *standards of curation,*
- f. *fees and financial deposits,*
- g. *permit extensions, and*
- h. *consultation procedures,*

Although the National Heritage Resources Act defines cultural heritage and stipulates criteria for evaluation of significance, it is clear from a review of the regulations that there is no provision for the identification, evaluation, classification, grading, or categorisation of heritage or cultural landscapes. This is of particular importance because words have different meanings for different cultures. Sowell<sup>61</sup> states that:

*Even if all races all over the globe have identical innate potential, tangible economics and social results [that] do not depend upon abstract potential, but on developed capabilities. The mere fact that different peoples and cultures have evolved in radically different geographical settings is alone enough to make similarity of skills virtually impossible.*

As an additional motivation for having clarity of the description of words and meanings, Chatwin<sup>62</sup> says that to recognise the values of Aboriginal cultural landscapes and to commemorate these places, identification and evaluation have to focus on Aboriginal world views rather than on those of non-indigenous cultures of Western civilisation and Western scientific tradition. He goes further in discussion of the legal background to this view, and states that:<sup>63</sup>

*The orientations of the two cultural constructs differ radically, the one rooted in experiential interrelationship with the land and the other in objectification and rationalism.*

The Aboriginal Mapping Network<sup>64</sup> argues similarly when they refer to the 1987 Federal Court of Canada case *Apsassin vs The Queen* and the 1991 Supreme Court of British Columbia case *Delgamuukw vs The Queen*. It is the opinion of the Aboriginal Mapping Network that these court cases epitomise the chasm of understanding between the differing world views. The Network discusses Judge Addy's dismissal of Dunne-za/Cree elders' oral discourse and expert witness testimony and the former parallel Judge McEachern's

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<sup>60</sup> Government Notice - 1999 Regulations

<sup>61</sup> Sowell, 1994, p. 13.

<sup>62</sup> Chatwin. 1987.

<sup>63</sup> Chatwin. 1987.

<sup>64</sup> Aboriginal Mapping Network 2001

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dismissal of Gitksan and Wet'suwet'en oral tradition as valid evidence of the intimate relationship between culture and land in support of their land claims. The validity of Aboriginal oral tradition has since become better understood, most specifically as a result of the Royal Commission on Aboriginal Peoples.

It is therefore plausible that different cultures in South Africa like elsewhere will have different regard for the same place, object, structure or relic. The challenge will lie in the developing of adaptable measurable criteria, for application in a national system that encompass the traditional and contemporary values and views.

Explanations of the terminology as used in the National Heritage Resources Act will be required to ensure either quantitative or qualitative measurable criteria. When isolated, the terminology can be reduced to a measurable indicator. Although it is not realistic to remove it from its context, alienating it provides opportunities for clarity in the definition of the terms. The National Heritage Resources Act provides some definitions, but again fall short in providing measurable indicators. Provided definitions are:<sup>65</sup>

- a. *cultural significance' means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance*
- b. *improvement in relation to heritage resources, includes the repair, restoration and rehabilitation of a place protected in terms of this Act; (xiv)*
- c. *living heritage means the intangible aspects of inherited culture, and may include-*
  - i. *cultural tradition;*
  - ii. *oral history;*
  - iii. *performance;*
  - iv. *ritual;*
  - v. *popular memory;*
  - vi. *skills and techniques;*
  - vii. *indigenous knowledge systems; and*
  - viii. *the holistic approach to nature, society and social relationships:*

The criteria (followed by a generic definition.<sup>66</sup>) to be used to determine inclusion as national estate under the National Heritage Resources Act <sup>67</sup> are:

- a. Its importance in the community, or pattern of South Africa's history;  
*Importance* signifies something valuable, influential or worthy of note. As a

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<sup>65</sup> National Heritage Resources Act. No. 25 of 1999.

<sup>66</sup> Webster's New Universal Unabridged Dictionary. 1996

<sup>67</sup> National Heritage Resources Act. No. 25 of 1999.

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synonym, *Significance*, - see point 9 below. also carries an implication of importance that is not immediately recognised. Entitled to more than ordinary consideration or notice.

- b. Its possession of uncommon, rare or endangered aspects of South Africa's biophysical or cultural heritage;

*Uncommon* - unusual in amount or degree; above the ordinary. Exceptional, remarkable.

*Rare* - thinly distributed over an area; few and widely separated, unusually excellent,; admirable; fine.

*Endangered* - threatened with danger.

- c. Its potential to yield information that will contribute to an understanding of South Africa's biophysical or cultural heritage;

*Understanding* - to perceive the meaning of; grasp the idea of; comprehend; to be thoroughly familiar with; apprehend clearly the character, nature, or subtleties of.

- d. Its importance in demonstrating the principal characteristics of a particular class of South Africa's biophysical or cultural places or objects;

*Principal* - in essence or substance; fundamentally; according to fixed rule, method or practice. Imply something established as a standard or test, for measuring, regulating, or guiding conduct or practice.

*Characteristics* - pertaining to, constituting, or indicating the character or peculiar qualities of a person or thing; typical; distinctive; a distinguished feature or quality.

- e. Its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;

*Valued* - highly regarded or esteemed; estimated; appraised; having value of a specific kind.

- f. Its importance in demonstrating a high degree of creative or technical achievement at a particular period;

*Achievement* - something accomplished by superior ability, special effort, great courage; connotes final accomplishment of something noteworthy, after much effort and often in spite of obstacles and discouragement.

- g. Its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;

*Association* - a strong or common purpose and having a formal structure; the connection or relation of ideas, feelings, sensations; an overtone or connotation.

- h. Its strong or special association with the life or work of a person, group or organisation of importance in the history of South Africa;

*Association* - see point g above.

*Importance* - See point a above.

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- j. Sites of significance relating to the history of slavery in South Africa  
*Significance* - carries an implication of importance that is not immediately recognized. Entitled to more than ordinary consideration or notice.

### 2.1.7.4 Guidelines to Draft and Implement a Conservation Strategy

The guidelines, as proposed by Ron Viney<sup>68</sup> from the South African Heritage Resources Agency, are the only known guidelines produced in South Africa that could assist practitioners to draft and implement a conservation strategy or that can serve as a systematics for cultural landscapes. Guidelines by Ron Viney are attached as Appendix Six. The guidelines indicate the principles upon which they are based:

- a. *To care for the culturally and historically significant fabric and other significant attributes,*
- b. *To care for the resource setting,*
- c. *To provide an appropriate use*
- d. *To use available expertise*
- e. *To understand the resource and its significance before making a decision about its future and changes to its fabric,*
- f. *To make records of the fabric and of the decisions and actions*
- g. *To interpret the resources in a manner appropriate for its cultural and historical significance.*
- h. *The guidelines use the following ideas as a basis:*
  - i. *The place itself is important,*
  - j. *Understand the significance of a place,*
  - k. *Understand the fabric*
  - l. *Significance should guide decisions*
  - m. *Do as much as is necessary and as little as possible,*
  - n. *Keep records*
  - o. *Do everything in logical order.*

### 2.1.7.5 Guidelines for Impact Assessment - Northern Province.

Section 38 of the National Heritage Resources Act, 25 of 1999 makes provision for an impact assessment to be done when heritage may be affected by any development. There are two options in completing the impact assessment process. At first a heritage component can be completed as part of an Environmental Impact Assessment (EIA) as required under one of three acts, the Environment Conservation Act, No 73 of 1989, the

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<sup>68</sup> Viney. 2001

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Mineral Act, No 50 of 1991, or the Development Facilitation Act, No 67 of 1995. Secondly a Heritage Impact Assessment (HIA) can be completed under the National Heritage Resources Act, no 25 of 1999. Two provinces<sup>69</sup>, Northern Province and Western Cape developed guidelines to inform the process where applicable. (Appendix Seven) These are the only known provincial guidelines produced in South Africa to assist in preparing a heritage impact assessment for purposes of development. It should be noted that the national SAHRA officials have not approved these guidelines<sup>70</sup>. The guidelines<sup>71</sup> state that a Heritage Impact Assessment (HIA) must be completed under the following circumstances regardless whether an Environmental Impact Assessment is required:

- a. *Any linear development exceeding 300 meters*
- b. *Any construction of a bridge or structure longer than 50 meters,*
- c. *Any development exceeding 5000 square meters,*
- d. *Any rezoning, change of land use or township establishment in terms of local by-laws or the Development Facilitation Act, and*
- e. *When SAHRA requires that an EIA or HIA should be conducted*

### 2.1.8. National State of the Environment

The United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992<sup>72</sup>, and Agenda 21<sup>73</sup>, the global environmental strategy for sustainable development that resulted from the Conference, called for improved environmental information for decision making. State of the Environment reporting has since become the globally accepted means of reporting on environmental issues, and of measuring progress towards sustainable development in the countries which have adopted the principles contained in Agenda 21.

Both this Overview, and the National State of the Environment Report (NsoER)<sup>74</sup> published on the internet, use the DPSIR reporting system which describes environmental issues in terms of the following categories:

- a. **Driving forces** are the underlying social and economic activities that lead to environmental change. Population growth, poverty, agriculture and industrial production are common examples.
- b. **Pressures** - these are pressures on the environment which result from the driving forces, for example: pollution of air, water, and soil from industrial production; or depletion of fish stocks through human consumption.

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<sup>69</sup> Viney. 2001

<sup>70</sup> Bruwer. 2001

<sup>71</sup> Viney. 2001

<sup>72</sup> <http://www.unep.org> 5/12/02 9:46 PM

<sup>73</sup> United National Division for Sustainable Development 16/04/2001

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- c. **State** describes the current state of the environment and recent trends in environmental quality.
- d. **Impacts** refer to the consequences of the pressures on the environment.
- e. **Responses** describe the human responses to environmental change, including policies and management strategies to reduce environmental damage, rehabilitate damaged environments, and encourage sustainable development.

In developing the social sustainability indicators the Human Resources and Scientific Council (HRSC) completed a review of the National State of the Environment Report. According to them the indicator selections for the report seem to have been heavily guided by data availability and not necessarily by the most appropriate indicators for South Africa. Some of the most crucial social, economic and political issues have been included in the report although data availability and the use of the DPSIR framework might have limited it.

The indicators used can be considered as a reasonable measurement of sustainable development but exclude possibly important indicators regarding social capital among others social capital. The following social indicators were used in the NSoER.<sup>75</sup>

- a. *Urban and rural population distribution*
- b. *Crude birth rate and crude death rates*
- c. *Population growth rate*
- d. *Population change*
- e. *Rural - urban migration*
- f. *Household size*
- g. *Income inequality*
- h. *Poverty rate by population group*
- i. *Dwelling types in South Africa*
- j. *Access to public health care facilities*
- k. *Provincial distribution of health personnel*
- l. *Incidence of selected noticeable diseases*
- m. *HIV infection of women attending ante-natal clinics by age group*
- n. *Attendance level of educational institutions of people aged 5-29*
- o. *Percentage of population older than 20 years per level of education*
- p. *Unemployment by race*
- q. *Percentage of households using different fuels in rural areas*
- r. *Fuel sales in million of litres*
- s. *Indices of crime*

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<sup>74</sup> Department of Environmental Affairs and Tourism. 2001

<sup>75</sup> Schwabe, Viljoen, O' Donovan, 2001.

Schwabe<sup>76</sup> and his associates noted that the list of indicators excluded cultural expression or heritage as an indicator of sustainability. They also noted that the Central Statistical Services (CSS) is the central government body in the Republic of South Africa that is authorised in terms of the Statistics Act to compile and publish national statistics, including numerous sustainable development indicators. The list of indicators published by the Central Statistical Services<sup>77</sup> notably excludes any mention of cultural expression or heritage protection.

### 2.1.9 Conclusion on Sub-problem One literature review.

The literature review of sub problem one shows a predominant preference towards the protection and management of the biophysical environment. Of the seventeen South African acts, the National State of the Environment, and the White Paper that were reviewed, culture is mentioned in context with aspects such as

- a. Social characteristics.
- b. Land development.
- c. Language.
- d. Cultural communities.
- e. Arts, literature and dance.
- f. Quality of life.
- g. Tourism.
- h. Archaeology and maritime archaeology.
- i. Cultural institutions.
- j. Sustainability in the built environment.
- k. Cultural resource management.
- l. World Heritage Convention incorporation into South African law.

Of the seventeen acts, four of them address conservation and two focus on cultural heritage, with only one of these alluding to cultural landscapes. For example, the National Heritage Council Act<sup>78</sup> defines culture in terms of living heritage, and the same Act<sup>79</sup> introduces an integrated and interactive system for the management, protection, and guidance of the national heritage resources. When defining the national heritage, the National Heritage Council Act<sup>80</sup> includes among others:

- a. *places of cultural significance,*

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<sup>76</sup> Schwabe, Viljoen , O' Donovan, 2001.

<sup>77</sup> Schwabe, Viljoen , O' Donovan, 2001.

<sup>78</sup> National Heritage Resources Act, No 25 of 1999. Item 2(iii)

<sup>79</sup> National Heritage Resources Act, No 25 of 1999. Chapter 1, Part 1, item 5(7)(a) to (f)

<sup>80</sup> National Heritage Resources Act, No 25 of 1999. Chapter 1, Part 1, item 3(1)to (3)

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- b. *historical settlements,*
- c. *landscapes and biophysical features of cultural significance,*
- d. *archaeological and palaeontological sites.*

These could be translated into cultural landscapes. However, it leaves the interpretation to the reader, the national or the provincial agent to identify, interpret and define the cultural landscape/s of South Africa. Neither the National Heritage Council Act nor the accompanying regulations address how to identify a cultural landscape, nor what will constitute a cultural landscape under the Act.

The clarifying phrase that offers the widest margin for interpretation is the definition of cultural significance offered by SAHRA<sup>81</sup>, which states that: '*cultural significance means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance.* This indicates that '*significance*' and '*value*' must be interpreted to be able to identify, evaluate or categorise the South Africa cultural landscapes. It is interesting to note that the reference to *past, present, and future generations* as previously indicated under the National Monuments Acts<sup>82</sup>. has been omitted from this definition.

A further shortcoming in the South African legislation is in the regulations implementing the National Heritage Council Act. Although mentioned in the National Heritage Council Act the regulations ignore all landscapes and reduce these to protected places and protected areas<sup>83</sup>, again without providing a definition of either of these.

The guidelines to draft and implement a conservation strategy and the guidelines for preparing an environmental impact assessment, as developed by the South African National Heritage Agency begin to provide criteria for decision making and information that will assist applicants with their heritage applications.

As a further refinement, and possible procedure to follow in heritage applications and indicating cultural landscapes, the South African National Parks applies a method called Conservation Resource Management. This process incorporates several necessary steps such as an inventory, management strategies, and identification of research priorities, impact assessments, and providing a budget for implementation of the plans. Although the system is outcome based and is noteworthy for its ability to inform a systematics for cultural landscapes, it falls short in providing specific instructions that can be used by lay persons in communities as required under the National Heritage Resources Act.

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<sup>81</sup> National Heritage Resources Act. Definitions. Section 2(vi)

<sup>82</sup> National Monuments Council 2000. Website, page 4 of 6.

<sup>83</sup> National Heritage Resources Act. No 25 of 1999.

## **2.2 Addressing hypothesis one - There are shortcomings in current South African conservation policies regarding the systematics of culturally significant landscapes.**

The hypothesis is tested by interviews that were conducted in order to identify possible solutions to the shortcomings in the South African policies and regulations regarding the systematics of cultural landscapes. Interviews were conducted with key individuals in the field of heritage management and with persons in the field of cultural resource management. Selecting the key individuals can be equated with selecting a sample from a population for data generation. To ensure appropriate and topical address of the answers the selection process focussed on representativeness<sup>84</sup>. At first individuals that are in the heritage conservation industry, were identified by phone calls and e-mails. These persons were asked to recommend an appropriate person to interview regarding the topic of cultural landscapes. The final list was thus compiled by selection from the full list of potential persons. Some individuals were recommended twice or more, and others only once. All persons on the list were contacted, and due to availability only eleven of the fifteen recommended persons could be interviewed.

The results of the interviews are compiled into a summary that identifies the shortcomings that are recognised by the interviewees. These results are valuable since they are a combination of observations from knowledgeable persons representing different disciplines and professions. It can thus be recognised as a unique contribution to the systematics for cultural landscapes.

### **2.2.1 The exploratory interviews.**

The interviews were in the form of informal interviews that aim to substantiate the findings of the literature and to identify other shortcomings not evident in the literature. **Appendix Eight** contains a full list of questions and answers. Although unstructured, similar questions were asked to the interviewees and opinions were gleaned from these interviews. The interviews were unstructured and provocative to specifically allow the persons to be frank and reveal their opinions. Not all the interviewees answered all the questions. The dates of the interviews, the persons, and their organisation were as follows:<sup>85</sup>

- a. 25 November 2000 - Dr. Hector Magobe - Head of Conservation Management South African National Parks

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<sup>84</sup> Blaikie, 2000, p197

<sup>85</sup> Interviewees asked to be recorded anonymously with a transcribed version as recorded by interviewer.

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- b. 3 May, 2001 - Johnny van Schalkwyk - Open Africa National Cultural History Museum.
- c. 3 May 2001 - Mauritz Naude - Open Africa National Cultural History Museum.
- d. 3 May 2001 - Dr. Udo Kusel - Retired Head of the National Cultural History Museum.
- e. 16 May 2001 - Chris Patton - South African National Parks.
- f. 19 May 2001 - Johan Verhoef - Head Social Ecology Division South African National Parks.
- g. 22 May 2001 - Nina Levin - Mindwalks (SAHRA consultants).
- h. 24 May 2001 - Genl. Gert Opperman - Voortrekker Monument.
- i. 6 June 2001 - Prof Andri Meyer - University of Pretoria Archaeology Department.
- j. 11 July 2001 - Dr. Johan Bruwer - SAHRA Johannesburg.
- k. 17 July 2001 - - Nina Levin and Sue Krige - Mindwalks (SAHRA consultants)

### **2.2.2 Summary of the outcome of the exploratory interviews.**

The interviews were valuable in the fact that most of the individuals confirmed the findings of the literature search in that there are shortcomings in the current systematics for cultural landscapes. The interviewees provided insight to the opportunities that exist to improve the current situation and made suggestions as to the items that must form part of a systematics for the cultural landscapes. These can be summarised as follows:

- a. The public should be provided with a system that enables them to comply with the requirements of the National Heritage Resources Act.
- b. The individual 'owner' group must take responsibility for the management of the heritage and must bring it to the attention of South African Heritage Resources Agency for evaluation, classification and management.
- c. Once the Provincial Heritage Resources Authorities are in place, they will be funding the management. Until then it remains largely under-funded.
- d. The landscapes must be defined in terms of a theme - national, botanical, geological, tribal, religious, agricultural, or any other appropriate theme.
- e. Emphasis must be placed on the intangible qualities of the cultural landscapes. It may be a manifestation but it is more intangible than tangible. It is like ubuntu - *'I am only a person because of my community relationships'*.
- f. A cultural landscape can not be separated into biophysical and cultural components.
- g. Cultural landscapes are all about the people who lived there, when they lived there and why they settled in the areas. If you can answer these questions you will define a cultural landscape.
- h. Cultural landscape consists of tangible and intangible, movable and immovable

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heritages that must all come together in a meaningful concept or plan.

- i. Management by national, provincial and local authorities will be extremely cumbersome. Provincial authorities with national guidance could work, but a lower level will cause too many inconsistencies.
- j. A system of mapping and standardised data capturing and representation is required for the cultural landscapes of South Africa.

### **2.3 Resolution of Hypothesis One.**

The literature review completed under Section A indicates how the conservation policies of South Africa are concerned with the significant cultural landscapes. The hypothesis is substantiated by the literature review and later again by the exploratory interviews, which shows that there are clearly shortcomings in the policies regarding the systematics for South African cultural landscapes. Valuable insight was offered by the interviewees into the possible improvement of the current implementation requirements for cultural landscapes. The two guideline documents produced by managers of SAHRA begin to provide procedures for a systematics for South Africa cultural landscapes. The South African National Parks Conservation Resource Management program also provided further insight into a system that is currently being implemented in South Africa. The process used by the National Parks could also begin to inform a future systematics for cultural landscapes in South Africa. The next chapter will explore international policies and administrative procedures in an attempt to gain insight and knowledge into other similar systematics elsewhere in the world, and to understand how these may inform the South African systematics.